



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

PAUL R. LEPAGE
 GOVERNOR

KIM ESQUIBEL, PhD, M.S.N., R.N.
 EXECUTIVE DIRECTOR

IN RE: MICHELLE Y. BERGERON, RN)
 of New Gloucester, Maine)
 License No. RN46338)

CONSENT AGREEMENT
 FOR
 WARNING & FINE

Complaint No. 2017-369

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. § 8008, the Legislature provided that the sole purpose of the Board is to “protect the public health and welfare” and that “other goals or objectives may not supersede this purpose.”

This document is a Consent Agreement (“Agreement”) regarding Michelle Y. Bergeron’s license to practice nursing in the State of Maine. The parties to this Agreement are Michelle Y. Bergeron (“Ms. Bergeron”), the 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 and 10 M.R.S. § 8003(5) to resolve Complaint No. 2017-369.

FACTS

1. Michelle Y. Bergeron’s license to practice nursing in the State of Maine expired on February 5, 2017.
2. Ms. Bergeron continued to practice nursing in the State of Maine after her license had expired.
3. An individual practicing nursing during the time the individual’s license has lapsed is considered an illegal practitioner and is subject to the penalties provided for violations of Title 32, Chapter 31. 32 M.R.S. §§ 2206, 2255.
4. On August 30, 2017, Ms. Bergeron sought reinstatement of her license and submitted the required filings.
5. Board staff initiated a complaint against Ms. Bergeron for continuing to work as a nurse without a license, and docketed the complaint as Complaint No. 2017-369.
6. Absent Ms. Bergeron’s acceptance of this Agreement by signing, dating, and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or before October 1, 2017, the Board may take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action on this matter including fines or the suspension or revocation of Ms. Bergeron’s license.

AGREEMENT

7. Michelle Y. Bergeron admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her Maine nursing license under the following laws and regulations:

32 M.R.S. § 2105-A(2)(H) for violating Title 32, Chapter 31 by practicing as a nurse during a time the individual’s license had lapsed in violation of 32 M.R.S. § 2206.

8. As discipline for the violations admitted to in paragraph 7 above, Ms. Bergeron agrees she will receive a **WARNING and a FINE of \$500** related to the above-stated conduct. Payment of the fine is due by Ms. Bergeron at the time she returns the consent agreement to the Board. Payment must be by bank check or money order, made payable to “Treasurer, State of Maine,” and must be remitted with the signed copy of this agreement.



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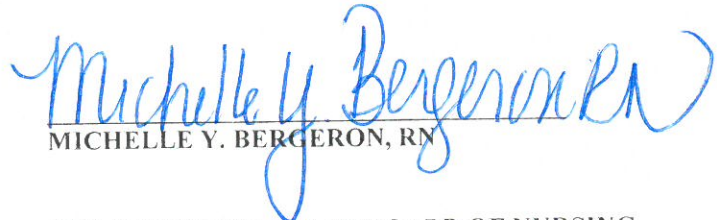
OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149


9. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. This Agreement cannot be modified orally. It can be modified only in writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General.
10. Ms. Bergeron waives her right to an adjudicatory hearing before the Board or any court regarding all facts, terms, and conditions of this Agreement. Ms. Bergeron agrees this Agreement is a final order resolving Complaint No. 2017-369.
11. The Board and the Attorney General may communicate and cooperate regarding Ms. Bergeron 's practice or any other matter relating to this Agreement.
12. 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-A.
13. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB).
14. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
15. For the purposes of this Agreement, the term “execution” means that date on which the final signature is affixed to this Agreement.
16. Ms. Bergeron acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement, that she has executed this Agreement of her own free will, and that she agrees to abide by all the terms and conditions set forth in this Agreement.

DATED: 9/25/17


MICHELLE Y. BERGERON, RN


FOR THE MAINE STATE BOARD OF NURSING

DATED: 9/27/17


KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 10/6/17


KATIE JOHNSON
Assistant Attorney General