



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: ANDREA S. NORRIS) **CONSENT AGREEMENT**
 of Wallagrass, Maine) **FOR LICENSE REINSTATEMENT**
 License #R034892) **AND PROBATION WITH**
) **CONDITIONS**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Andrea S. Norris’s license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Andrea S. Norris (“Licensee” or “Ms. Norris”), Maine State Board of Nursing (“Board”) and the Department of the Attorney General, State of Maine. The Board met with Ms. Norris on September 2, 2009 regarding her request for reinstatement of her nursing license. 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).

FACTS

1. Andrea S. Norris’s License History: Ms. Norris was originally licensed to practice registered professional nursing in Maine in December 1991. On September 22, 2008, she voluntarily surrendered her registered professional nurse license by Consent Agreement with the Board because of admitted drug diversion and substance abuse [Exhibit A]. She voluntarily entered into substance abuse treatment at Aroostook Mental Health Center on January 25, 2008, where she completed a 36-day Intensive Outpatient Treatment program on May 9, 2008. On May 22, 2008, she began attending a Substance Abuse Wellness Recovery group, which is designed for people in the action stage of their recovery. She continues to receive individual therapy as part of her substance abuse treatment and stated that she has been substance free since January 8, 2008.
2. Andrea S. Norris has maintained her sobriety and continues to attend outpatient treatment at Aroostook Mental Health Center.

AGREEMENT WITH CONDITIONS OF PROBATION

3. Andrea S. Norris’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 upon Ms. Norris’s return to nursing practice, either through employment or pursuant to an educational program, and will be for a period of five years, 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. Norris performs nursing services. Her probationary license will be subject to the following conditions:



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

- a. Andrea S. Norris will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from her health care providers who are aware of her substance abuse history.
- b. Andrea S. Norris will continue in her treatment program(s) to such an extent and for as long as her treatment providers recommend. She will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers; such reports shall continue until her probation is terminated. If Ms. Norris's treatment is terminated during her probation, she shall notify the Board and provide written documentation.
- c. Andrea S. Norris shall fully cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. Ms. Norris shall inform the Board in writing within 15 days of any address change.
- d. Andrea S. Norris will notify the Board in writing within five business days after she obtains any nursing 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 nursing educational program. If during the period of probation, Ms. Norris's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances surrounding the termination or separation.
- e. Andrea S. Norris will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.
- f. Andrea S. Norris 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, which is to include clinical competency, ability to follow policies and procedures relative to standards of practice, and clinical documentation.
- g. Andrea S. Norris understands and agrees 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 her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Norris has complied with the provisions of this Agreement.
- h. Andrea S. Norris'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, work as a travel nurse or within the correctional system.
- i. Andrea S. Norris understands and agrees that the Board and the Department of the 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 her compliance with the Agreement and her continued recovery. Ms. Norris shall provide such information, authorize the release of such records and information, and 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.

4. If Ms. Norris violates the conditions of her probation, 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 violation. The Board will review the Licensee's timely response to determine what action, if any, it 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 notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, 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.
5. Andrea S. Norris understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that she has not remained substance free in accordance with the Consent Agreement, her 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. Norris for a response. Ms. Norris understands and agrees that in such an 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. Norris's license will be immediately reinstated retroactive to the date of suspension.
6. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Norris's "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Norris understands this Agreement is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice may be limited to the State of Maine as it pertains to the Compact. If Ms. Norris wishes to practice in any other party state within the Compact, she shall 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.

7. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
8. Andrea S. Norris understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
9. Andrea S. Norris affirms that she executes this Agreement of her own free will.
10. Modification of this Agreement must be in writing and signed by all parties.
11. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
12. This Agreement becomes effective upon the date of the last necessary signature below.

I, ANDREA S. NORRIS, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 09-28-09



ANDREA S. NORRIS

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Sept 30, 2009



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

**FOR THE DEPARTMENT OF
ATTORNEY GENERAL**

DATED: 10/2/09



JOHN H. RICHARDS
Assistant Attorney General



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: ANDREA S. NORRIS, R.N.)
 of Wallagrass, Maine)
 License #R034892)** **CONSENT AGREEMENT
 FOR VOLUNTARY
 SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Andrea S. Norris's license to practice registered professional nursing in the State of Maine. The parties enter into this Consent Agreement ("Agreement") pursuant to 32 M.R.S.A. § 2105-A (1-A) (C) and 10 M.R.S.A. § 8003 (5) (B), (5) (D). The parties to this Consent Agreement are Andrea S. Norris ("Ms. Norris"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with Ms. Norris in an Informal Conference on August 12, 2008. The parties reached this Agreement on the basis of a Notice of Complaint or Provider Report from the Board dated September 5, 2007, consisting of information from Northern Maine Medical Center ("NMMC") located in Fort Kent, dated August 8, 2007 and August 16, 2007; supplemental information from NMMC dated January 28, 2008; and Ms. Norris's responses dated September 10, 2007 and February 2, 2008.

