



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

IN RE: **HEATHER L. BAKER** ) **DECISION AND ORDER**  
 of Turner, Maine ) **OF SUSPENSION**  
 License No. R048734 )

**INTRODUCTION**

On December 5, 2007, Maine State Board of Nursing (“Board”) met at the Board’s offices located at 161 Capitol Street, Augusta, Maine to consider the above captioned matter. The Board reviewed a Complaint and Provider Report dated October 12, 2006, with information from St. Mary’s Regional Medical Center (“St. Mary’s”) dated September 19, 2006 and Ms. Baker’s response to the Provider Report from St. Mary’s, which is attached and incorporated herein, and Marked as Exhibit A. The Board also heard testimony from Detective Jeffrey J. Wrigley (“Det. Wrigley”) with the Attorney General’s Office regarding his interview with Ms. Baker on November 15, 2006. The compilation of this information is incorporated within this Decision and Order.

**FACTS**

1. Heather L. Baker has been licensed as a registered professional nurse since 2003.
2. On or about September 19, 2006, Ms. Baker was terminated as a registered professional nurse from St. Mary’s because she diverted narcotics from St. Mary’s. Exhibit A.
3. On or about November 15, 2006, Det. Wrigley conducted an interview with Ms. Baker regarding the drug diversion incident at St. Mary’s. Ms. Baker admitted that she diverted approximately 120 narcotics from St. Mary’s over the past year. She also admitted that she worked under the influence of narcotics while she provided nursing services at St. Mary’s; that she falsified Physician’s order’s to obtain narcotics; that she would use the emergency override in the emergency room Pyxis at St. Mary’s to obtain narcotics and that she was addicted to narcotics. She identified the following list of drugs she diverted from St. Mary’s: Morphine 10mg, Morphine 2mg, Morphine SR 15mg, Demerol 25mg to 100mg, Fentanyl with Ropiv, Oxycodone, Hydrocodone, Tylenol with Codeine, Lorazepam, Dilaudid and Ritalin.



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME  
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

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**APPLICABLE LAW**

1. Pursuant to 32 M.R.S.A. § 2105-A (2), "The Board may suspend or revoke a license pursuant to Title 5, section 10004."
2. Pursuant to 5 M.R.S.A. § 10004(3), "an agency may revoke, suspend or refuse to renew any license without proceedings in conformity with subchapters IV or VI, when: the health or physical safety of a person or the continued well-being of a significant natural resource is in immediate jeopardy at the time of the agency's action, and acting in accordance with subchapter IV or VI would fail to adequately respond to a known risk, provided that the revocation, suspension or refusal to renew shall not continue for more than 30 days."

**CONCLUSIONS OF LAW**

Pursuant to 5 M.R.S.A. § 10004 (3) the Board concludes that based upon the information contained in Exhibit A and the testimony of Det. Wrigley, that Ms. Baker's behavior fails to conform to legal standards and accepted standards of the nursing profession, and such conduct is substantially related to the qualifications, functions or duties of a registered professional nurse, and that her conduct reflects adversely on the health and welfare of the public, such that, the licensee and the public she serves is in immediate jeopardy, and that acting in accordance with subchapter IV or VI of Title 5 of the Maine Revised Statutes Annotated would fail to adequately respond to a known risk.


**DECISION AND ORDER**

By a unanimous vote of the Board, Heather L. Baker's registered professional nurse license is suspended effective immediately. A Notice of Hearing will be sent to Heather L. Baker for a scheduled adjudicatory hearing on January 3, 2008.

**RECORD VOTE**

THERESE B. SHIPPS	Affirmative
SUSAN L. BRUME	Affirmative
CARMEN CHRISTENSEN	Affirmative
BRUCE R. O'DONNELL	Affirmative
ROBIN BROOKS	Affirmative
KAREN L. TRIPP	Affirmative
DOROTHY MELANSON	Affirmative
SUSAN C. BALTRUS	Affirmative

DATED: Dec 18, 2007

  
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THERESE B. SHIPPS, Chair  
FOR THE MAINE STATE  
BOARD OF NURSING

**NOTICE OF APPEAL RIGHTS**

Heather L. Baker may appeal this Decision and Order summarily suspending her license by filing a petition for review of final agency action in the Superior Court pursuant to 5 M.R.S.A. §§ 11001, *et seq.* within thirty (30) days after receipt of notice of this Decision and Order. Any other person aggrieved by this Decision and Order may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision and Order.