



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: WAYNE FREDERICK POLAND** ) **DECISION & ORDER**  
 of North Conway, NH ) **OF**  
 License #R022367 ) **EMERGENCY REVOCATION**

**INTRODUCTION**

On December 2, 2009, the Maine State Board of Nursing (“Board”) met at the Board’s offices located at 161 Capitol Street, Augusta, Maine. The Board reviewed a Judgment and Commitment Order dated September 2, 2009 in the matter of the State of Arkansas v. Wayne Frederick Poland, in the Circuit Court of Clark County, Arkansas, Ninth East District, Criminal Division; Case Number: CR 2003-0186 [Exhibit A].

**FACTS**

- Wayne Frederick Poland was originally licensed in Maine as a registered professional nurse on February 20, 1979; this license lapsed August 16, 2004. On December 20, 1994, Mr. Poland was approved to practice in Maine as a certified registered nurse anesthetist; this license also lapsed August 16, 2004 [Exhibit B]. On October 31, 2003, the Board issued a Notice of Complaint/ Provider Report to Mr. Poland on the basis of information received from the Arkansas State Board of Nursing regarding his arrest and charges of 40 counts of rape in connection with the sexual assaults of a 14-year old girl and a 12-year old boy [Exhibit C].
- On June 22, 2004, additional information was obtained from Henry Morgan, Arkansas Prosecuting Attorney, containing the charging instrument (Information and Amended Information), Facts Constituting Reasonable Cause, and a Bench Warrant for Wayne Frederick Poland’s arrest. Mr. Poland was released on \$700,000 bond on or about October 2, 2003. He failed to appear at his scheduled trial date on November 15, 2004 and a bench warrant was issued for his arrest. Mr. Poland was captured in May 2007 in the State of Alabama and extradited to the State of Arkansas [Exhibit D].
- On September 2, 2009, Wayne Frederick Poland was convicted of the following offenses: 1) Two Counts of Rape (Class Y felony): a sentence of 300 months on each count; 2) One Count of Possessing or Viewing Matter Depicting Sexually Explicit Conduct Involving A Child (Class C felony): a sentence of 120 months; and 3) Failure To Appear (Class C felony): a sentence of 72 months. The sentences on each conviction were ordered to run concurrently; Mr. Poland will serve a total of 300 months in the Arkansas Department of Corrections [Exhibit A].

**APPLICABLE LAW**

- Pursuant to 32 M.R.S.A. § 2105-A (2), “The board may suspend or revoke a license pursuant to Title 5, section 10004.”
- Pursuant to 32 M.R.S.A. § 2105-A (2) (G), the Board may suspend or revoke an individual’s nurse license when the ground for discipline is a “conviction of a crime that relates directly to the practice for which the licensee is licensed or conviction of a crime for which incarceration for one year or more may be imposed.”



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

PHONE: (207) 287-1133

FAX: (207) 287-1149

6. Pursuant to 5 M.R.S.A. § 10004(1), “An agency may revoke, suspend or refuse to renew any license without proceedings in conformity with subchapters IV or VI, when the decision to take that action rests solely upon a finding or conviction in a court of any violation which by statute is expressly made grounds for revocation.”

### CONCLUSIONS OF LAW

The Board has the authority to suspend or revoke Wayne Frederick Poland’s registered professional nurse license and approval to practice as a certified registered nurse anesthetist pursuant to 5 M.R.S.A. § 10004 (1) and 32 M.R.S.A. § 2105-A (2) (G). The criminal convictions described in the above-stated facts are grounds for discipline because Mr. Poland was convicted of crimes that relate directly to the practice for which he is licensed. In addition, the criminal convictions of September 2, 2009 are criminal convictions for which incarceration of one or more years were imposed.

In addition, the Board concluded, based upon the recent convictions and serious nature of the underlying criminal conduct, that Wayne Frederick Poland’s behavior fails to conform to legal and accepted standards of the nursing profession, which could reflect adversely on the health and welfare of the public.

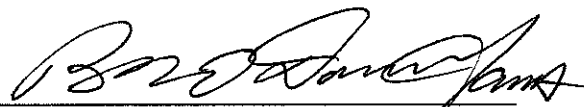
### DECISION AND ORDER

A motion was made by Bruce O’Donnell, seconded by Susan Baltrus, and voted to immediately revoke Wayne Frederick Poland’s registered professional nurse license and approval to practice as a certified registered nurse anesthetist. By unanimous vote of the Board, Wayne Frederick Poland’s registered professional nurse license and approval to practice as a certified registered nurse anesthetist are hereby **REVOKED**, effective immediately.

### RECORD VOTE

BRUCE R. O’DONNELL	Affirmative
DOROTHY MELANSON	Affirmative
LYNN TURNBALL	Affirmative
ROBIN BROOKS	Affirmative
SUSAN C. BALTRUS	Affirmative
MARGARET HOURIGAN	Affirmative
ELAINE A. DUGUAY	Affirmative

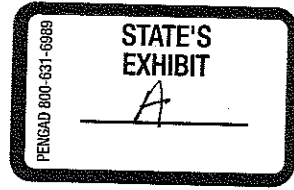
DATED: 6 Jan. 2010



BRUCE R. O’DONNELL, Chair  
MAINE STATE BOARD OF NURSING

### NOTICE OF APPEAL RIGHTS

Wayne Frederick Poland may appeal this Decision and Order summarily revoking his license by filing a petition for review of final agency action in the Superior Court pursuant to 5 M.R.S.A. §§ 11001, *et seq.* within thirty (30) days after receipt of notice of this Decision and Order. Any other person aggrieved by this Decision and Order may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision and Order.



