



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

March 4, 2010

Jaylin L. Burgess
 232 Norridgewock Road
 Fairfield, ME 04937

Notice of Preliminary Denial of Renewal Application

Dear Ms. Burgess:

This letter is formal notice that on March 4, 2010, the Maine State Board of Nursing preliminarily denied your Application for Renewal of your registered professional nurse license for 2008-2010, which was received on February 14, 2008. The Board's preliminary denial is based upon the Board Notice of Complaint/Provider Report dated August 15, 2007, including the information from Charles A. Dean Memorial Hospital, Greenville, Maine, dated July 20, 2007. The Board Notice alleges diversion of drugs, supplies and property from Charles A. Dean Memorial Hospital; unprofessional conduct; and unauthorized possession and administration of drugs. In addition, the Board's denial is based on the two criminal convictions of Negotiating a Worthless Instrument, Class E misdemeanors, of January 16, 2008 in Waterville District Court, Docket Number WATDC-CR-2007-02503.

Following review of this information, the Board voted to preliminarily deny your application for re-licensure since the foregoing conduct, if true, would constitute fraud, deceit, unprofessional conduct, and a violation of the Board's Rules and Regulations, which are grounds for application denial pursuant to 32 M.R.S. §§ 2105-A(2), 2105A(2)(A), 2105-A(2)(F), 2105-A(2)(H) and Board Rules Chapter 4, Section 3(P) and 3(Q).

- 32 M.R.S. § 2105-A(2) provides that, "The Board may suspend or revoke a license pursuant to Title 5, Section 10004. The following are grounds for an action to refuse to issue, modify, suspend, revoke or refuse to renew the license of an individual licensed under this chapter." In addition, it provides that the Board "...shall, after affording the licensee due process, deny license renewal if the Board finds that the cause may be considered grounds for refusal to renew the license pursuant to section 3282-A."
- 32 M.R.S. § 2105-A(2)(A). Fraud and Deceit. "The practice of fraud or deceit in . . . connection with service rendered within the scope of the license issued." (See also Chapter 4, Section 1.A.1.)
- 32 M.R.S. § 2105-A(2)(F). Unprofessional Conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed." (See also Chapter 4, Section 1.A.6.)
- 32 M.R.S. § 2105-A(2)(G). "Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed"
- 32 M.R.S. § 2105-A(2)(H). "A violation of this chapter or a rule adopted by the Board." (See also Chapter 4, Section 1.A.6.)



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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

Unprofessional Conduct as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, states that *nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*

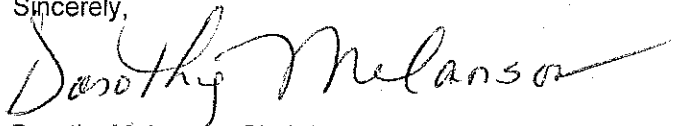
- Chapter 4, Section 3(F). "Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient."
- Chapter 4, Section 3(P). "Diverting drugs, supplies or property of patients or health care provider."
- Chapter 4, Section 3(Q). "Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs."

You may appeal this decision by sending a written request for an adjudicatory hearing to the Board within thirty (30) days of your receipt of this Notice of Preliminary Denial. If you file a timely request for a hearing, it will be scheduled at a later date. If you fail to file a written request with the Board for an adjudicatory hearing within thirty (30) days of your receipt of this Notice, the preliminary denial will become final. A final denial of licensure is a reportable action to all appropriate healthcare data banks.

All adjudicatory hearings are public and conducted pursuant to the Maine Administrative Procedures Act. At any hearing, you will have the right to present evidence and witnesses, cross-examine Board witnesses, and make arguments in support of your application for the renewal of your license. You also have the right to be represented by legal counsel at your expense. As an applicant for licensure, you will have the burden of proving to the Board that you are qualified for a registered professional nurse license.

Please feel free to contact the Board office at the telephone number listed above if you have any questions concerning this matter.

Sincerely,



Dorothy Melanson, Chair Pro Tem
Maine State Board of Nursing

Enclosure

pc: Tracy Bonney-Corson, RN/Director Patient Care Services – Charles A. Dean Memorial Hospital
John H. Richards, Assistant Attorney General