



PAUL R. LEPAGE
GOVERNOR

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

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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE)	
RN43364 ISSUED TO:)	
)	ORDER TERMINATING
THERESA A. (VAILLANCOURT))	
LEONARD)	PROBATION
)	
To practice registered professional)	
nursing in the State of Maine)	
-----)	

WHEREAS, on **November 8, 2007**, License #R043364 [RN43364] issued to **Theresa A. Vaillancourt** was placed on "probation" pursuant to 32 M.R.S. Section 2105-A (1-A); and

WHEREAS, on **August 17, 2010**, said probationary conditions were amended; and

WHEREAS, on **February 29, 2012**, the Board of Nursing duly considered all evidence presented to it concerning **Theresa A. (Vaillancourt) Leonard's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Theresa A. (Vaillancourt) Leonard** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Orders of Probation executed on **November 8, 2007** and **August 17, 2010** are hereby terminated.

DATED this **1st day of March, 2012**.

MAINE STATE BOARD OF NURSING

BY: *Myra Broadway*
Myra A. Broadway, J.D., M.S., R.N.
Executive Director



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JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: **THERESA VAILLANCOURT, R.N.**)
 of South Berwick, Maine)
 License No. R043364) **CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Theresa Vaillancourt’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 parties to this Consent Agreement are Theresa Vaillancourt (“Licensee” or “Ms. Vaillancourt”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on May 14, 2007. The parties reached this Consent Agreement based on a Complaint submitted to the Board by fax from Portsmouth Regional Hospital, Portsmouth, New Hampshire dated September 22, 2006 and Ms. Vaillancourt’s response dated October 23, 2006. Both are attached and marked as Exhibit A.

FACTS

1. Theresa Vaillancourt has been a registered professional nurse licensed to practice in Maine since 1999.
2. The State of Maine is her home state of licensure. She was practicing in New Hampshire, a party state in the Nurse Licensure Compact. On or about August 2, 2006, Ms. Vaillancourt was employed at Portsmouth Regional Hospital (“Portsmouth Regional”) as a registered professional nurse. She was terminated from Portsmouth Regional on or about August 16, 2006, for diversion of drugs (Fentanyl). Ms. Vaillancourt admits that she used the Fentanyl five or six times over a five week period to offset the effects of Adderall, a medication prescribed by her treating physician.
3. Theresa Vaillancourt has been sober since August 1, 2006.
4. Theresa Vaillancourt started psychotherapy treatment with Sandra Cohen-Holmes, M.Ed., on May 29, 2007, which Dr. Cohen-Holmes recommended should continue until the end of October, 2007, where Ms. Vaillancourt would be reassessed for further treatment.



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

PHONE: (207) 287-1133

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AGREEMENT WITH CONDITIONS OF PROBATION

5. Theresa Vaillancourt agrees and understands that this document imposes discipline regarding her license to practice registered professional nursing and her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(A), (2)(F) and (2)(H) and Chapter, 4(1)(A)(1), 4(1)(A)(6), 4(1)(A)(8) and Chapter 4(3)(K), 4(3)(P) and 4(3)(Q) of the Rules and Regulations of the Maine State Board of Nursing.
6. Theresa Vaillancourt's license as a registered professional nursing in the State of Maine is placed on a probationary status with conditions. The period of probation will commence on Ms. Vaillancourt's return to nursing practice, either through employment and/or pursuant to an educational program. The period of probation will be for a period of five years, to be effective only while she is employed in nursing practice and/or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Vaillancourt performs nursing services. Ms. Vaillancourt's probationary license will be subject to the following conditions:
 - a. Theresa Vaillancourt 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. Vaillancourt's substance abuse history.
 - b. Theresa Vaillancourt will continue in her aftercare treatment program to such an extent and for as long as her treatment providers recommend.
 - c. Theresa Vaillancourt will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers, and such report shall continue until her probation is terminated. If Ms. Vaillancourt's treatment is terminated she shall notify the Board.
 - d. Theresa Vaillancourt 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. Theresa Vaillancourt 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. Theresa Vaillancourt'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.
- g. Theresa Vaillancourt 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. Vaillancourt'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.
- h. Theresa Vaillancourt agrees and understands that the Board and the Office 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. Vaillancourt's compliance with the Consent Agreement and her continued recovery. Ms. Vaillancourt 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. Vaillancourt's compliance with the Consent Agreement and her continued recovery.
7. The State of Maine is Theresa Vaillancourt's home state of licensure. Ms. Vaillancourt agrees that during the pendency of this Consent Agreement her nursing practice may be limited to the State of Maine. If Ms. Vaillancourt wishes to practice in any other party state within the Compact she shall petition the Board for written authorization. In addition, Ms. Vaillancourt 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. Theresa Vaillancourt agrees and understands that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Ms. Vaillancourt has not remained substance free in accordance with the Consent Agreement, Ms. Vaillancourt'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. Vaillancourt for a response. Ms. Vaillancourt 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

Theresa Vaillancourt
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Board agree to hold the hearing later, or the Executive Director and/or the Office 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 Office of the Attorney General, Ms. Vaillancourt's license will be immediately reinstated retroactive to the date of suspension.

9. Theresa Vaillancourt agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the five year probationary period, until and unless the Board, at Ms. Vaillancourt's written request, votes to terminate Ms. Vaillancourt's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Vaillancourt has complied with the provisions of this Agreement.
10. Ms. Vaillancourt understands that this document is a Consent Agreement that affects her rights to practice nursing in the State of Maine and party states in the Nurse Licensure Compact. Ms. Vaillancourt 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.
11. If Ms. Vaillancourt 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.
12. Theresa Vaillancourt affirms that she executes this Consent Agreement of her own free will.
13. Modification of this Consent Agreement must in writing and signed by all the parties.
14. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

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

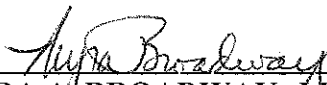
I, THERESA VAILLANCOURT, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT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

DATED: 11/2/07


THERESA VAILLANCOURT, R.N.

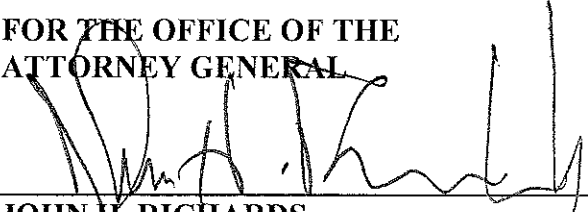
FOR THE MAINE STATE
BOARD OF NURSING

DATED: 11/8/07


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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 11/8/07


JOHN H. RICHARDS
Assistant Attorney General