64-530

Defendant's Full Name: **POLAND, WAYNE FREDERICK**

**JUDGMENT AND COMMITMENT ORDER  
IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS  
NINTH EAST DISTRICT, CRIMINAL DIVISION**

On 9/2/2009 the defendant appeared before the Court, was advised of the nature of the charge(s), of constitutional and legal rights, of the effect of a guilty plea upon those rights, and of the right to make a statement before sentencing. The Court made the following findings:

Defendant's Full Name.....	<b>POLAND, WAYNE FREDERICK</b>
Date Of Birth.....	<b>8/16/1943</b>
Race.....	<b>WHITE</b>
Sex.....	<b>MALE</b>
SID #.....	
Defendant's Attorney.....	<b>DAVID CANNON</b>
Prosecuting Attorney or Deputy.....	<b>C. A. BLAKE BATSON</b>
Change Of Venue From.....	<b>N/A</b>
Defendant was represented by .....	<b>PUBLIC DEFENDER</b>

Defendant made a voluntary, knowing and intelligent waiver of the right to counsel: **N/A**

There being no legal cause shown by the Defendant, as requested, why judgment should not be pronounced, a judgment of conviction is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. The Defendant is sentenced to the Arkansas Department of Correction (A D.C.) for the term specified on each offense shown below

TOTAL NUMBER OF COUNTS: **4**

Offense #.....	<b>1</b>	Docket #.....	<b>CR 2003-0186</b>
A.C.A.# of Offense.....	<b>6-14-103</b>	Arrest Tracking # :	<b>791141</b>
Name Of Offense.....	<b>RAPE</b>		
Seriousness Level Of Offense.....	<b>9</b>		
Criminal History Score.....	<b>0</b>		
Presumptive Sentence.....	<b>240 / PEN</b>		
Sentence is a departure from the sentencing grid: YES			
Offense is a .....	<b>FELONY</b>		
Classification of Offense.....	<b>Y</b>		
Sentence Imposed.....	<b>YES MONTHS: 300 DAYS: 0</b>		
Suspended Imposition of Sentence, :	<b>NO</b>		
Defendant was sentenced as an Habitual Offender under A.C.A. 5-04-501, Subsections:	<b>N/A</b>		
Sentence was Enhanced by A.C.A.:	<b>N/A</b>		
Offense Date.....	<b>1/1/2000</b>		
Number of Counts.....	<b>1</b>		

**DEFENDANT WAS NOT ON PROBATION OR PAROLE AT TIME OF CONVICTION.**

Commitment on this offense is a result of the revocation of Defendant's probation or suspended imposition of sentence. **NO**

**VICTIMS: AGE N/A ; 2**

**DEFENDANT VOLUNTARILY, INTELLIGENTLY, AND KNOWINGLY ENTERED A NEGOTIATED PLEA OF GUILTY OR NOLO CONTENDERE.**

Defendant's Full Name : **POLAND, WAYNE FREDERICK**

Offense #..... : **2**

Docket #.....: **CR 2003-0186**  
Arrest Tracking # : **701141**

A.C.A.# of Offense..... : **5-14-103**

Name Of Offense..... : **RAPE**

Seriousness Level Of Offense.... : **9**

Criminal History Score..... : **0**

Presumptive Sentence..... : **240 / PEN**

Sentence is a departure from the sentencing grid: **YES**

Offense is a ..... : **FELONY**

Classification of Offense..... : **Y**

Sentence Imposed..... : **YES MONTHS: 300 DAYS: 0**

Suspended Imposition of Sentence... : **NO**

Defendant was sentenced as an Habitual Offender under A.C.A. 5-04-501, Subsections: **N/A**

Sentence was Enhanced by A.C.A.... : **N/A**

Offense Date..... : **1/1/2000**

Number of Counts..... : **1**

**DEFENDANT WAS NOT ON PROBATION OR PAROLE AT TIME OF CONVICTION.**

Commitment on this offense is a result of the revocation of Defendant's probation or suspended imposition of sentence. **NO**

**VICTIMS: AGE N/A : 2**

**DEFENDANT VOLUNTARILY, INTELLIGENTLY, AND KNOWINGLY ENTERED A NEGOTIATED PLEA OF GUILTY OR NOLO CONTENDERE.**

Offense #..... : **3**

Docket #.....: **CR 2003-0186**  
Arrest Tracking # : **701141**

A.C.A.# of Offense..... : **6-27-802**

Name Of Offense..... : **POSSESSING OR VIEWING MATTER DEPICTING SEXUALLY EXPLICIT CONDUCT INVOLVING A CHILD - FIRST OFFENSE**

Seriousness Level Of Offense.... : **4**

Criminal History Score..... : **0**

Presumptive Sentence..... : **0 / RPF / AS**

Sentence is a departure from the sentencing grid: **YES**

Offense is a ..... : **FELONY**

Classification of Offense..... : **C**

Sentence Imposed..... : **YES MONTHS: 120 DAYS: 0**

Suspended Imposition of Sentence... : **NO**

Defendant was sentenced as an Habitual Offender under A.C.A. 6-04-501, Subsections: **N/A**

Sentence was Enhanced by A.C.A.... : **N/A**

Offense Date..... : **9/19/2003**

Number of Counts..... : **1**

**DEFENDANT WAS NOT ON PROBATION OR PAROLE AT TIME OF CONVICTION.**

Commitment on this offense is a result of the revocation of Defendant's probation or suspended imposition of sentence. **NO**

**VICTIMS: AGE N/A : 2**

**DEFENDANT VOLUNTARILY, INTELLIGENTLY, AND KNOWINGLY ENTERED A NEGOTIATED PLEA OF GUILTY OR NOLO CONTENDERE.**

Defendant's Full Name : **POLAND, WAYNE FREDERICK**

Offense #: **4**

Docket #: **CR 2003-0186**

Arrest Tracking #: **791141**

A.C.A.# of Offense: **5-54-120**

Name Of Offense: **FAILURE TO APPEAR**

Seriousness Level Of Offense: **5**

Criminal History Score: **0**

Presumptive Sentence: **0 / RPF / AS**

Sentence is a departure from the sentencing grid: **YES**

Offense is a: **FELONY**

Classification of Offense: **C**

Sentence Imposed: **YES MONTHS:72 DAYS:0**

Suspended Imposition of Sentence: **NO**

Defendant was sentenced as an Habitual Offender under A.C.A. 5-04-501, Subsections: **N/A**

Sentence was Enhanced by A.C.A.: **N/A**

Offense Date: **11/15/2004**

Number of Counts: **1**

**DEFENDANT WAS NOT ON PROBATION OR PAROLE AT TIME OF CONVICTION.**

Commitment on this offense is a result of the revocation of Defendant's probation or suspended imposition of sentence. **NO**

**VICTIMS: AGE N/A : 2**

**DEFENDANT VOLUNTARILY, INTELLIGENTLY, AND KNOWINGLY ENTERED A NEGOTIATED PLEA OF GUILTY OR NOLO CONTENDERE.**

Defendant's full name : **POLAND, WAYNE FREDERICK**

Indicate which sentences are to run consecutively: **NONE**  
Death Penalty: Execution Date:  
Total time to serve on all offenses listed above: **300** months.  
Time is to be served at : **ARKANSAS DEPARTMENT OF CORRECTIONS**  
Jail Time Credit: **834** days.