FACTS

1. Andrea S. Norris has been licensed as a registered professional nurse in Maine since December 1991.
2. On July 22, 2007, Ms. Norris had on-call responsibilities at NMMC for Operating Room emergency call. Ms. Norris's husband contacted the nursing supervisor to inform her that Ms. Norris was at home, but unfit to take an emergency call. Later that day, Ms. Norris was brought into the Emergency Department by EMTs for admission, but failed to contact her supervisor to inform her that she was unable to commit to the emergency call shift. Upon returning to work after pre-approved vacation, Ms. Norris reported to the Director of Nursing that she had been under the influence of alcohol on July 22 to the extent that she was unfit for duty that day. NMMC disciplined Ms. Norris on August 7, 2007 for this incident with a 15-day suspension without pay.
3. On January 17, 2008, Ms. Norris was terminated from employment in Surgical Services at NMMC because she diverted an anesthetic agent, Servoflurane, from NMMC for her own use.
4. Andrea S. Norris admits that she has a substance abuse problem. She voluntarily entered into substance abuse treatment at Aroostook Mental Health Center on January 25, 2008, where she completed a 36-session Intensive Outpatient



PRINTED ON RECYCLED PAPER

Consent Agreement for Voluntary Surrender of License

Andrea S. Norris

Page 2

Treatment program on May 9, 2008. On May 22, 2008, she began attending a Substance Abuse Wellness Recovery group, which is designed for people in the Action Stage of their recovery. She is also maintaining individual therapy as part of her substance abuse treatment and states that she has been substance free since January 8, 2008.

5. Andrea S. Norris wishes to resolve this matter by accepting this Agreement, thereby waiving her rights to an adjudicatory hearing

AGREEMENT

6. The Maine State Board of Nursing will accept Andrea S. Norris's offer to voluntarily surrender her registered professional nurse license. Ms. Norris understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not the facts would support the Board's findings in this Agreement.
7. Andrea S. Norris understands and agrees that based upon the above-stated facts, this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine. The grounds for discipline for violations under 32 M.R.S.A. § 2105-A(2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(F), 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. "B. Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health and safety of patients." See also Chapter 4, Section 1.A.2.
 - b. "F. Unprofessional Conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed." See also Chapter 4, Section 1.A.6.
 - c. "H. A violation of this chapter or a rule adopted by the board." See also Chapter 4, Section 1.A.6.
 - d. "Unprofessional Conduct" as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, describes, "Nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect

Consent Agreement for Voluntary Surrender of License

Andrea S. Norris

Page 3

adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:

F. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.

K. Inaccurate recording, falsifying or altering a patient or health care provider record.

P. Diverting drugs, supplies or property of patients or health care provider.

Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.”

8. Andrea S. Norris understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at Ms. Norris's written request, votes to reinstate her license. Ms. Norris agrees and understands that if the Board reinstates her license, it will be for a probationary period.
9. The State of Maine is a “party state” that has adopted the Nurse Licensure Compact (“Compact”), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Norris's “home state” of licensure and primary state of residence, which means Ms. Norris has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states that are in the Compact are referred to as “remote states,” which means party states other than the home state that have adopted the Compact. Ms. Norris understands that this document is an Agreement that affects her rights to practice nursing in the State of Maine and any remote party state in the Nurse Licensure Compact. Ms. Norris understands she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
10. Andrea S. Norris 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 “RN,” including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Norris is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.

Consent Agreement for Voluntary Surrender of License

Andrea S. Norris

Page 4

11. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
12. Modification of this Agreement must be in writing and signed by all parties.
13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. Andrea S. Norris affirms that she executes this Agreement of her own free will.
15. This Agreement becomes effective upon the date of the last necessary signature below.

I, ANDREA S. NORRIS, R.N., HAVE READ AND UNDERSTAND THE FORE-GOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 9-16-08



ANDREA S. NORRIS, R.N.

FOR THE MAINE STATE BOARD OF NURSING

DATED: 9/18/08



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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 9/22/08



JOHN H. RICHARDS
Assistant Attorney General