



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

IN RE: MAYFORD WESTLEIGH, RN  
of Lewiston, ME  
License RN36781

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CONSENT AGREEMENT  
FOR  
WARNING

Complaint 2013-22

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. §8008, the Legislature provided that the sole purpose of the Board is to "protect the public health and welfare" and that "other goals or objectives may not supersede this purpose."

This document is a Consent Agreement ("Agreement") regarding Mayford Westleigh's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Mayford Westleigh ("Licensee"), the Maine State Board of Nursing ("the Board"), and the Office of the Attorney General, State of Maine. The Board met with Licensee in an informal conference on October 23, 2013. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A)(B), 10 M.R.S. §8003 (5)(A-1)(4) and 8003 (5)(B) in order to resolve Complaint 2013-22.

FACTS

1. Licensee has been licensed to practice as an RN in Maine since September 16, 1993. At all times relevant to the subject of this matter, Licensee was employed by Central Maine Medical Center ("CMMC").
2. On February 11, 2013, the Board received notification from CMMC that the Licensee had resigned in lieu of termination for administering medications used for moderate or deep sedation without either the provider or respiratory therapist present. Board staff docketed the Complaint as 2013-22.
3. On February 11, 2013, the Board issued a Notice of Complaint to Licensee relating to Complaint 2013-22.
4. On March 22, 2013, the Board received the Licensee's written response to the Notice of Complaint, in which she stated she believed "there was some miscommunication on both parts."
5. October 23, 2013, the subcommittee of the Board held an informal conference with the Licensee regarding Complaint 2013-22 to review whether she had violated the following statutes:
  - 32 M.R.S. §2105-A (2)(F). The licensee engaged in unprofessional conduct which violates a standard of professional behavior that has been established in the practice for which she is licensed.
  - 32 M.R.S. §2105-A (2)(H). A violation of a Maine Revised Statute, Title 32, Chapter 31 and rules adopted by the Board.
6. During the informal conference, the subcommittee of the Board considered the investigation conducted by CMMC, as well as the Licensee's explanation of the events.
7. Evidence of a potentially serious medication administration error before the Board included:



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

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- a) On 1/30/13, a patient self-extubated himself and Licensee was assisting the respiratory therapist and physician in re-intubating the patient.
  - b) Licensee administered medications which would disrupt the patient's breathing and if necessary, could require a physician to begin immediate treatment to restore breathing.
  - c) Licensee administered medications prior to the immediate physical presence of required medical personnel and the patient experienced a delay in breathing restoration efforts.
  - d) Licensee thought the physician was immediately present, but admitted that he was not and had assumed that he had followed her to the bedside.
  - e) The policy in place for the administration of these medications required the immediate physical presence of the physician.
8. This Agreement is being offered in order to resolve Complaint 2013-22 without further proceedings. Absent Licensee's acceptance of this Agreement by signing, dating, and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or before February 10, 2014, the Board will take further action. In the absence of an agreement on Complaint 2013-22 the Board could impose, subsequent to adjudicatory proceedings, greater adverse action on this matter including fines, suspension or revocation of Licensee's license.

#### AGREEMENT

9. Licensee admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her Maine nursing license under the following laws and regulations:
- 32 M.R.S. §2105-A (2)(F)(1) and Board Rules Chapter 4 §1.A.6 for engaging in conduct that violates any standard of professional behavior which has been established in the practice for which the licensee is licensed; and
- Board Rule Chapter 4 §3(f) for failing to follow policies and procedures in the practice situation designed to safeguard the patient.
10. As discipline for the violations admitted to in paragraph 9 above, Licensee agrees that she will receive a WARNING related to the above-stated conduct.
11. Licensee waives her right to an adjudicatory hearing before the Board or any court regarding all facts, terms and conditions of this Agreement. Licensee agrees that this Agreement is a final order resolving Complaint 2013-22.
12. The Board and the Attorney General may communicate and cooperate regarding Licensee's practice or any other matter relating to this Agreement.
13. This Agreement is a public record within the meaning of 1 M.R.S. §402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. §408-A.
14. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).
15. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
16. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.

17. Licensee acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement, that she has executed this Agreement of her own free will and that she agrees to abide by all the terms and conditions set forth in this Agreement.

DATED: 1/15/14

Mayford Westleigh RN  
LICENSEE MAYFORD WESTLEIGH, RN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 1/30/14

Myra Broadway  
MYRA A. BROADWAY, JD, MS, RN  
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 2/26/14

Ronald O. Guay  
RONALD O. GUAY  
Assistant Attorney General

Effective Date: 2/26/14