Defendant was convicted of a target offense under the Community Punishment Act The Court hereby orders that the Defendant be judicially transferred to the Department of Community Correction (D.C.C.). **NO**  
Failure to meet the criteria or violation of the rules of the D.C.C. could result in transfer to the A.D.C.

Defendant was convicted of a "drug crime," as defined in Act 1088 of 2007, and codified at A.C.A. 12-17-101 *et seq.*

Fines Court Costs DNA Sample Fee (A.C.A. 12-12-1118) \$ **260.00**  
Drug Crime Special Assessment (A.C.A. 12-17-106) Booking and Admn. Fee (A.C.A. 12-41-605)  
Sex Offender Reg Fee: **\$250**

A judgment of restitution is hereby entered against the Defendant in the amount and terms as show below:  
Amount: Due immediately Installments of,  
Payment to be made to:  
If multiple beneficiaries, give names and show payment priority:

Defendant has been adjudicated guilty of an offense requiring registration as a sex offender, and is ordered to complete the Sex Offender Registration Form: **YES**  
Defendant adjudicated guilty of an offense requiring registration as a sex offender has been adjudicated guilty of a prior sex offense under a separate case number.  
Defendant is alleged to be a Sexually Violent Predator, and is ordered to undergo an evaluation at a facility designated by the Department of Correction pursuant to A.C.A. 12-12-818: **NO**

Defendant has committed an aggravated sex offense, as defined in A.C.A. 12-12-903, **NO**  
Defendant was adjudicated guilty of a felony offense, a misdemeanor sexual offense, or a repeat offense (as Defined in A.C.A. 12-12-1103), and is ordered to have a DNA sample drawn at: the **A.D.C.** **YES**

Defendant was informed of the right to appeal: **NO**  
Appeal Bond: \$ **N/A**  
The County Sheriff is hereby ordered to transport the Defendant to: **ADC**

The short report of circumstances attached hereto is approved.

Date: 9/2/09 Circuit Judge: Wm. Randal Wright Signature: [Signature]

I certify this is a true and correct record of this Court.

Date: 9-3-09 Circuit Clerk/Deputy: Maria J. Smith By: [Signature]

(Seal)

Form Revised 8/2007

File for Record 3 day of Sept. 29 at 9:14 o'clock  
Maria J. Smith Circuit Clerk  
By [Signature] Deputy Clerk

PROSECUTOR'S SHORT REPORT OF CIRCUMSTANCES

This information is provided pursuant to A.C.A. § 12-27-113 (C) (1) & (2) (Supp. 1993).

Defendant's Name: Poland, Wayne Frederick

SID #: N/A

Case #a 2003-0186

I. SUMMARY OF THE FACTS:

Defendant had sex with two (2) minor victims (a male and a female). During the execution of a search warrant of the defendant's home, officers recovered a computer containing a number of photographs depicting child pornography. On the day of the defendant's scheduled jury trial, he failed to appear for trial and fled the State of Arkansas.

II. FACTORS:

AGGRAVATING

MITIGATING

- Production or use of any weapon during the criminal episode.
- Threat or violence toward witnesses(es) or victim(s)
- Defendant knew or had reason to know the victims were particularly vulnerable (aged, handicapped, very young, etc.)
- Ability to make restitution, reparation or return property and failed to do so.
- Violation of position of public trust or recognized professional ethics.
- Degree of property loss, personal injury or threatened personal injury substantially greater than characteristic for the crime.
- There is a single conviction for a crime involving multiple victims or incidents.
- Defendant on probation or parole at the time of the crime.
- Persistent involvement in similar criminal offenses.
- Repetition of behavior pattern which contributes to criminal conduct, e.g., return to drug or alcohol abuse.
- Prior record of similar offenses.
- Serious prior record
- Pursuant to a Guilty or No Contest plea, other crimes were dismissed or not prosecuted.
- New criminal activity while on pretrial release.
- Persistent criminal misconduct while under supervision.
- Efforts to conceal crime.
- Other: Negotiated Plea Agreement.

- Victim(s) provoked the crime to substantial degree or other evidence that misconduct by victim contributed to the criminal episode.
- Cooperation with criminal justice agencies in resolution or other criminal activity.
- Effort to make restitution or reparation (particularly before required to do so by sentencing).
- Degree of property loss, personal injury or threatened personal injury substantially less than characteristic for the crime.
- Special effort on part of perpetrator to minimize the harm or risk.
- Peripheral involvement in criminal episode (e.g., passive accessory).
- Evidence of withdrawal, duress, necessity or lack of a of sustained criminal intent or diminished mental capacity (e.g., mental retardation) which is insufficient to constitute a defense but is indicative of reduced culpability.
- No prior parole or probation difficulty.
- Efforts to deal with problems associated with past criminal conduct.
- No, or minimal, prior record.
- Other.

SIGNED

Wm Kelly 9/2/09  
Circuit Judge

SIGNED

File for Record 3 days of Sept 29 at 9:15 a clock  
Martha J. Smith Circuit Clerk  
[Signature] Deputy Clerk  
SIGNED [Signature]  
Prosecuting Attorney or Deputy

**ARKANSAS  
SENTENCING  
COMMISSION**

**DEPARTURE REPORT**

Offender Name  
Poland, Wayne Frederick

County #  
10

Names of Judge  
Wm. Randal Wright

Date of Report  
9/2/2009

Circuit Court Case #  
2003-0188

**REASON FOR DEPARTURE:**

Reference should be made to the complete text of departure criteria found at A.C.A. 16-90-804 (d). Following is a shortened version, which represents, but does not modify, the statutory language. Departure criteria listed in the statute are not exclusive. Any criteria not listed, but deemed appropriate by the trial court, should be entered at "Other" mitigating or "Other" aggravating factors. Please circle appropriate number. At least one departure criteria must be designated to be complete.

