



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

PAUL R. LePAGE

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

GOVERNOR

EXECUTIVE DIRECTOR

IN RE: HEATHER L. BOISOT
 of Buxton, Maine
 License No. R046721

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**CONSENT AGREEMENT FOR
 LICENSE REINSTATEMENT AND
 PROBATION WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Heather L. Boisot’s registered professional nurse (“RN”) license in the State of Maine. The parties to this Agreement are Heather L. Boisot (“Licensee” or “Ms. Boisot”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Ms. Boisot on March 3, 2011 regarding her request for reinstatement of her RN license. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (B) and 10 M.R.S. § 8003(5) (B).

FACTS

1. License History: Heather L. Boisot was originally licensed to practice in Maine as an RN on October 23, 2001. On April 5, 2010, she voluntarily surrendered her RN license and sought and received treatment for opioid dependence. She attended Mercy Recovery Center’s Intensive Outpatient Program and continues to be seen there on a monthly basis. She also attended various self-help programs, including AA/NA and Caduceus, and is currently enrolled in the Medical Professional Health Program (“MPHP”). The April 2010 Consent Agreement is attached hereto, incorporated herein and marked as Exhibit A.
2. The Board has determined that Ms. Boisot has made significant progress in her recovery, warranting reinstatement of her RN license.

AGREEMENT WITH CONDITIONS OF PROBATION

3. Heather L. Boisot’s license as a registered professional nurse in the State of Maine is reinstated on probationary status with conditions. The period of probation will commence upon Ms. Boisot’s return to nursing practice, either through employment or pursuant to an educational program, and will be for a period of five (5) years, effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Boisot performs nursing services. Her probationary license will be subject to the following conditions:
 - a. Heather L. Boisot shall fully comply with the conditions of the probation in this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. She shall inform the Board in writing within 15 days of any address change.
 - b. Heather L. Boisot will notify the Board in writing within five business days of any change in 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. Boisot’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.
 - c. Heather L. Boisot will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from her health care providers who are aware of her substance abuse history.
 - d. Heather L. Boisot will continue in her treatment program(s) 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; such reports shall continue until her probation is terminated. If



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- Ms. Boisot's treatment is terminated during her probation, she shall notify the Board and provide written documentation.
- e. Heather L. Boisot's employment is restricted during the period of probation to structured settings with on-site supervision by a 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.
 - f. Heather L. Boisot will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
 - g. Heather L. Boisot 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, safe medication administration and related documentation.
 - h. Heather L. Boisot agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the five (5) 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. Boisot has complied with the provisions of this Agreement.
4. Heather L. Boisot agrees and understands that the Board and the Office of the Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her evaluation for a substance abuse problem and any recommended treatment which the Board deems necessary to evaluate her compliance with the Agreement. Ms. Boisot shall provide such information, authorize the release of such records and information, and authorize any such discussions and communications with any and all persons involved in her evaluation, counseling and employment as may be requested by the Board.
 5. If Ms. Boisot violates the conditions of her probation, the Board will give written notice to her regarding her failure to comply. Notice will be sent 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, it 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. § 8003 and Title 32 M.R.S. § 2105-A.
 6. Heather L. Boisot understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that she has not remained substance-free in accordance with this 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, it will be immediately forwarded to Ms. Boisot for response. She understands and agrees that in such an 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 Office 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 Office of the Attorney General, Ms. Boisot's license will be immediately reinstated retroactive to the date of suspension.
 7. 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. Boisot's "Home state" of licensure and primary state of residence, which means she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other Party

states in the Compact are referred to as "Remote states," which means Party states other than the Home state that have adopted the Compact. Ms. Boisot understands and agrees that this Agreement is applicable to her multi-state licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED that while Ms. Boisot's license is subject to this Agreement, she may not work outside the State of Maine pursuant to a multi-state licensure privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state in which the Licensee wishes to work.

8. 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.
9. Heather L. Boisot understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
10. Heather L. Boisot affirms that she executes this Agreement of her own free will.
11. Modification of this Agreement must in writing and signed by all parties.
12. This Agreement is not subject to review or appeal by Ms. Boisot, but may be enforced by an action in the Superior Court.
13. This Agreement becomes effective upon the date of the last necessary signature below.

