



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: ELIZABETH Y. YOUNG) **DECISION & ORDER**
 of Lewiston, ME) **OF**
 License #R049078) **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 dated February 3, 2009 in the criminal case of the United States of America v. Elizabeth Young, United States District Court, District of Maine, Case Number: 2:08-127-001; USM Number: 05103-036 for a conviction of “Conspiracy to Possess with Intent to Distribute 5 Grams or More of Cocaine Base and Cocaine,” as well as the U.S. Department of Justice’s Report of Investigation describing the underlying evidence supporting the criminal conviction.

FACTS

1. Elizabeth Y. Young has been licensed as a registered professional nurse in Maine since August 2003. She was previously licensed as a licensed practical nurse from November 13, 2002 to April 7, 2004.
2. On February 3, 2009, in the criminal case of the United States of America v. Elizabeth Young, United States District Court, Ms. Young pled guilty to the charge of “Conspiracy to Possess with Intent to Distribute 5 Grams or More of Cocaine Base and Cocaine” (21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846). She was sentenced to 23 months imprisonment [Exhibit A].

APPLICABLE LAW

3. Pursuant to 32 M.R.S.A. § 2105-A (2), “The board may suspend or revoke a license pursuant to Title 5, section 10004.”
4. 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.”
5. 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 involves dishonesty or false statement or 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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CONCLUSIONS OF LAW

The Board has the authority to suspend or revoke Elizabeth Y. Young's registered professional nurse license pursuant to 5 M.R.S.A. § 10004 (1) and 32 M.R.S.A. § 2105-A (2) (G). The criminal conviction described in the above-stated facts are grounds for discipline because Ms. Young was convicted of a crime that involves dishonesty and the crime relates directly to the practice for which she is licensed. In addition, the recent conviction on February 3, 2009 is a criminal conviction for which incarceration for one year or more was imposed.

In addition, the Board concluded, based upon the recent conviction and serious nature of the underlying criminal conduct, that Ms. Young's behavior fails to conform to legal and accepted standards of the nursing profession, and the conviction of crimes in the State of Maine are substantially related to the qualifications, functions or duties of a registered professional nurse, and that such conduct reflects 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 Elizabeth Y. Young's registered professional nurse license. By a unanimous vote of the Board, Elizabeth Y. Young's registered professional nurse license is **REVOKED**, effective immediately.

RECORD VOTE

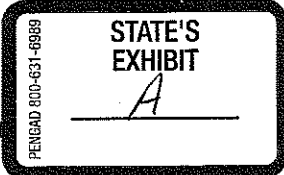
BRUCE R. O'DONNELL	Affirmative
LYNN F. TURNBULL	Affirmative
ROBIN BROOKS	Affirmative
DOROTHY MELANSON	Affirmative
SUSAN C. BALTRUS	Affirmative
MARGARET HOURIGAN	Affirmative
ELAINE A. DUGUAY	Affirmative

DATED: 6 Jan. 2010


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

NOTICE OF APPEAL RIGHTS

Elizabeth Y. Young may appeal this Decision and Order summarily revoking her 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.



SCANNED United States District Court District of Maine U.S. DISTRICT COURT DISTRICT OF MAINE RECEIVED & FILED

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

ELIZABETH YOUNG

Case Number: 2:08-127-001

USM Number: 05103-036

Entered on Docket:

Neale A. Duffett, Esq.

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) One of the Information.
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846	Conspiracy to Possess with Intent to Distribute 5 Grams or More of Cocaine Base and Cocaine	March 24, 2008	One

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____.
- Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of material changes in economic circumstances.

February 3, 2009

Date of Imposition of Judgment

Signature of Judge

George Z. Singal, U.S. District Judge

Name and Title of Judge

Date Signed

A TRUE COPY ATTEST: Linda L. Jacobson, Clerk

By: 

Deputy Clerk

2/3/09

DEFENDANT: ELIZABETH YOUNG
CASE NUMBER: 2:08-127-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 23 months.

The court makes the following recommendations to the Bureau of Prisons:

The defendant be incarcerated at FCI Danbury

The defendant be enrolled in the 500 hour comprehensive drug rehabilitation program

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district,

at _____ a.m. p.m. on _____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

before 2 p.m. on _____.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ELIZABETH YOUNG
CASE NUMBER: 2:08-127-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 4 years.

The Defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two additional drug tests during the term of supervision, but not more than 120 drug tests per year thereafter, as directed by the probation officer.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ELIZABETH YOUNG
CASE NUMBER: 2:08-127-001

ADDITIONAL SUPERVISED RELEASE TERMS

1. Defendant shall participate in mental health treatment, as directed by the supervising officer, until released from the program by the supervising officer. Defendant shall pay/co-pay for services during such treatment, to the supervising officer's satisfaction;
2. Defendant shall not use or possess any controlled substance, alcohol or other intoxicant; and shall participate in a program of drug and alcohol abuse therapy to the supervising officer's satisfaction. This shall include testing to determine if Defendant has used drugs or intoxicants. Defendant shall submit to one test within 15 days of release from prison and at least two, but not more than 120, tests per calendar year thereafter, as directed by the supervising officer. Defendant shall pay/co-pay for services during such treatment to the supervising officer's satisfaction. Defendant shall not obstruct or tamper, or try to obstruct or tamper, in any way, with any tests;
3. Defendant shall provide the supervising officer any requested financial information; and
4. Defendant shall not incur new credit charges or open additional lines of credit without the supervising officer's advance approval.

DEFENDANT: ELIZABETH YOUNG
 CASE NUMBER: 2:08-127-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$100.00	\$1,000.00	

The determination of restitution is deferred until _____ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u> \$	<u>Restitution Ordered</u> \$	<u>Priority or Percentage</u>
TOTALS	\$ _____	\$ _____	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: ELIZABETH YOUNG
CASE NUMBER: 2:08-127-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$1,100.00 due immediately, balance due
 Any amount that the defendant is unable to pay now is due and payable during the term of incarceration. Upon release from incarceration, any remaining balance shall be paid in monthly installments, to be initially determined in amount by the supervising officer. Said payments are to be made during the period of supervised release, subject always to review by the sentencing judge on request, by either the defendant or the government.
 not later than _____, or
 in accordance with C, D, or E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

SCANNED UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. DISTRICT COURT
DISTRICT OF MAINE
CLERK

AUG 12 2008

BY _____
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

Case Number: 2:08-CR-127-P-S

ELIZABETH YOUNG

WAIVER OF INDICTMENT

I, Elizabeth Young, the above named defendant, who is accused of:
Conspiracy to distribute and possess with intent to distribute 50 grams or more of a
mixture or substance, containing cocaine base, also known as crack cocaine, in
violation of Title 21, United States Code, Section(s) 846 and 841(a)(1);
being advised of the nature of the charge(s), the proposed information, and of my
rights, hereby waive in open court prosecution by indictment and consent that the
proceeding may be by information rather than by indictment.

Date: 8.12.08

Elizabeth Young
Defendant

[Signature]
Counsel for Defendant

Date: 8/12/08

Before: *[Signature]*
George Z. Singal
Chief U. S. District Judge

A TRUE COPY
ATTEST: Linda L. Jacobson, Clerk

By: *[Signature]*
Deputy Clerk