

CR# 1998-000132



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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE NO.)
R023919 ISSUED TO:)

DARYL G. LAVIGNE)

To practice registered professional)
nursing in the State of Maine)

**ORDER TERMINATING
PROBATION**

WHEREAS, on **April 11, 2002**, License No. **R023919** issued to **Daryl G. Lavigne** was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on **December 15, 2005**, the Board of Nursing duly considered all evidence presented to it concerning **Daryl G. Lavigne's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Daryl G. Lavigne** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **May 6, 2002** is hereby terminated.

DATED this **6th** day of **January 2006**.

MAINE STATE BOARD OF NURSING

BY: *Myra Broadway*
Myra A. Broadway, J.D., M.S., R.N.
Executive Director



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

ANGUS S. KING, JR.
 GOVERNOR

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

IN RE: **DARYL G. LAVIGNE**)
 of Westbrook, Maine)
 License #R023919)

**CONSENT AGREEMENT
 FOR REINSTATEMENT
 AND PROBATION**

INTRODUCTION

This document is a Consent Agreement regarding Daryl G. Lavigne's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(4), 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 2105-A(1-A)(B). Daryl G. Lavigne has requested that his license as a registered professional nurse be reinstated. Mr Lavigne met with the Board on April 11, 2002. The parties to this Consent Agreement are Daryl G. Lavigne, Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

FACTS

1. Daryl G. Lavigne has been a registered professional nurse licensed by the Board to practice in Maine since August 27, 1980. The Board also approved Mr. Lavigne to practice as a certified registered nurse anesthetist.
2. Daryl G. Lavigne admitted that he diverted narcotics for his own use on two occasions; once in July 1998 and in November 1998. Mr. Lavigne entered the Talbott Recovery Campus for an extended residential rehabilitation period in November 23, 1998, completed treatment and was discharged on February 27, 1999. The Board disciplined Mr. Lavigne on October 5, 1999 for drug diversion and Mr. Lavigne's license as a registered professional nurse and his authorization as an advanced practice registered nurse were placed on probation for a period of two years.
3. Daryl G. Lavigne's employment at Maine Medical Center was terminated on September 29, 2000 because Mr. Lavigne "relapsed in his use of fentanyl." On October 2, 2000 Mr. Lavigne admitted that he relapsed in his use of controlled substances, acknowledging his violation of the prior Consent Agreement with the Board and requested that the Board accept the voluntary surrender of his registered professional nursing license and his authorization to practice as a certified registered nurse anesthetist.
4. Daryl G. Lavigne entered an in-patient 28 day program at Mercy Hospital for substance abuse subsequent to his relapse. He continued in the outpatient Mercy Hospital program until January 2002. Mr. Lavigne is currently involved in two to three 12 step meetings per week. Mr. Lavigne's treating physician, who has been treating him for substance abuse, states that in his opinion Mr. Lavigne's "opioid dependence is in sustained, stable remission." Mr. Lavigne's treating physician also states, "Mr. Lavigne intends to return to nursing in a field



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where exposure to opioid medications would be extremely low, such as substance rehabilitation nursing. He has no intention of returning to his former occupation as a [certified registered] nurse-anesthetist, feeling the OR setting would present too great a risk to his recovery." Mr. Lavigne's last use of opioids or any substance of abuse was September 30, 2000.

5. Daryl G. Lavigne has requested that his license as a registered professional nurse be reinstated.

REINSTATEMENT WITH CONDITIONS OF PROBATION

6. Daryl G. Lavigne's license to practice registered professional nursing in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence on Mr. Lavigne's return to nursing practice, either through employment or pursuant to an educational program. The period of probation will be for a period of three years, to be effective only while he is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Mr. Lavigne performs nursing services. Mr. Lavigne's probationary license will be subject to the following conditions:
 - a. Daryl G. Lavigne will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a physician who is aware of Mr. Lavigne's substance abuse history.
 - b. Daryl G. Lavigne will continue in his aftercare treatment program to such an extent and for as long as his treatment providers recommend.
 - c. Daryl G. Lavigne will arrange for and ensure the submission of quarterly reports to the Board by his primary physician treating him for substance abuse.
 - d. Daryl G. Lavigne will immediately notify the Board in writing should he return to nursing employment or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any change in employment or educational programs.
 - e. Daryl G. Lavigne will notify any and all of his nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - f. Daryl G. Lavigne will arrange for and ensure the submission to the Board of quarterly reports from his nursing employer or clinical faculty regarding his nursing practice.

- g. Daryl G. Lavigne agrees and understands that the Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to his treatment for substance abuse which the Board deems necessary to evaluate Mr. Lavigne's compliance with the Consent Agreement and his continued recovery. Mr. Lavigne 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 his care, counseling and employment as may be requested by the Board for the purpose of evaluating Mr. Lavigne's compliance with the Consent Agreement and his continued recovery.
7. Daryl G. Lavigne agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the three year probationary period, until and unless the Board, at Mr. Lavigne's written request, votes to terminate Mr. Lavigne's probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Lavigne has complied with the provisions of this Agreement.
8. Daryl G. Lavigne understands that this document is a Consent Agreement that affects his rights to practice nursing in Maine. Mr. Lavigne understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into the Consent Agreement.
9. If Mr. Lavigne fails to meet any of the obligations of this Consent Agreement, 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.
10. Daryl G. Lavigne agrees and understands that he is not authorized to practice in the capacity as an advanced practice registered nurse without approval from the Board.
11. Daryl G. Lavigne affirms that he executes this Consent Agreement of his own free will.
12. Modification of this Consent Agreement must be 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.

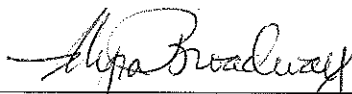
I, DARYL G. LAVIGNE, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 4/29/02


DARYL G. LAVIGNE, R.N.


**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: 5/4/02


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

**FOR THE DEPARTMENT
OF ATTORNEY GENERAL**

DATED: 5/6/02


JOHN H. RICHARDS
Assistant Attorney General

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