



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: TOBY M. ANDERSON-MCKAY** )  
 of Waldoboro, Maine )  
 License No. P010406 )  
 )

**CONSENT AGREEMENT FOR  
 LICENSE REINSTATEMENT  
 AND PROBATION WITH  
 CONDITIONS**

**INTRODUCTION**

This document is a Consent Agreement regarding Toby M. Anderson-McKay's license to practice as a licensed practical nurse in the State of Maine. The parties enter into this Consent Agreement ("Agreement") pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003 (5) (B). The Board met with Ms. Anderson-McKay on September 4, 2008, regarding her request for reinstatement of her nursing license. The parties to this Consent Agreement are Toby M. Anderson-McKay ("Ms. Anderson-McKay" or "Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine.

**FACTS**

1. Toby M. Anderson-McKay entered into a Consent Agreement with the Board on August 22, 2005, surrendering her license as a licensed practical nurse [Exhibit A].
2. The Board considered the following information relating to Ms. Anderson-McKay's recovery: 1) correspondence from Ms. Anderson-McKay dated October 22, 2007; 2) correspondence from Ms. Anderson-McKay's treating physician dated April 24, 2008, indicating her one plus years of sobriety and current medication regimen; and 3) correspondence from AA members dated May 2008, supporting Ms. Anderson-McKay's commitment to sobriety and her growth as a member of AA.
3. Toby M. Anderson-McKay completed counseling in December 2007 and attends AA on a weekly basis. She has been substance free as of September 4, 2008 for one year and three months.

**AGREEMENT AND CONDITIONS OF PROBATION**

4. Toby M. Anderson-McKay's license as a licensed practical nurse is reinstated on probationary status with conditions. The period of probation will commence upon Ms. Anderson-McKay's return to nursing practice, either through employment and/or pursuant to a clinical nursing educational program. The term of probation will be for a period of five years, effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms.



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**Toby M. Anderson-McKay**  
**Consent Agreement for Probation with Conditions**  
**Page 2**

Anderson-McKay performs nursing services. Ms. Anderson-McKay's probationary license will be subject to the following conditions:

- a. Toby M. Anderson-McKay shall fully comply with the conditions of probation in this Agreement and will cooperate with representatives of the Board in its monitoring and investigation of the Licensee's compliance with probation. Ms. Anderson-McKay shall inform the Board in writing within 15 days of any address change.
- b. Toby M. Anderson-McKay will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a treatment provider who is aware of her substance abuse history.
- c. Toby M. Anderson-McKay will continue in her aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
- d. Toby M. Anderson-McKay will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) and such reports shall continue until her probation is terminated. If Ms. Anderson-McKay's treatment is terminated during her probation, she shall notify the Board.
- e. Toby M. Anderson-McKay 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. Anderson-McKay'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, from any nursing employment or nursing educational program with a full explanation of the circumstances surrounding the termination or separation.
- f. Toby M. Anderson-McKay 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.
- g. Toby M. Anderson-McKay 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.
- h. Toby M. Anderson-McKay understands and agrees that the Board and the Office of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate her

compliance with the Agreement and continued recovery. Ms. Anderson-McKay shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board.

5. Toby M. Anderson-McKay's employment is restricted during the period of probation to structured settings with on-site supervision by a registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, school nursing, work as a traveling nurse or within the correctional system.
6. Toby M. Anderson-McKay agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the five-year probationary period until and unless the Board, at Ms. Anderson-McKay's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Anderson-McKay has complied with the provisions of this Agreement.
7. If Ms. Anderson-McKay 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, the Board determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after 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.
8. 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. Anderson-McKay'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 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. Anderson-McKay understands that this document is an Agreement that 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. Anderson-McKay 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.

9. 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.
10. Toby M. Anderson-McKay understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
11. Toby M. Anderson-McKay affirms that she executes this Consent Agreement of her own free will.
12. Modification of this Consent Agreement must in writing and signed by all parties.
13. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. This Consent Agreement becomes effective upon the date of the last necessary signature below.

