



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, R.N.** ) **CONSENT AGREEMENT**  
 of South Paris, Maine ) **FOR LICENSE REINSTATEMENT**  
 License No. R035511 ) **AND PROBATION WITH**  
 ) **CONDITIONS**

**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) and 10 M.R.S.A. § 8003(5) (B). The Board met with Ms. Lavine on September 26, 2007, regarding her request for reinstatement of her nursing license. The parties to this Consent Agreement are Deborah S. Lavine (“Licensee” or “Ms. Lavine”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine.

**FACTS**

1. Deborah S. Lavine was originally licensed to practice registered professional nursing in Maine in 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 1.
3. Deborah S. Lavine’s registered professional nurse license was reinstated on probation by Consent Agreement with the Board dated July 8, 2004. Exhibit 2.
4. 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 . . . .” Ms. Lavine subsequently agreed to surrender her registered professional nurse license by Consent Agreement with the Board on November 1, 2006, for a period of one year. Exhibit 3.
5. Deborah S. Lavine states that she has been sober for approximately 14 months. She presented the Board with a report for a negative drug screen conducted at Stephens Memorial Hospital on July 12, 2007. The drug screen report indicated negative results for marijuana, amphetamines, cocaine, opiates and PCP. Ms. Lavine currently attends AA four to five times a week, attends a sober women’s support group two hours once a week and has the support of her family.



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME  
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

**AGREEMENT WITH CONDITIONS OF PROBATION**

6. Deborah S. Lavine's license as a registered professional nurse 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 term of probation will be for a period of five 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. Deborah S. Lavine will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a treatment provider who is aware of Ms. Lavine's substance abuse history.
  - b. Deborah S. Lavine will continue in her aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
  - c. Deborah S. Lavine will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s), and such report shall continue until her probation is terminated. If Ms. Lavine's treatment is terminated she shall notify the Board.
  - d. Deborah S. Lavine will immediately notify the Board in writing should she return to employment and/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 programs.
  - e. Deborah S. 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. Deborah S. Lavine will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice. If during the period of probation, Ms. Lavine's employment as a nurse terminates or should her educational program in the field of nursing terminate, she shall notify the Board of this change to ensure that she remains in compliance with her employment and/or educational quarterly reports.

- g. 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.
7. The State of Maine is Deborah S. Lavine's home state of licensure. Ms. Lavine agrees that during the pendency of this Consent Agreement her nursing practice may be limited to the State of Maine for purposes of the Nurse Licensure Compact. If Ms. Lavine wishes to practice in any other party state within the Compact she shall petition the Board for written authorization. In addition, Ms. Lavine will arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.
  8. Deborah S. Lavine's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.
  9. 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 sixty (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.

**Deborah S. Lavine**  
**Consent Agreement for Probation with Conditions**  
**Page 4**

10. 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 five 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.
11. Ms. Lavine understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine and party states in 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 into the Consent Agreement.
12. If Ms. Lavine fails to meet any of the obligations of this Consent Agreement, the Board will give written notice to the Licensee regarding her failure to comply. Notice will be sent by certified mail, return receipt requested, to the last known address of the Licensee that is on file with the Board. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged failure to comply. The Board will review the Licensee's timely response to determine what action, if any, the Board determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after a hearing, the Board finds that the Licensee has failed to meet 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 affirms that she executes this Consent Agreement of her own free will.
14. Modification of this Consent Agreement must in writing and signed by all the parties.
15. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

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

I, DEBORAH S. LAVINE, 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: 10/18/07

Deborah S. Lavine  
DEBORAH S. LAVINE, R.N.

FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 10/31/07

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

FOR THE DEPARTMENT OF  
ATTORNEY GENERAL

DATED: 10/31/07

John H. Richards  
JOHN H. RICHARDS  
Assistant Attorney General