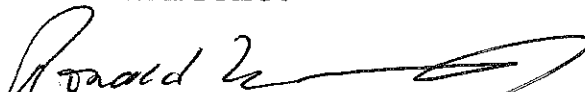
I, HEATHER L. BOISOT HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 3/30/11



HEATHER L. BOISOT


DATED: 4/4/11



RONALD W. SCHNEIDER, ESQ.
(Attorney for Heather L. Boisot)

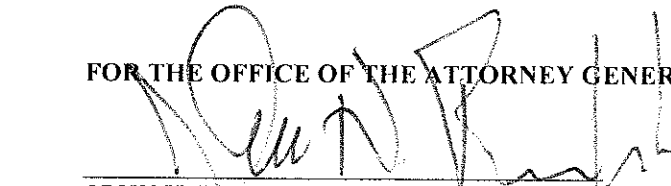
FOR THE MAINE STATE BOARD OF NURSING

DATED: 4/6/11


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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 4/8/11


JOHN H. RICHARDS
Assistant Attorney General



JOHN ELIAS BALDACC
GOVERNOR

STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0138



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

IN RE: HEATHER L. BOISOT)
of Buxton, Maine)
License #R046721)
CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER
OF LICENSE

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Heather L. Boisot's license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Heather L. Boisot ("Ms. Boisot" or "Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine; they enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (C), 10 M.R.S.A. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S.A. § 8003 (5) (D). The parties reached this Agreement on the basis of the following: 1) Board Notice of Complaint/Provider Report dated April 2, 2009, with information from Maine Medical Center ("MMC") dated February 10 and March 4, 2009; 2) Board Notice of Complaint/Provider Report dated July 30, 2009, with information from York Hospital, York County Center for Wound Healing & Hyperbaric Medicine ("York Hospital") dated July 17 and July 21, 2009; and 3) Ms. Boisot's responses dated April 13 and August 26, 2009.

FACTS

1. Heather L. Boisot has been licensed as a registered professional nurse to practice in Maine since October 2001. At the time of the incidents discussed in this Agreement, Ms. Boisot held an active Maine nursing license.
2. Heather L. Boisot's employment at MMC was terminated on February 9, 2009 for obtaining a prescription for controlled substance under false pretenses. Information describing the events, which is the basis of the Board Notice dated April 2, 2009 [Exhibit 1], is contained in an e-mail to Joy Moody and Karen Taylor from Dr. Samir Haydar, DO, dated January 29, 2009, documenting his conversation with Ms. Boisot; and a letter from Dr. Tim Sweeney, M.D., describing his re-collection of this incident.
3. Heather L. Boisot's employment at York Hospital was terminated on July 20, 2009. Information describing the events, which is the basis of the Board Notice dated July 30, 2009 [Exhibit 2], is contained in correspondence from Susan Cantara, RN, MS, CWOCN, of York Hospital, dated July 17, 2009 and July 21, 2009.
4. On May 22, 2009, Ms. Boisot voluntarily sought and received treatment for opioid dependence and addiction. She attended Mercy's Intensive Out-Patient Program and is under the care of addictionologist Mark Publiker, MD. She also attends various self-help programs, including AA and Caduceus.

AGREEMENT

5. In lieu of a hearing before the Board, Heather L. Boisot agrees to voluntarily surrender her registered professional nurse license.



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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

6. Heather L. Boisot understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice as a registered professional nurse 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); 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). The practice of fraud and deceit in connection with service rendered within the scope of the license issued to Ms. Boisot 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 Ms. Boisot 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. Boisot engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (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. Boisot inaccurately recorded, falsified and altered a health care provider record.
 - 2) Chapter 4, Section 3(P). Ms. Boisot diverted drugs from a health care provider.
 - 3) Chapter 4, Section Q. Ms. Boisot possessed, obtained and administered prescription drugs to herself, except as directed by a person authorized by law to prescribe drugs.
7. Heather L. Boisot neither admits nor denies the facts contained herein; however, she acknowledges that if this matter went to a hearing before the Board, it is more likely than not the above-stated facts and underlying investigative information would support the licensing violations in this Agreement.
8. Heather L. Boisot understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Boisot agrees and understands that if the Board reinstates her license, it will be for a probationary period.
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. Boisot’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 in the Compact are referred to as “remote states,” which means party states other than the home state that have adopted the Compact. Ms. Boisot understands this Consent Agreement is subject to the Compact.

10. Ms. Boisot understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
11. Heather L. Boisot shall not work or volunteer, in any capacity, for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation "R.N.", including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Boisot is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
12. 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.
13. Modification of this Agreement must be in writing and signed by all parties.
14. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. Heather L. Boisot affirms that she executes this Agreement of her own free will.
16. This Agreement becomes effective upon the date of the last necessary signature below.

I, HEATHER L. BOISOT, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. 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.

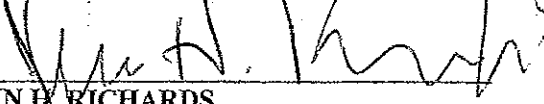
DATED: 4/1/2010 
HEATHER L. BOISOT

DATED: 4/1/10 
RONALD W. SCHNRIDER, JR., ESQ.
Attorney for Heather L. Boisot

FOR THE MAINE STATE BOARD OF NURSING

DATED: April 2, 2010 
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 4/5/10 
JOHN H. RICHARDS
Assistant Attorney General