



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

PAUL R. LePAGE
 GOVERNOR

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

IN RE: JENNIFER A. DWYER)
 of Brunswick, Maine)
 License No. R030755)

**CONSENT AGREEMENT
 FOR VOLUNTARY SURRENDER
 OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Jennifer A. Dwyer’s license to practice registered professional nursing (“RN License”) in the State of Maine. The parties to this Agreement are Jennifer A. Dwyer (“Ms. Dwyer” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (C), 10 M.R.S. §§ 8003 (5) (B) and 10 M.R.S. § 8003 (5) (D). The parties reached this Agreement on the basis of a Board Complaint dated February 24, 2010, with a Provider Report from Freeport Nursing & Rehabilitation Center (“Freeport Nursing”) dated January 28 and February 10, 2010; and 2) Ms. Dwyer’s response dated March 22, 2010.

FACTS

1. Jennifer A. Dwyer has been licensed as a registered professional nurse since August 19, 1987.
2. In Ms. Dwyer’s March 22, 2010 written response to the Board Complaint, she admits that she diverted liquid Oxycodone from Freeport Nursing for her own personal use and has an addiction to opioid medication. She also admits that she diluted the liquid morphine with water to cover up the diversion.
3. Jennifer A. Dwyer is currently in treatment for drug addiction and mental health issues.
4. Jennifer A. Dwyer waives her right to a hearing and has offered to surrender her RN License, retroactive to August 16, 2011.

AGREEMENT

5. The Maine State Board of Nursing will accept Jennifer A. Dwyer’s offer to voluntarily surrender her RN License, No. R030755. Ms. Dwyer acknowledges that if this matter went to a hearing before the Board, it is more likely than not that the above-stated facts and underlying investigative information would support the licensing violations in this Agreement.
6. Jennifer A. Dwyer understands that based upon the above-stated facts, this document imposes discipline regarding her RN License to practice in the State of Maine. The grounds for discipline for violations are under 32 M.R.S. § 2105-A(2)(A), (2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. 32 M.R.S. § 2105-A (2) (A). The practice of fraud and deceit in connection with service rendered within the scope of the license issued to Ms. Dwyer by diverting scheduled drugs. (See also Rule Chapter 4, Section 1.A.1.)
 - b. 32 M.R.S. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Dwyer performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2.)



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- c. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Dwyer engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - d. 32 M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the board. (See also Rule Chapter 4, Section 1.A. 8.)
 - e. Rule Chapter 4, Section 3. Unprofessional Conduct. *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:*
 - 1) Chapter 4, Section 3(K). Ms. Dwyer failed to accurately record the use of a resident’s scheduled drugs.
 - 2) Chapter 4, Section 3(P). Ms. Dwyer diverted drugs from a resident and healthcare provider.
 - 3) Chapter 4, Section 3(Q). Ms. Dwyer possessed, obtained and administered prescription drugs to herself, except as directed by a person authorized by law to prescribe drugs.
7. Jennifer A. Dwyer understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at Ms. Dwyer’s written request, votes to reinstate her license. Ms. Dwyer agrees and understands that if the Board reinstates her license, it will be for a probationary period.
 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. Dwyer’s “Home state” of licensure and primary state of residence, which means that Ms. Dwyer 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. Dwyer understands that this Agreement is subject to the Compact.
 9. Jennifer A. Dwyer understands that she does not have to execute this Agreement and that she has the right to consult with an attorney before entering into the Agreement.
 10. Jennifer A. Dwyer shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation “R.N.,” including in a veterinarian’s office, while her nursing license is surrendered. In addition, Ms. Dwyer is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
 11. 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.
 12. Modification of this Agreement must be in writing and signed by all parties.
 13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
 14. Jennifer A. Dwyer affirms that she executes this Agreement of her own free will.
 15. This Agreement becomes effective upon the date of the last necessary signature below.


I, JENNIFER A. DWYER, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 10/14/11



JENNIFER A. DWYER


DATED: 10/14/11



RICHARD R. REGAN, ESQ.
Attorney for Jennifer A. Dwyer

FOR THE MAINE STATE
BOARD OF NURSING

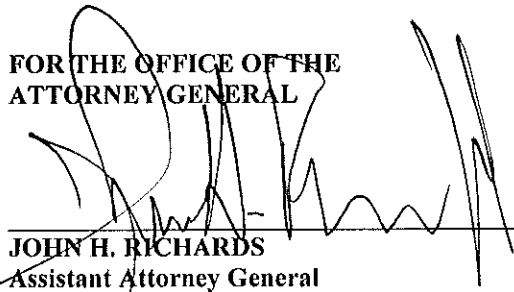
DATED: 10/21/11



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 10/24/11



JOHN H. RICHARDS
Assistant Attorney General