**A. Mitigating Factors:**

- 1. Victim played an aggressive role or provoked the incident or was a willing participant.
- 2. Offender lacked capacity of judgment due to mental or physical impairment.
- 3. Offender played a minor or passive role in the crime.
- 4. Offender compensated or made effort to compensate for any damage or injury before detection.
- 5. Offender was lesser participant showing caution or concern for safety or well being of victim.
- 6. Offender acted in response to continuing physical or sexual abuse by victim.
- 7. Multiple offense policy results in a sentence which is excessive for this particular offense.
- 8. Offender has voluntarily admitted sexual offense and sought treatment before detection.
- 9. Offender has made effort to provide assistance in investigation or prosecution of another as so indicated by motion by the State. Following circumstances may be weighed in mitigation:
  - a. Timeliness of assistance
  - b. Nature and extent of assistance
  - c. Truthfulness, completeness and demonstrable reliability of information or testimony.
- 10. Other:

**B. Aggravating Factors:**

- 1. Offender's Conduct manifested extreme cruelty during commission of current offense.
- 2. Offender knew victim vulnerable due to extreme youth, advanced age, disability or ill health.
- 3. Offense was major economic offense established by one of the following criteria:
  - a. Multiple victims or incidents;  b. Monetary loss substantially greater than typical;
  - c. Degree of sophistication or time;  d. Misuse of fiduciary duty;  e. Other similar conduct
- 4. Offense was major controlled substance offense if two or more of the following are present:
  - a. Three or more separate transactions involve sale, transfer or possession with intent;
  - b. Amounts substantially larger than the statutory minimums which define the offense;
  - c. Offense involved a high degree of planning or lengthy period or broad geographic area;
  - d. Offender occupied a high position in the drug distribution hierarchy;
  - e. Offender misused position of trust or status or fiduciary duty to facilitate commission;
  - f. Offender has received substantial income or resources from drug trafficking.
- 5. Offender employed firearm in furtherance or flight unless such use is element of offense.
- 6. Offense was sexual offense and part of pattern with the same or different victims under eighteen.
- 7. Multiple offense policy results in sentence that is clearly too lenient.
- 8. Offense was committed in manner that exposed risk of injury to others.
- 9. Offense was a violent or sexual offense committed in victim's zone of privacy.
- 10. Offender attempted to cover offense by intimidation of witnesses, tampering of evidence, or misleading authorities.
- 11. Offense committed to avoid arrest or effect escape.
- 12. Offender lacks minimum insurance in a vehicular homicide.
- 13. Statutory minimum sentence overrides the presumptive sentence.
- 14. Multiple concurrent sentences being entered at this time require a higher sentence.
- 15. Sentence is higher as a result of other charges being dropped or merged.
- 16. Other (Attach extra sheet if necessary). Negotiated Plea Agreement.

Judge's Signature Wm R Wright 9/2/09

File for Record 3 day of Sept 29 of 2009  
 Martha J. Smith, Circuit Clerk  
 Deputy Clerk



File Utilities Reports Window Help

**Licensee Information**

Last: Poland  
First: Wayne  
Middle: F  
Suffix: \_\_\_\_\_ SSN: [REDACTED]  
DoB: 08/16/1943 DoD: 00/00/0000  
Gender: Male Legal Residence: \_\_\_\_\_  
Birth Place: \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Title: \_\_\_\_\_  
UPIN: \_\_\_\_\_ DEA Number: \_\_\_\_\_

**Contact Information**

Contact at: Mailing  
Address: PO BOX 2445  
City: N CONWAY  
State: New Hampshire Zip: 03860-0000  
County: \_\_\_\_\_  
Country: United States  
**Phone Information**  
Phone: (616) 832-2499 Fax: ( ) -  
Int'l: \_\_\_\_\_

**License Information**

License #: R022367	License Type: Registered Nurse	Discipline Indicator-Report to Web: _____
Orig Issue: 02/20/1979	License Status: Lapsed	License Method: Endorsement
Issue Date: 02/20/1979	Restriction: _____	Pre-File No: 1484
License Expiration: 08/16/2004	Temp Permit: _____	Renewal Approved: 00/00/0000
License Specialty: Certified Registered Nurse Anesthetist		PA Temp Issue Date: 00/00/0000

License #	Name	Supervisor Contact Address
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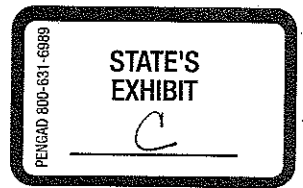
Ready

Row





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

October 31, 2003

Wayne F. Poland, R.N.  
P.O. Box 2445  
No. Conway, NH 03860

**Re: NOTICE OF COMPLAINT OR PROVIDER REPORT**

Dear Mr. Poland:

Enclosed for your reference is a copy of a letter, with attachments, dated October 7, 2003 from Phyllis DeClerk, R.N., Director of Nursing Practice, Arkansas State Board of Nursing. This letter contains information of a possible violation of 32 M.R.S.A. Section 2105-A(2)(E), (2)(F) and (2)(H).

Please be advised that pursuant to law you are required to respond, in writing, within 30 days. Enclosed for your reference is a copy of Section 2105-A of the LAW REGULATING THE PRACTICE OF NURSING (32 M.R.S.A., Chapter 31).

The Board requires a residential address if it is different from the mailing address. Please notify us as soon as possible.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

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

MAB:vlc

Enclosures

pc: Phyllis DeClerk, R.N.  
John H. Richards, Assistant Attorney General



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

PHONE: (207) 287-1133

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

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FAX: (207) 287-1149



## ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800, University Tower Building, Little Rock, AR 72204  
Phone: (501) 686-2700 Fax: (501) 686-2714 www.arsbn.org

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Executive Director

Fred Knight  
General Counsel

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Pine Bluff

October 7, 2003

via Fax and Mail  
Fax: (207) 287-1149


Myra Broadway, JD, MS, RN, Executive Director  
Maine State Board of Nursing  
158 State House Station  
Augusta, ME 04333

Re: Wayne F. Poland  
AR CRNA #CO1006  
AR RN #R51229  
ME RN #R022367

Dear Ms. Broadway:

I am enclosing a copy of a letter from Baptist Hospital – Arkadelphia, Arkansas regarding the above referenced CRNA. This letter is for informational purposes due to the serious nature of the charges and his licensure as indicated in NURSYS in your state.

