



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158

ANGUS S. KING, JR.
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: **PHYLLIS B. ARCHIBALD**) **CONSENT AGREEMENT FOR**
 of Windham, Maine) **VOLUNTARY SURRENDER**
 License # R033347) **OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Phyllis B. Archibald's license to practice professional 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 Phyllis B. Archibald ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. An informal conference was held on August 22, 2001. The parties reached this Agreement following Ms. Archibald's request to voluntarily surrender her license by letter received by the Board on March 26, 2001.

FACTS

1. Phyllis B. Archibald has been a registered professional nurse since 1990.
2. Phyllis B. Archibald admits that she has a substance abuse problem and that she abused Vicodin in January 2001.
 - A. In December 2000, Ms. Archibald was hospitalized for five days at Maine Medical Center ("MMC") for acute abdominal pain. She ultimately was diagnosed with gallbladder disease. Part of the treatment she received at MMC was I.V. Morphine to treat the severe pain. Upon discharge, she was prescribed Vicodin for continued pain. This prescription was subsequently refilled once due to a urinary tract infection.
 - B. For approximately six months prior to this hospitalization, Ms. Archibald had been taking Klonopin, which was prescribed by Matthew Johnson, M.D. Ms. Archibald continued to take Klonopin during and after her hospitalization for gallbladder disease.
 - C. Ms. Archibald experienced an interaction between the Klonopin and the Vicodin that she was taking. Shortly after discharge from MMC, Ms. Archibald used the Vicodin at a greater dose than prescribed. In January 2001, when she ran out of her Vicodin prescription, she used a prescription for Vicodin #30 that her husband had received for a shoulder injury. These are the only times that Ms. Archibald abused controlled substances.



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- D. In February 2001, Ms. Archibald no longer had any Vicodin. She telephoned a pharmacy for a prescription of Vicodin, using the name of a physician with whom she worked. Ms Archibald decided, however, not to go to the pharmacy to pick up the prescription, having recognized that she had a substance abuse problem that she needed to address. Instead, the next morning she self-reported her conduct to the physician whose name she used. The physician reported Ms. Archibald to the Administration of Spring Harbor Hospital. Ms. Archibald was terminated by Spring Harbor Hospital.
- E. Since February 2, 2001, Ms. Archibald has received inpatient treatment at St. Mary's Hospital (primarily for detox from Klonopin), and she subsequently received outpatient substance abuse treatment at Mercy Hospital. She continues to receive treatment from her psychiatrist, Dr. Johnson. She receives ongoing treatment from her psychologist once per week, and she also attends weekly aftercare treatment groups with a substance abuse counselor.
- F. Ms. Archibald has been abstinent from any mood or mind-altering substance (other than Buspar, as prescribed by Dr. Johnson) since the time she ceased practicing nursing on February 2, 2001. Ms. Archibald has not practiced nursing or worked in any capacity in the health care field, including in a veterinarian's office, since February 2, 2001. In addition, Ms. Archibald has not been employed where the handling or dispensing of drugs was a part of any job responsibilities.

AGREEMENT

- 3. The Maine State Board of Nursing will accept Phyllis B. Archibald's voluntary surrender of her professional license, No R033347.
- 4. Phyllis B. Archibald understands that this document imposes discipline regarding her license to practice nursing in the State of Maine for violations under 32 M.R.S.A. § 2105-A(2)(E) and A(2)(F).
- 5. The Board agrees that if Ms. Archibald submits a request for reinstatement by January 15, 2002 she will be afforded an opportunity to appear before the Board for reinstatement of her license to probationary status at the February 2002 meeting. Ms. Archibald agrees and understands that her license will not be reinstated to probationary status until and unless the Board, upon Ms. Archibald's written request, votes to reinstate Ms. Archibald's license. When considering whether to reinstate Ms. Archibald's license to probationary status, the Board will consider the extent to which Ms. Archibald has complied with the terms and conditions on this Agreement. Ms. Archibald further understands, that if her

license is reinstated to probationary status it will be for a period of two years and the period of probation will consist of two years of nursing employment.

6. The Board and Phyllis B. Archibald agree to the following conditions:
 - A. Phyllis B. Archibald shall not work, in any capacity, in the health care field, including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Archibald is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
 - B. Phyllis B. Archibald will remain abstinent from the use of illicit substances.
 - C. Phyllis B. Archibald will continue to receive substance abuse treatment and aftercare as recommended by her treatment providers.
7. The Board agrees to take no further action upon the facts so long as Ms. Archibald fully complies with these conditions.
8. Phyllis B. Archibald 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. Phyllis B. Archibald 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, PHYLLIS B. ARCHIBALD 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.

Phyllis B. Archibald
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DATED: 10/23/01

Phyllis Archibald
PHYLLIS B. ARCHIBALD

DATED: 10/24/01

K. Lehman
KENNETH W. LEHMAN, ESQ.
Attorney for Ms. Archibald

FOR THE MAINE STATE
BOARD OF NURSING

DATED: Oct 30, 2001

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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 10/31/01

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General