



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158

JOHN ELIAS BALDACCI
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: **DEBORAH S. LAVINE**) **CONSENT AGREEMENT**
 of South Paris, Maine) **FOR REINSTATEMENT**
 License #R035511) **AND PROBATION**

INTRODUCTION

This document is a Consent Agreement regarding Deborah S. Lavine’s license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(B), 10 M.R.S.A. § 8003(5)(A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Deborah S. Lavine ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with Ms. Lavine on June 10, 2004, regarding her petition for reinstatement of her registered professional nursing license.

FACTS

1. Deborah S. Lavine voluntarily surrendered her registered professional nursing license and entered a Consent Agreement with the Board on March 19, 2004, attached and marked as Exhibit A.
2. Deborah S. Lavine has been substance free since July 1, 2003.
3. Deborah S. Lavine’s aftercare treatment for substance abuse currently consists of attending AA twice a week and seeing a counselor once every two weeks.

REINSTATEMENT WITH CONDITIONS OF PROBATION

4. Deborah S. Lavine’s license to practice registered professional nursing in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence on Ms. Lavine’s return to nursing practice, either through employment or pursuant to an educational program. The period of probation will be for a period of two years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Lavine performs nursing services. Ms. Lavine’s probationary license will be subject to the following conditions:
 - a. Ms. Lavine will remain substance free with the exception of prescribed medications by her physician or other health care provider(s) who are aware of Ms. Lavine’s substance abuse history.



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OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME.

TDD: (207) 287-1151

PHONE: (207) 287-1133

FAX: (207) 287-1149

<http://www.maine.gov/boardofnursing/>

- b. Ms. Lavine will continue in A.A. and an aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
 - c. Ms. Lavine will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) during the probationary period.
 - d. Ms. Lavine will immediately notify the Board in writing should she return to employment or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change in employment or educational program.
 - e. Ms. Lavine will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - f. Ms. Lavine will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her nursing practice.
 - g. Ms. Lavine's employment is restricted during the period of probation to structured settings, which shall not include assignments from temporary employment agencies, school nursing or correctional/jail facilities.
5. Deborah S. Lavine agrees and understands that the Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate Ms. Lavine's compliance with the Consent Agreement and her continued recovery. Ms. Lavine shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board for the purpose of evaluating Ms. Lavine's compliance with the Consent Agreement and her continued recovery.
6. Deborah S. Lavine agrees and understands that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Ms. Lavine has not remained substance free in accordance with the Consent Agreement, Ms. Lavine's license will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such information, the information will be immediately forwarded to Ms. Lavine for a response. Ms. Lavine agrees and understands that in such event, her license shall remain suspended pending a hearing. The Board shall hold a hearing within 60 days of the automatic suspension unless both the Licensee and the Board agree to hold the hearing

later, or the Executive Director and/or the Department of the Attorney General earlier determine that such information is without merit. If the information received is proven to be inaccurate or incorrect, either through hearing or determination by the Executive Director and/or the Department of the Attorney General, Ms. Lavine's license will be immediately reinstated retroactive to the date of suspension.

7. Deborah S. Lavine agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the two year probationary period, until and unless the Board, at Ms. Lavine's written request, votes to terminate Ms. Lavine's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Lavine has complied with the provisions of this Agreement.
8. Deborah S. Lavine understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Lavine understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
9. If Ms. Lavine fails to meet any of the obligations of this Consent Agreement, the Board may take any disciplinary action, which it deems appropriate and impose any of the sanctions, including but not limited to that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
10. Deborah S. Lavine affirms that she executes this Consent Agreement of her own free will.
11. Modification of this Consent Agreement must be in writing and signed by all parties.
12. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, DEBORAH S. LAVINE, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

Deborah S. Lavine
Page 4
Consent Agreement for Reinstatement and Probation

DATED: 6/29/04

Deborah Lavine
DEBORAH S. LAVINE

FOR THE MAINE STATE
BOARD OF NURSING

DATED: July 1, 2004

Myra Broadway
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: July 8, 2004

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General

IN RE: DEBORAH S. LAVINE, R.N. of South Paris, Maine License #R035511)))	CONSENT AGREEMENT FOR VOLUNTARY SURRENDER OF LICENSE
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INTRODUCTION

This document is a Consent Agreement regarding Deborah S. Lavine's license to practice professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(B), (5)(D) and 32 M.R.S.A. § 2105-A(1-A)(C). The parties to this Consent Agreement are Deborah S. Lavine, Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was on July 30, 2003. The parties reached this Agreement based on information submitted by Stephens Memorial Hospital by letter dated July 2, 2003.

