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GOVERNOR

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

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

**BEFORE THE MAINE STATE BOARD OF NURSING**

IN THE MATTER OF LICENSE  
RN49378 ISSUED TO:

JAQUI L. SWANSON

To practice registered professional  
nursing in the State of Maine

)  
)  
) **ORDER TERMINATING**  
) **PROBATION**  
)

WHEREAS, on **May 12, 2009**, License #R049378 [RN49378] issued to **Jaqui L. Swanson** was placed on "probation" pursuant to 32 M.R.S. Section 2105-A (1-A); and

WHEREAS, on **March 6, 2013** the Board of Nursing duly considered all evidence presented to it concerning **Jaqui L. Swanson's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Jaqui L. Swanson** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **May 12, 2009** is hereby terminated.

DATED this 7<sup>th</sup> day of **March, 2013**.

**FOR THE MAINE STATE  
BOARD OF NURSING**

BY: *Myra Broadway*  
Myra A. Broadway, JD, MS, RN  
Executive Director



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JOHN ELIAS BALDACCI  
 GOVERNOR

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

**IN RE: JAQUI L. SWANSON** ) **CONSENT AGREEMENT**  
 of Windham, Maine ) **FOR PROBATION**  
 License #R049378 ) **WITH CONDITIONS**

**INTRODUCTION**

This document is a Consent Agreement (Agreement”) regarding Jaqui L. Swanson’s license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003(5) (B). The parties to this Agreement are Jaqui L. Swanson (“Licensee” or “Ms. Swanson”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on January 8, 2009. The parties reached this Agreement on the basis of: 1) two Notices of Complaint/Provider Report from the Board: the first, dated July 3, 2008, with supporting documentation from Brentwood Rehabilitation & Nursing Center (“Brentwood”) dated February 11, 2007; the second, dated July 9, 2008, with an Investigative Summary dated July 3, 2008 from the Maine Department of Health and Human Services, Bureau of Medical Services, Division of Licensing and Regulatory Services (“Division of Licensing and Regulatory Services”), Portland District Office regarding Brentwood Complaint ME00006703; and 2) Ms. Swanson’s response, received by the Board August 18, 2008.

**FACTS**

1. Jaqui L. Swanson has been a registered professional nurse licensed to practice in Maine since December 2003.
2. Jaqui L. Swanson was hired as a registered professional nurse at Brentwood September 13, 2007. On February 8, 2008, Ms. Swanson was suspended from Brentwood pending an investigation regarding suspicion of drug diversion. On February 11, 2008, her employment at Brentwood was terminated for her failure to follow facility policy and procedure regarding controlled medication administration. Brentwood then referred the matter to the Division of Licensing and Regulatory Services, which conducted its investigation on June 19, 2008, including records review of residents who were cared for by Ms. Swanson from October 7, 2007 through February 8, 2008. The Division of Licensing and Regulatory Services’ investigation concluded that controlled medications (Dilaudid) handled by Ms. Swanson were missing; that her documentation for the administration of controlled medications was inconsistent with the physician’s orders; that the administration of Dilaudid was contrary to patient care; and that the documentation was deficient and failed to comply with the standards of practice required for controlled medication administration and wasting.



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3. Jaqui L. Swanson responded to both of the above-referenced complaints from the Board, fully admitting that she diverted the missing Dilaudid from Brentwood for her own personal use. Ms. Swanson stated that she had been in recovery from opiate addiction since April 2005. She was attending AA on a regular basis, was being treated with Suboxone and made a number of healthy life changes. She attributes her relapse at Brentwood as a result of breaking away from her support group and trying to maintain sobriety on her own.
4. Jaqui L. Swanson currently attends AA, has a sponsor and has been sober since February 2008. Under the supervision of Ms. Swanson's physician, she entered into a Suboxone treatment program for opioid dependence on July 12, 2007. She continues to attend her scheduled visits and prescribed counseling for substance abuse.

### **AGREEMENT WITH CONDITIONS OF PROBATION**

5. Jaqui L. Swanson understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice professional nursing in the State of Maine. The grounds for discipline for violations are under 32 M.R.S.A. § 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. M.R.S.A. § 2105-A (2) (A). Ms. Swanson engaged in the practice of fraud and deceit in connection with service rendered within the scope of the license issued by diverting scheduled drugs for her own personal use. (See also Rule Chapter 4, Section 1.A.1)
  - b. M.R.S.A. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2)
  - c. M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Ms. Swanson engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed regarding the administration of scheduled drugs. (See also Rule Chapter 4, Section 1.A.6)
  - d. M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6)
  - 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. Swanson inaccurately recorded, falsified or altered a health care provider record.