Sincerely,

  
Phyllis DeClerk, RN  
Director of Nursing Practice

PD:smr  
Enclosure

RECEIVED

OCT 10 2003

MAINE STATE  
BOARD OF NURSING

FAX NO. 870 245 1198

P. 2

AM BAPTIST ARKADELPHIA

3050 Twin Rivers Drive  
Arkadelphia, AR 71923-4299  
870 245-2622



October 3, 2003

Arkansas State Board of Nursing  
1123 South University Avenue  
Little Rock, Arkansas 72204

Re: Wayne F. Poland, CRNA  
P. O. Box 2445  
North Conway, New Hampshire 03860  
Arkansas Licenses:  
RN #R51229  
CRNA #CO1006  
Expiration Date: 08/31/2005

This is to inform you that Wayne F. Poland has turned himself in to the Clark County Sheriff's Department, and it is my understanding he has been charged with numerous counts of child molestation, rape and other charges. He has posted bond at \$500,000 and is supposedly awaiting trial. His contract for services with Baptist Health Medical Center-Arkadelphia has now been suspended.

Information regarding this action is being provided for your information.

Sincerely,

DAN GATHRIGHT  
Senior Vice President & Administrator

DG:ml



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Siftings Herald News

**Man arrested for alleged rape of two children**

*By Donna Hilton*

An Arkadelphia man has been charged with 40 counts of rape in connection with the sexual assaults of a 14-year-old girl and a 12-year-old boy. The children's mother has been charged with 20 counts of rape for allegedly allowing the man to abuse her children.

Wayne Frederick Poland, 60, of 585 Mt. Zion Road, turned himself into the Clark County Sheriff's Office Thursday, Sheriff Troy Tucker said.

Poland posted \$500,000 bond and was released the same day.

The children's mother, Jacquelyne Velcoff, 44, of 51 Robin Lane, was arrested Friday afternoon, Tucker said. She remains in jail in lieu of \$50,000 bond.

The two are expected to appear before Circuit Judge John Thomas sometime today for arraignment, sheriff's investigator Wes Sossaman said.

The abuse came to light last month when the girl told an adult at school. She told authorities that the abuse had been going on for three years or more, according to the affidavit for arrest filed in court.

Poland allegedly paid Velcoff for sexual acts with her and her children, the affidavit said.

The girl alleged her mother would force her to participate in "threesomes" with her mother and Poland, and on one occasion, the girl was physically restrained by her mother so Poland could rape her.

The girl reportedly told authorities that Poland would make her pose for him to take Polaroid photos of her and that he would force her and the boy to watch sexually explicit movies with him.

The boy allegedly told police that Poland would tell him to "go outside" or watch TV while his sister was inside a bedroom with Poland. The boy said he could hear the noise from a Polaroid camera while his sister was in the

room with Poland.

The boy told police that he would be forced to wear "dark blue or purplish" pants while being assaulted, according to the arrest file.

In the search of Poland's home, officers reportedly found a pair of purple pants of a size "consistent with that of a child's" with pads and a hole in the back.

Authorities also found several pornographic movies and photographs in the home, including images on his home computer, according to the file. The images allegedly included at least one photograph of the girl

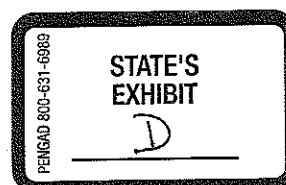
Poland had been a contract employee as a nurse anesthetist at Baptist Health Medical Center-Arkadelphia for more than five years, Dan Gathright, BHMCA administrator, said.

Gathright said Poland was released from that employment on Thursday, but would not say why Poland was dismissed. "That's a personnel matter that I can't comment on," he said.

The children are under the care of officials from the Department of Human Services, Tucker said.

Rape is a class Y felony, and is punishable by a term of 10 to 40 years, or life in prison on each count.

Tucker said he and investigators are still reviewing items and documents in the case.



PROSECUTING ATTORNEY'S OFFICE  
 Ninth East Judicial District  
 Henry Morgan - Prosecuting Attorney

201 North 10<sup>th</sup> Street  
 P O Box 579  
 Arkadelphia AR 71923  
 Phone: 870 246 9868  
 Fax: 870 246 8930

***FAX TRANSMISSION COVER SHEET***

DATE: June 22, 2004

TO: Jack Richards

FAX: 207 626 8518

SUBJECT: State v. Wayne Poland

SENDER: Becky Ursery

You should receive ( ) page(s) including this cover sheet. If you do not receive all the pages, please call (870) 246 9863.

Comments: If you require any additional information, please do not hesitate to call. Beckyu

Note: This transmittal is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this transmittal is not the intended recipient or the employee or agent responsible for the delivery of the transmittal to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication in error, please notify us immediately by telephone and return the original transmittal to us. Thank you.

IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS  
Ninth East DISTRICT  
Criminal DIVISION

STATE OF ARKANSAS

PLAINTIFF

V.

NO. CR 2003-0186

WAYNE FREDERICK POLAND

DEFENDANT

585 Mt Zion Road  
Arkadelphia, AR 71923

DOB 8/16/1943  
RACE W  
SEX Male  
SSN  
DL  
CID CCSO-WES SOSSAMON  
ATN 791141

PRR  
JUN 15  
9:00am

AMENDED  
INFORMATION

Comes the Prosecuting Attorney for the Ninth East District of the Criminal Division of CLARK County, Arkansas, and in the name and by the authority of the State of Arkansas, charges Wayne Frederick Poland with the crime(s) of RAPE and DISTRIBUTING/POSSESSING OR VIEWING MATTER DEPICTING SEXUALLY EXPLICIT CONDUCT INVOLVING A CHILD - FIRST OFFENSE as follows:

COUNTS 1 through 20: RAPE ARK. CODE ANN. § 5-14-103. The said defendant in the Ninth East District of the Criminal Division of CLARK COUNTY, did unlawfully and feloniously on or about the period from the year 2000 through 9/2003 he engaged in sexual intercourse or deviate sexual activity with a minor female who is less than fourteen years or age, by forcible compulsion on at least twenty (20) separate occasions in violation of A.C.A. 5-14-103 against the peace and dignity of the State of Arkansas.