FACTS

1. Deborah S. Lavine has been licensed by the Board to practice professional nursing in Maine since 1992.
2. Deborah S. Lavine admits that she diverted morphine for her own use from a home care patient over a period of four-4 months. Ms. Lavine admitted that she abused a prescribed medication (darvocet) for a period of 10-years and more recently admitted to abusing Xanax.
3. Deborah S. Lavine has been substance free since July 1, 2003. She has completed a 30-day outpatient detox program at St. Mary's Hospital, attends A.A. 3 to 4 times per week and currently has a sponsor.
4. Deborah S. Lavine has offered to voluntarily surrender her license as a registered professional nurse.

AGREEMENT

5. The Maine State Board of Nursing will accept Deborah S. Lavine's voluntary surrender of her license, license #035511, and Ms. Lavine agrees and understands that the voluntary surrender of her license will be for a period of one-1 year, effective beginning July, 2003.
6. Deborah S. Lavine understands that this document imposes discipline regarding her license to practice professional nursing in the State of Maine under 32 M.R.S.A. § 2105-A(2)A), (2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), (A)(6) and Chapter 4, sections 3(P) and 3(Q) of the Nursing Board Rules.

7. Ms. Lavine agrees and understands that her license will remain on surrender status and subject to the terms of this Consent Agreement indefinitely beyond the one-1 year surrender period, until and unless the Board, at Ms. Lavine's written request, votes to reinstate Ms. Lavine's license. When considering whether to reinstate Ms. Lavine's license, the Board will consider the extent to which Ms. Lavine has complied with the provisions of this Consent Agreement.
8. Ms. Lavine understands that this document is a Consent Agreement that affects her rights to practice professional nursing in Maine. Ms. Lavine understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering the Consent Agreement.
9. If Ms. Lavine fails to meet any of the obligations of this Consent Agreement, the Board may take any disciplinary action, which it deems appropriate and impose any of the sanctions, including but not limited to that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
10. Ms. Lavine agrees and understands that when she petitions the Board for reinstatement of her license, it will be for a probationary period.
11. Ms. Lavine understands and agrees that as a condition of reinstatement of her registered professional nursing license she will continue treatment and counseling for substance abuse to such an extent and for as long as recommended by her treatment providers. Ms. Lavine will arrange for and ensure the submission to the Board of quarterly reports from her treatment providers. In addition, Ms. Lavine agrees and understands that the Board shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment and therapy which the Board deems necessary to evaluate Ms. Lavine's compliance with this Consent Agreement and her continued recovery. Ms. Lavine shall notify her health care physician of her substance abuse problem.

Ms. Lavine shall provide such information, shall authorize any release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care as may be requested by the Board for the purpose of evaluating Ms. Lavine's compliance with this Consent Agreement.

12. Deborah S. Lavine shall not work or volunteer, in any capacity, for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation, R.N. including, in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Lavine is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
13. Modification of this Consent Agreement must be in writing and signed by all parties.
14. Deborah S. Lavine affirms that she executes this Consent Agreement of her own free will.

15. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, DEBORAH S. LEVINE, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 3-15-04



DEBORAH S. LAVINE, R.N.

DATED: 3-17-04


ROBYN G. MARCH, ESQ.
Attorney for Deborah S. Lavine

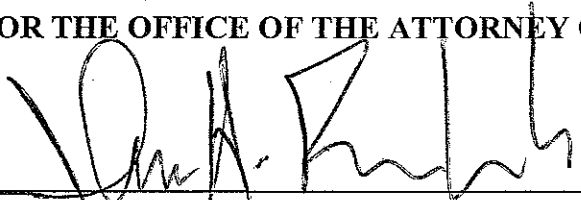
FOR THE MAINE STATE BOARD OF NURSING

DATED: 3/18/04


MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 3/19/04


JOHN H. RICHARDS
Assistant Attorney General

RECEIVED
MAR 22 2004
STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL