



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**)
 of South Paris, Maine)
 License No. R035511)
)
CONSENT AGREEMENT
FOR VOLUNTARY
SURRENDER OF
LICENSE

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 Consent Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A), A(2) and 10 M.R.S.A. § 8003(5)(B). 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. The parties met in an informal conference on September 28, 2006. The parties reached this Agreement on the basis of information submitted by Central Maine Medical Family in provider reports attached to the Board’s Notice of Complaint dated June 29, 2006, (Exhibit 1); and, information submitted by Maine Veteran’s Home located in South Paris in a provider report attached to the Board’s Notice of Complaint dated August 24, 2006. Exhibit 2.

FACTS

1. Deborah S. LaVine has been licensed to practice registered professional nursing in Maine since 1992.
2. Deborah S. LaVine voluntarily surrendered her registered professional nurse license by Consent Agreement with the Board dated March 19, 2004. The basis for her license surrender was drug diversion and substance abuse. Exhibit 3.
3. Deborah S. LaVine’s registered professional nurse license was reinstated on probation by Consent Agreement with the Board dated July 8, 2004. Exhibit 4.



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
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4. Deborah S. LaVine was suspended from duty at Central Maine Medical Family on June 20, 2006 because of observed unsafe behavior while engaging in her duties as a nurse. On June 20, 2006, Ms. LaVine exhibited signs of being impaired and was observed by fellow staff members to be disoriented, somnolent and unable to stay awake. Exhibit 1.
5. Deborah S. LaVine's employment at the Maine Veteran's Home was terminated on August 16, 2006, because of observed unsafe behavior while on duty on August 6, 2006. On August 6, 2006, Ms. LaVine exhibited signs of being impaired and was observed by fellow staff members as having an unsteady gait, slurred speech and pinpointed pupils. Ms. LaVine also admitted that she was using prescription drugs (Imipramine and Flexeril) while on duty; that she knew the drugs had a sedating effect on her. Exhibit 2.
6. On September 28, 2006, pursuant to the July 8, 2004, Consent Agreement, Paragraph No. 6, the Board immediately suspended Mr. LaVine's registered professional nurse license after determining that that the provider reports in Exhibits 1 and 2 provided "... reasonably reliable information suggesting that Ms. LaVine has not remained substance free"
7. Deborah S. LaVine has agreed to a voluntary surrender of her license as a registered professional nurse, in lieu of a hearing.

AGREEMENT

8. The Maine State Board of Nursing, based upon the above-stated facts, will accept Deborah S. LaVine's voluntary surrender of her license, and Ms. LaVine agrees and understands that the voluntary surrender of her license will be for a period of one year.
9. Deborah S. LaVine understands that this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine and the above described conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(2), (A)(6) and Chapter 4, sections 3(F), 3(N), and 3(O) of the Rules and Regulations of the Maine State Board of Nursing.
10. Deborah S. LaVine may petition the Board for reinstatement of her license. Ms. LaVine agrees and understands that her license will not be reinstated until and unless the Board, upon LaVine's written request, votes to reinstate her license. In the event that Ms. LaVine's registered professional nurse license is reinstated, it will be for a probationary period with conditions.

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11. Deborah S. LaVine understands that this document is a Consent Agreement that affects her rights to practice registered professional nursing in the State of Maine and any State that is a member of the Nurse Licensure Compact. 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.
12. 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.
13. Deborah S. 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.
14. 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.
15. Modification of this Consent Agreement must be in writing and signed by all parties.
16. Deborah S. LaVine affirms that she executes this Consent Agreement of her own free will.

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17. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
18. 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.

DATED: 10-21-06

Deborah S. Lavine
DEBORAH S. LAVINE

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Oct 24, 2006

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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: Nov. 1, 2006

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General