PENALTY: CLASS Y FELONY – Imprisonment in the Arkansas Department of Correction for a term not less than ten years nor more than forty years or life for each count.

COUNTS 21 through 40: RAPE ARK. CODE ANN. § 5-14-103. The said defendant in the Ninth East District of the Criminal Division of CLARK COUNTY, did unlawfully and feloniously on or about the period from the year 2000 through 9/2003 he engaged in sexual intercourse or deviate sexual activity with a minor male who is less than fourteen years or age, by forcible compulsion on at least twenty (20) separate occasions in violation of A.C.A. 5-14-103 against the peace and dignity of the State of Arkansas.

PENALTY: CLASS Y FELONY – Imprisonment in the Arkansas Department of Correction for a term not less than ten years nor more than forty years or life for each count.

RECEIVED

JUN 30 2004

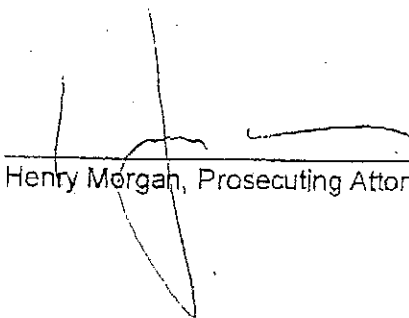
MAINE STATE  
BOARD OF NURSING



COUNTS 41 through 60: DISTRIBUTING/POSSESSING OR VIEWING MATTER DEPICTING SEXUALLY EXPLICIT CONDUCT INVOLVING A CHILD - FIRST OFFENSE ARK. CODE ANN. § 5-27-602. The said defendant in the Ninth East District of the Criminal Division of CLARK COUNTY, did unlawfully and feloniously on or about 9/19/2003 knowingly possess photographs or computer program of file, computer-generated image, or any other reproduction, which depicts a child engaging in sexually explicit conduct in violation of A.C.A. 5-27-602 against the peace and dignity of the State of Arkansas.

PENALTY: CLASS C FELONY – Imprisonment in the Arkansas Department of Correction for a term not less than three years nor more than ten years or a fine not exceeding \$10,000 dollars or both such fine and imprisonment on each count.

There appearing reasonable grounds for believing the alleged offense(s) was committed by defendant, a warrant is therefore prayed for his arrest to be issued by the court.



---

Henry Morgan, Prosecuting Attorney

IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS  
Ninth East DISTRICT  
Criminal DIVISION

STATE OF ARKANSAS

PLAINTIFF

V.

NO. CR - 2003-186

WAYNE FREDERICK POLAND

DEFENDANT

585 Mt Zion Road  
Arkadelphia, AR 71923

DOB 8/16/1943  
RACE W  
SEX Male  
SSN  
DL  
CID CCSO-WES SOSSAMON  
ATN 0

FILED  
PENNY R. ROSS  
OK  
OCT 02 2003  
12:01 pm  
CIRCUIT CLERK  
CLARK COUNTY, ARKANSAS

INFORMATION

Comes the Prosecuting Attorney for the Ninth East District of the Criminal Division of CLARK County, Arkansas, and in the name and by the authority of the State of Arkansas, charges Wayne Frederick Poland with the crime(s) of RAPE as follows:

COUNTS 1 through 20: RAPE ARK. CODE ANN. § 5-14-103. The said defendant in the Ninth East District of the Criminal Division of CLARK COUNTY, did unlawfully and feloniously on or about the period from 2000 through 9/2003 he engaged in sexual intercourse or deviate sexual activity with a minor female, who was less than fourteen years of age, by forcible compulsion on at least twenty (20) separate occasions in violation of A.C.A. 5-14-103 against the peace and dignity of the State of Arkansas.

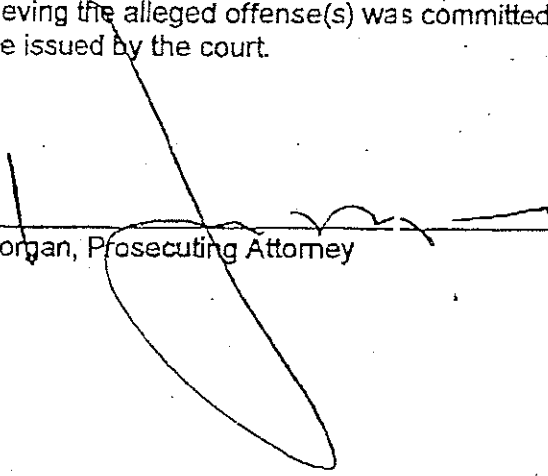
PENALTY: CLASS Y FELONY – Imprisonment in the Arkansas Department of Correction for a term not less than ten years nor more than forty years or life.

COUNTS 21 through 40: RAPE ARK. CODE ANN. § 5-14-103. The said defendant in the Ninth East District of the Criminal Division of CLARK COUNTY, did unlawfully and feloniously on or about the period from 2000 through 9/2003 he engaged in sexual intercourse or deviate sexual activity with a minor male, who was less than fourteen years of age, by forcible compulsion on at least twenty (20) separate occasions in violation of A.C.A. 5-14-103 against the peace and dignity of the State of Arkansas.

PENALTY: CLASS Y FELONY – Imprisonment in the Arkansas Department of Correction for a term not less than ten years nor more than forty years or life.

RECOMMENDED BOND: \$ 500 000

There appearing reasonable grounds for believing the alleged offense(s) was committed by defendant, a warrant is therefore prayed for his arrest to be issued by the court.

  
Henry Morgan, Prosecuting Attorney

IN THE DISTRICT COURT OF CLARK COUNTY, ARKANSAS

AFFIDAVIT FOR WARRANT OF ARREST

Wayne Frederick Poland      W    M    08/16/43  
POTENTIAL DEFENDANT'S NAME    RACE    SEX    DOB

Class Y  
FELONY CLASS

585 Mt. Zion Road, Arkadelphia, Arkansas  
ADDRESS

TELEPHONE NO.

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned, being duly sworn, deposes and says that he has reason to believe that the above named person has committed the offense of:

A.C.A. §5-14-103. Rape (40cts.)

from 2000 through September, 2003, in Clark County, Arkansas, against the peace and dignity of the State of Arkansas.