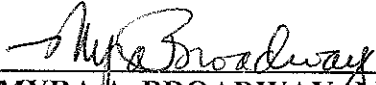
**I, TOBY M. ANDERSON-MCKAY, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 10/21/08

  
TOBY M. ANDERSON-MCKAY

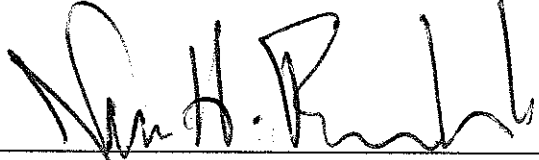
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 10/24/08

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

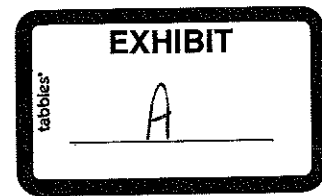
FOR THE DEPARTMENT OF  
ATTORNEY GENERAL

11/5/08  
DATED: ~~10/26/08~~  
JAR

  
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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: **TOBY M. ANDERSON-McKAY** )  
 of Waldoboro, Maine )  
 License # P010406 ) **CONSENT AGREEMENT**  
**FOR VOLUNTARY**  
**SURRENDER OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement regarding Toby M. Anderson-McKay's license to practice practical nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 2105-A(1-A)(C). The parties to this Consent Agreement are Toby M. Anderson-McKay ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reached this Agreement on the basis of information submitted by Robinson's Health Care and the Licensee's response, all of which is attached hereto and marked as Exhibit A.

**FACTS**

1. Toby M. Anderson-McKay has been a licensed practical nurse licensed to practice in Maine since 1991.
2. Toby M. Anderson-McKay was terminated from Robinson's Health Care on June 30, 2004, for substandard job performance and coming to work impaired. Ms. Anderson-McKay denies that she was impaired. Ms. Anderson-McKay's response to the substandard job performance is contained in Exhibit A.
3. Toby M. Anderson-McKay has offered to voluntarily surrender her practical nurse license.

**AGREEMENT**

4. Toby M. Anderson-McKay agrees and understands that her conduct in the above-stated facts constitute grounds for discipline under 32 M.R.S.A. §2105- A(2)(F), § 2105-A(2)(H) and Chapter 4(3)(F) of the Rules and Regulations of the Maine State Board of Nursing.



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

**Toby M. Anderson-McKay, R.N.**  
**Consent Agreement for Voluntary Surrender of License**  
**Page 2**

5. The Maine State Board of Nursing will accept Toby M. Anderson-McKay's voluntary surrender of her license.
6. Toby M. Anderson-McKay may petition the Board for reinstatement of her license, however, Ms. Anderson-McKay agrees and understands that her license will not be reinstated until and unless the Board, upon Ms. Anderson-McKay's written request, votes to reinstate Mr. Anderson-McKay's license.
7. Toby M. Anderson-McKay understands that this document imposes discipline regarding her license to practice practical nursing in the State of Maine.
8. Toby M. Anderson-McKay understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into this Consent Agreement.
9. Toby M. Anderson-McKay affirms that she executes this Consent Agreement of her own free will.
10. Modification of this Consent Agreement must be in writing and signed by all parties.
11. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
12. This Consent Agreement becomes effective upon the date of the last necessary signature below.


**I, TOBY M. ANDERSON-MCKAY, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 08/16/05

Toby M. Anderson-McKay  
TOBY M. ANDERSON-MCKAY

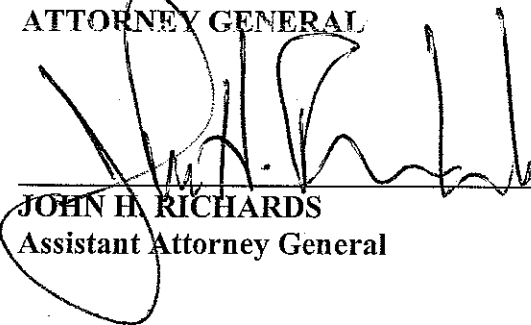
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 8/18/05

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

FOR THE DEPARTMENT OF  
ATTORNEY GENERAL

DATED: 8/22/05

  
\_\_\_\_\_  
JOHN H. RICHARDS  
Assistant Attorney General