- 2) Chapter 4, Section 3(P). Ms. Swanson diverted drugs from patients and a health care provider.
  - 3) Chapter 4, Section Q. Ms. Swanson possessed, obtained and administered prescription drugs to herself, except as directed by a person authorized by law to prescribe drugs.
6. Jaqui L. Swanson's license as a registered professional nurse in the State of Maine is placed on a probationary status with conditions. The period of probation will commence upon her return to nursing practice, either through employment and/or pursuant to a clinical nursing educational program, and will be for a period of five years, effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Swanson performs nursing services. The probationary license will be subject to the following conditions:
- a. Jaqui L. Swanson 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 her substance abuse history.
  - b. Jaqui L. Swanson shall fully cooperate with the representatives of the Board in its monitoring and investigation of the Licensee's compliance with probation. Ms. Swanson shall inform the Board in writing within 15 days of any address change.
  - c. Jaqui L. Swanson will continue in her treatment program to such an extent and for as long as her treatment providers recommend and will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers until her probation is terminated. If Ms. Swanson's treatment is terminated during her probation, she shall notify the Board and provide written documentation.
  - d. Jaqui L. Swanson will notify the Board in writing within five business days after she obtains any nursing employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, Ms. Swanson's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances surrounding the termination or separation.
  - e. Jaqui L. Swanson will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.
  - f. Jaqui L. Swanson understands and agrees that she is prohibited from administering narcotics in any health care setting as a condition of this Agreement. However, Ms. Swanson may petition the Board to amend this condition at a later date during the term of

her probation. When considering whether to amend this condition, the Board will consider the extent to which Ms. Swanson has complied with the provisions of this Agreement and the progress of her substance abuse treatment.

g. Jaqui L. Swanson will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice, which is to include clinical competency, ability to follow policies and procedures relative to standards of practice, and clinical documentation.

h. Jaqui L. Swanson understands and agrees that her license will remain on probationary status and subject to the terms of this Agreement beyond the five-year probationary period until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Swanson has complied with the provisions of this Agreement.

i. Jaqui L. Swanson's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, school nursing, work as a travel nurse or within the correctional system.

j. Jaqui L. Swanson agrees and understands that the Board and the Office of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate her compliance with the Agreement and her continued recovery. Ms. Swanson 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 her care, counseling and employment as may be requested by the Board.

7. If Ms. Swanson violates the conditions of her probation, the Board will give written notice to the Licensee regarding her failure to comply. Notice will be sent by certified mail, return receipt requested, to the last known address of the Licensee that is on file with the Board. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's timely response to determine what action, if any, the Board determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, 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.
8. Jaqui L. Swanson understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Ms. Swanson has not remained substance free in accordance with the Consent Agreement, her license

will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such information, the information will be immediately forwarded to Ms. Swanson for a response. Ms. Swanson agrees and understands that in such event, her license shall remain suspended pending a hearing. The Board shall hold a hearing within 60 days of the automatic suspension unless both the Licensee and the Board agree to hold the hearing later, or the Executive Director and/or the Department of the Attorney General earlier determine that such information is without merit. If the information received is proven to be inaccurate or incorrect, either through hearing or determination by the Executive Director and/or the Department of the Attorney General, Ms. Swanson's license will be immediately reinstated retroactive to the date of suspension.

9. 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. Swanson's "home state" of licensure and primary state of residence, which means that she 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. Swanson understands that this document is an Agreement that is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice may be limited to the State of Maine as it pertains to the Compact. If Ms. Swanson wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.
10. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
11. Jaqui L. Swanson understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
12. Jaqui L. Swanson affirms that she executes this Consent Agreement of her own free will.
13. Modification of this Consent Agreement must be in writing and signed by all parties.
14. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. This Consent Agreement becomes effective upon the date of the last necessary signature below.

**I, JAQUI L. SWANSON, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. 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: 4/24/09

Jaqui L Swanson RN.  
JAQUI L. SWANSON

**FOR THE MAINE STATE  
BOARD OF NURSING**

DATED: May 11, 2009

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

**FOR THE DEPARTMENT OF  
ATTORNEY GENERAL**

DATED: 5/12/09

John H. Richards  
JOHN H. RICHARDS  
Assistant Attorney General