FACTS CONSTITUTING REASONABLE CAUSE

SEE ATTACHED PAGE(S)

CONTINUED ON BACK

I hereby swear or affirm that the foregoing is true and correct to the best of my knowledge and belief.

Chief Wesley A. Sossamon  
AFFIANT'S PRINTED NAME

Wesley A. Sossamon  
AFFIANT'S SIGNATURE

Clark County Sheriff's Office  
Arkadelphia, Arkansas  
AFFIANT'S ADDRESS

(870) 246-2222  
AFFIANT'S TELEPHONE NO.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

By: \_\_\_\_\_  
Notary Court Clerk

APPROVED

I hereby find that this sworn affidavit demonstrates reasonable and probable cause for the issuance of a warrant of arrest for the above named person for the above stated offense.

10-1-03  
Date

Randy Hill  
Randy Hill, District Judge  
Clark County, Arkansas

FACTS CONSTITUTING REASONABLE CAUSE

1  
2  
3 WHEREAS, appearing before the Court, affiant states the facts described as  
4 follows, to wit;

5 1. Affiant is a law enforcement officer employed in the capacity of Chief Deputy  
6 Sheriff in and for Clark County, Arkansas, and acting under the direction, control,  
7 supervision, and color of authority of the duly elected, qualified, and acting Sheriff thereof;

8 2. Affiant was acting in such capacity on or about the 19<sup>th</sup> day of September, 2003;

9 3. On or about the 19<sup>th</sup> day of September, 2003, affiant and Sgt. Roy Bethell,  
10 Arkadelphia Police Department, Criminal Investigation Division, conducted an interview  
11 with a 14-year-old female child who stated that she had been repeatedly sexually assaulted  
12 by the within named defendant over a continuing period of time encompassing the previous  
13 "three years or over." The child stated that she had turned fourteen in August, 2003, and  
14 that such sexual assaults had begun when she was "ten or eleven." The child stated that  
15 these assaults occurred at the defendant's home where he had resided upon three (3)  
16 separate premises located in Clark County, Arkansas, during such time period. The child  
17 stated that the sexual assaults occurred "well over twenty times" during that time period  
18 and that the last assault occurred "a couple of weeks ago." The child stated that the  
19 specific sexual acts committed upon her by the defendant included sexual intercourse,  
20 digital vaginal and anal penetration, and masturbation. The child stated that these acts  
21 were committed upon her by the defendant against her will as the result of the defendant  
22 having paid her mother money. The child stated that she informed her mother of the  
23 assaults and that her mother continued to force her to go to the defendant's home. The  
24 child stated that her mother was present "four to ten" times when the defendant engaged  
25 in these sex acts with the child. The child stated that she was forced to watch her mother  
26 and the defendant engage in sexual intercourse and other sexual acts and to participate  
27 in a "threesome" wherein the defendant engaged in sexual intercourse with the child. The  
28 child stated that on at least three (3) occasions, wherein she had refused to submit to

1 **Facts Constituting Reasonable Cause**

2

3 such sexual assaults her mother forced her to by "holding me down so he could be able  
4 to do it." The child stated that the defendant showed her "nude pictures of girls and men,"  
5 "some movies about other people having sexual intercourse," and that such "movies" were  
6 on a computer the defendant possessed. The child stated that "some of them" were  
7 children. The child stated that the defendant often took photographs of her nude and in  
8 various sexually explicit poses. The child stated that the defendant had put those  
9 photographs on his computer and she saw them on it. The child stated that these  
10 photographs were taken during the sexual assaults and that they were taken by an "instant  
11 camera ... where the film comes out ... and it's an instant picture." The child stated that she  
12 was supposed to go to the defendant's home again on this date but "decided that I couldn't  
13 take anymore of this no matter how bad the consequences was," so she reported it to a  
14 school counselor.

15 4. On or about the 19<sup>th</sup> day of September, 2003, affiant received information from  
16 Sgt. Bethell that on or about such date, Sgt. Bethell conducted an interview with the mother  
17 of the child as herein described in ¶3. Sgt. Bethell stated that the mother admitted to  
18 involvement in a sexual relationship with the defendant and that she had received money  
19 from the defendant. Sgt. Bethell stated that the mother denied having any knowledge of  
20 the defendant having engaged in any sexual contact with the child, but that the child  
21 sometimes stayed with the defendant. Sgt. Bethell stated that the mother told him that on  
22 the afternoon of this date, she arrived home and found a folded note attached to the door  
23 of her residence. Sgt. Bethell stated that the mother told him that she went into her home  
24 and telephoned the defendant prior to reading the note, which was left by the Department  
25 of Human Services informing the mother that she needed to contact them regarding her  
26 children. Sgt. Bethell stated that the mother told him that she always calls the defendant  
27 immediately after she arrives home. Sgt. Bethell stated that the mother offered no  
28 information regarding the content of her conversation with the defendant, except to say that

1 **Facts Constituting Reasonable Cause**

2  
3 it was "normal."

4       5. On or about the 19<sup>th</sup> day of September, 2003, affiant and Sgt. Bethell executed  
5 a search warrant upon the defendant's residence. Subsequent to a search of the premises,  
6 two (2) computers and a number of data storage disks were recovered. During the course  
7 of the search, affiant observed a Polaroid camera and film for the camera to be present  
8 within the drawer of a dresser located inside a bedroom. There were also numerous 35mm  
9 photographs present within such drawer and other areas of the residence. There were no  
10 Polaroid or other such "instant" photographs found to be present. Other items noted to be  
11 present within the bedroom was a small safe that was found to contain unused condoms,  
12 a container of lubricant, a home pregnancy test kit, and a hollow, tube-like device  
13 constructed of a pliable rubber-like material, pink in color, approximately 8in long, and  
14 molded in the shape of and exhibiting an appearance consistent with a human penis.  
15 Additionally, there were numerous items of clothing lying upon a bed located within this  
16 bedroom. Of particular note, there were a pair of white colored long briefs underwear  
17 having foam rubber-like, ovoid-shaped pads within the interior aspects of the buttocks area  
18 and a cut out hole in the material at the posterior aspects located between such herein  
19 described padding. There was also a purple colored pair of pants located in another  
20 dresser drawer. This garment was found to be constructed of a soft, velveteen-like material  
21 with an elastic waist band. This garment was of a small size, consistent with having been  
22 manufactured for wear by a small child.

