



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

JOHN ELIAS BALDACCI
 GOVERNOR

MYRAA. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: YVONNE M. MAXWELL, R.N.)
 of Buxton, Maine)
 License #R036329) **CONSENT AGREEMENT
 FOR SUSPENSION AND
 PROBATION WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Yvonne M. Maxwell's license to practice registered professional nursing in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(B), 10 M.R.S.A. § 8003(5)(A-1)(2), (A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Yvonne M. Maxwell ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with the Licensee in an informal conference on July 28, 2004. The parties reached this Consent Agreement based on information submitted by the Office of the Attorney General from a complaint from Mercy Hospital ("Mercy") in Portland dated December 11, 2003, Ms. Maxwell's response to the complaint dated January 30, 2004 and a "Return to Work Agreement" from Mercy Hospital all of which are attached as Exhibit A.

FACTS

1. Yvonne M. Maxwell has been registered professional nurse licensed to practice in Maine since 1993.
2. On December 11, 2003, Mercy reported to the Office of the Attorney General that Ms. Maxwell was diverting Oxycodone and making false entries in patient's charts to facilitate the diversions. In a subsequent interview conducted on January 5, 2004, with an investigator from the Office of the Attorney General, Ms. Maxwell admitted that she falsified patients' records and diverted Oxycodone for her own use for a period of approximately five to six months.
3. In December 2003, Ms. Maxwell was placed on a medical leave for substance abuse rehabilitation. She completed a nine day intensive outpatient treatment program at Mercy's Recovery Center. Ms. Maxwell is currently attending weekly group therapy and receives individual counseling from a substance abuse counselor once a week. Ms. Maxwell states that she has been substance free since December 9, 2003.
4. Yvonne M. Maxwell's has been employed at Mercy for 10 years. She is currently back to work at Mercy, working three-four days a week on eight hour shifts. Upon returning to work at Mercy, Ms. Maxwell entered into a Return to Work Agreement, which creates expectations and restrictions (see Exhibit A). Her employer states that Ms. Maxwell's clinical skills are exceptional and is willing to work with her in her recovery.



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AGREEMENT WITH CONDITIONS OF PROBATION

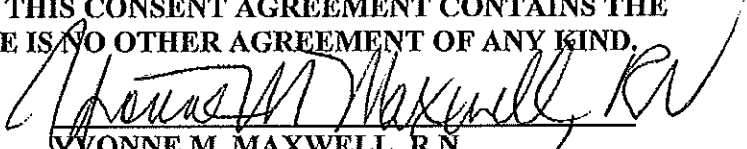
5. Yvonne M. Maxwell agrees and understands that this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine and the above-described conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(A), (2)(F) and (2)(H) and Chapter, 4(1)(A)(1), 4(1)(A)(6), (4)(3)(P) and (4)(Q) of the Rules and Regulations of the Maine State Board of Nursing.
6. Yvonne M. Maxwell's license to practice registered professional nursing in the State of Maine is suspended for a period of six months, however, the period of suspension is stayed and her license is placed on a probationary status with conditions. The period of probation will be for a period of three years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Consent Agreement, nursing employment is any employment during which Ms. Maxwell performs nursing services. Ms. Maxwell's probationary license will be subject to the following conditions:
 - a. Yvonne M. Maxwell will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her nursing practice.
 - b. Yvonne M. Maxwell will notify any and all of her 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.
 - c. Yvonne M. Maxwell will immediately notify the Board in writing regarding any change in her nursing employment or entry into an educational program in the field of nursing. Notification under this section shall include the place and position of employment or the educational program and the same notification shall apply to any subsequent change in employment or change in educational program.
 - d. Yvonne M. Maxwell will continue in her treatment program to such an extent and for as long as her treatment provider(s) recommend and will arrange for and ensure the submission to the Board quarterly reports from her treatment provider(s).
 - e. Yvonne M. Maxwell will abstain completely from the use of alcohol, ^{and controlled medications} with the exception of prescribed medications by her physician who is aware of Ms. Maxwell's substance abuse history. *Y.M.*
 - f. Yvonne M. Maxwell's employment is restricted during the period of probation to structured settings, which shall not include assignments from temporary employment agencies, school nursing or working within the correctional system.
7. Yvonne M. Maxwell agrees and understands that her 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 Ms. Maxwell's written request, votes to terminate Ms. Maxwell's probation. When considering whether to terminate the

probation, the Board will consider the extent to which Ms. Maxwell has complied with the provisions of this Consent Agreement.

8. Yvonne M. Maxwell understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Maxwell 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 the Consent Agreement.
9. If Ms. Maxwell 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. Yvonne M. Maxwell affirms that she executes this Consent Agreement of her own free will.
11. Modification of this Consent Agreement must in writing and signed by all the parties.
12. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.
13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

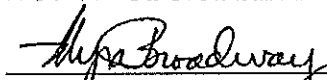
I, YVONNE M. MAXWELL, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF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

DATED: 8-25-2004


YVONNE M. MAXWELL, R.N.

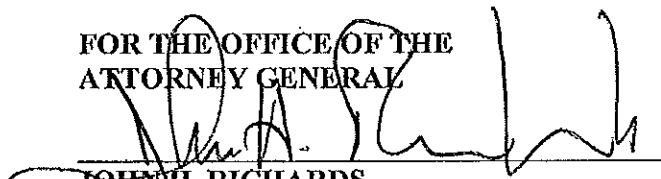
FOR THE MAINE STATE
BOARD OF NURSING

DATED: 8/31/04


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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 9/2/04


JOHN H. RICHARDS
Assistant Attorney General