23       6. On or about the 22<sup>nd</sup> day of September, 2003, affiant and Sgt. Bethell  
24 conducted interviews with a 12-year-old male, who is the brother of the female child as  
25 herein described in ¶3. Subsequent to such interview, this child related information  
26 regarding the defendant. The child became acquainted with the defendant "a few years  
27 ago, when we lived at these apartments at Caddo Valley." The defendant resided "next  
28 door" to the apartment the child shared with his mother and sister. The child's mother

1 Facts Constituting Reasonable Cause

2  
3 became friends with the defendant and he and his sister began going to the defendant's  
4 apartment on occasion. A short time after he and his sister began going to the defendant's  
5 home, the defendant began taking his sister into a bedroom and locking the door. The  
6 defendant told the child that "they were talking" and ordered the child to "go outside" or  
7 "watch tee vee." The child sometimes would listen outside the locked bedroom door and  
8 he would hear what he recognized as the sound of a "camera where you take the picture  
9 and the picture will come out." This happened at least "a hundred" times at three (3)  
10 separate places where the defendant resided in Clark County, Arkansas, over a period of  
11 time. The defendant began forcing this child to engage in sexual acts involving the child  
12 performing fellatio upon the defendant and the defendant performing fellatio upon the child.  
13 The defendant also forced the child to masturbate him. When the child refused to submit  
14 to these "sick and twisted" sexual assaults, the defendant would "twist my arm. Pinch me.  
15 Pull my hair. Threaten me with stuff like breaking my arm." The defendant took  
16 photographs of this child nude and performing fellatio upon the defendant. The defendant  
17 forced the child to view "other naked people doing sick stuff" on the defendant's computer.  
18 The defendant forced the child to wear an item of clothing that the child described as "this  
19 one underwear like thing. It kind of looked like underwear but it really wasn't. It was soft  
20 and a dark bluish or purple" color. The child saw what he described as "a red, hollow, soft  
21 thing" in the shape of a human penis, inside a dresser drawer in the defendant's bedroom.  
22 The child and his sister told their mother that they didn't want to go to the defendant's  
23 home, but she made them go anyway. The defendant most often came to the children's  
24 home where he picked them up. The child never told his mother or anyone else what the  
25 defendant had done to him because he wanted to get "the evidence" before doing so. The  
26 child stated, "it's really good to get all this stuff off my chest. He was like a leech, you now.  
27 A blood-sucking leech that you just pulled off your leg."

28 7. Affiant received information from Sgt. Tim Patterson, Clark County Sheriff's



1 **Facts Constituting Reasonable Cause**

2

3 Office, Criminal Investigation Division, that Sgt. Patterson had began examining the  
4 contents of the two (2) computers recovered from the defencant's residence. Sgt.  
5 Patterson has received specialized technical training in the recovery of deleted computer  
6 data, including visual images. Sgt. Patterson stated that he had recovered certain visual  
7 images, consisting of both motion and still images, from an erased file contained within one  
8 of the computers. Affiant viewed such images and observed that three (3) segments of  
9 motion images depicted heterosexual anal intercourse and fellatio. A still image of two (2)  
10 females who appear to be under the age of seventeen (17) years was also recovered. The  
11 image depicts both females fully nude, with their breasts and buttricks exposed to view.  
12 The genitalia of one of the females is also exposed to view. Affiant also viewed a portion  
13 of the contents of the other computer. These consisted of hundreds of visual images  
14 depicting heterosexual vaginal and anal intercourse, heterosexual fellatio and cunnilingus,  
15 bestiality, homosexual intercourse and fellatio, and explicit images of nude males and  
16 females with genitalia fully exposed. A number of these images depicted persons who  
17 appeared to be under the age of seventeen (17) years. A single image of the female child  
18 as herein described in ¶3 was also recovered by Sgt. Patterson. This photograph depicted  
19 the child fully clothed.

20 WHEREFORE, PREMISES CONSIDERED, affiant states that the facts as herein  
21 described demonstrates reasonable cause to believe that the within named defendant has  
22 committed such herein described offense and prays that a warrant for his arrest does  
23 issue.

24 FURTHER AFFIANT SAYETH NOT.

25

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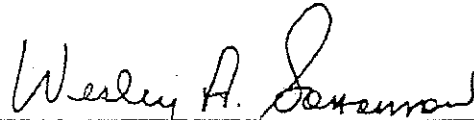
1 **Facts Constituting Reasonable Cause**

2

3 I hereby swear and affirm that the foregoing is true and correct to the best of my knowledge  
4 and belief.

5

6



7 Wesley A. Sossamon, Chief Deputy Sheriff  
8 Clark County Sheriff's Office  
9 Criminal Investigation Division  
10 406 South 5<sup>th</sup> Street  
11 Arkadelphia, Arkansas 71923  
12 (870) 246-2222

13

14

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27

28

# BENCH WARRANT

CLARK COUNTY CIRCUIT COURT  
Ninth East DISTRICT  
Criminal DIVISION

STATE OF ARKANSAS )

COUNTY OF CLARK )

ss.

*CR-2003-186*

TO ANY SHERIFF, CORONER, JAILER, CONSTABLE, MARSHALL, OR POLICEMAN IN THE STATE:

You are hereby commanded forthwith to arrest:

**Wayne Frederick Poland**

585 Mt Zion Road  
Arkadelphia, AR 71923

DL:  
SEX: Male  
RACE: W  
SSN:  
DOB: 8/16/1943  
ATN: 0

and bring him or her before the CLARK County Circuit Court, to answer an Information in that court against him or her for VIOLATION OF ARKANSAS CRIMINAL CODE :

Code #	Offense	A/C/S	Offense Date	Counts	F/M	Class
5-14-103	RAPE		2000 thru 9/2003	40	F	Y

or if the court be adjourned for that term, that you deliver him or her to the custody of the jailer of CLARK County.

Given under my hand and seal of said court this 2<sup>nd</sup> day of October, 2003.

*Penny R. Ross*  
Penny Ross, Circuit Clerk

By: *Johanne Klein* D.C.

STATE OF ARKANSAS )

COUNTY OF CLARK )

ss.

I have this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_ duly served the within by \_\_\_\_\_

\_\_\_\_\_  
Sheriff

By: \_\_\_\_\_ D.S.