



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

PAUL R. LePAGE
 GOVERNOR

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

IN RE: Torre A. Donaldson) DECISION AND ORDER/APPEAL

I. PROCEDURAL HISTORY

Pursuant to the authority found in 32 M.R.S. Sec. 2105-A(1-A), *et seq.*, 5 M.R.S. Sec. 9051, *et seq.* and 10 M.R.S. Sec. 8003, *et seq.*, the Maine State Board of Nursing (Board) met in public session at the Board’s hearing room located in Augusta, Maine at 8:30 a.m. on September 22, 2011. The purpose of the meeting was to conduct an adjudicatory hearing to determine whether grounds exist to support the Board’s initial denial of Torre Donaldson’s Application for License As a Registered Professional Nurse by Endorsement in this state. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Chairman Pro Tem Margaret Hourigan, R.N., Ed. D.; public member Robin Brooks; Elaine Duguay, L.P.N.; Carmen Christensen, R.N.; and Joanne Fortin, R.N. John Richards, Assistant Attorney General, presented the State’s case. Nurse Donaldson was present and not represented by an attorney. James E. Smith, Esq. served as Presiding Officer.

The Board first determined that none of the Board members had conflicts of interest which would bar them from participating in the hearing. The Board then took official notice of its statutes and Rules. Subsequent to the State’s opening statement, State’s Exhibits 1-5 were admitted into the Record. The Board then heard the testimony, reviewed the exhibits, and considered the parties’ closing arguments, after which it deliberated and made the following findings of fact by a preponderance of the credible evidence and conclusions of law regarding the appeal.

II. FINDINGS OF FACT

Torre Donaldson is a Maine native who enlisted in the United States Air Force in 1985. She was initially licensed as a Registered Professional Nurse in Texas in 1994. Nurse Donaldson eventually retired from the Air Force in 2011, after attaining the rank of Major.

Torre Donaldson first applied for a Maine Registered Professional Nurse’s License by Endorsement on March 8, 2011. The application was denied by the Board during its June 1-2, 2011



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meeting based primarily on the Board's concerns of her habitual substance abuse. Nurse Donaldson responded by filing a timely appeal on June 24, 2011.

The Board's concerns were addressed at this hearing as follows: In September 2009, Nurse Donaldson was found to have removed for self-use a narcotic (Demerol) from the Pyxis (drug dispenser) while on duty at the US Air Force Academy Cadet Clinic in Colorado Springs, Colorado. She testified and wrote that at the time, she was addicted to pain medication arising from severe shoulder and back pain. She had a rhomboid tear and shoulder impingement, bone spur, etc. and had one shoulder surgery and skin graft, following which she attempted various methods to control her pain without success. External forces in Nurse Donaldson's personal life exacerbated her physical problems, as did turmoil in the workplace. She allegedly diverted the Demerol to assist her in pain relief and to aid in receiving a good night's sleep.

Appellant Donaldson pled guilty to the charge of larceny in a General Courts Martial with a resultant sentence of 60 days in jail and a forfeiture of \$2000 per month for 192 months, totaling \$384,000. This fine was later reduced to \$30,000.¹

In order to deal with her addiction, Nurse Donaldson enrolled in a six-week outpatient group therapy treatment course for depression and substance abuse. In February 2010, she self-enrolled in a strict intensive outpatient program, Insight Services, which focused on substance abuse by medical providers. She successfully completed the treatment in July 2011. She underwent at least six or more random urinalyses each month and attended individual outpatient counseling, group therapy, and 12-step meetings.

Nurse Donaldson submitted a number of impressive letters in support of her application. These included one from Joan Lewis, LPC and LAC. Counselor Lewis in her November 29, 2010 letter wrote, in part, that Major Donaldson "has made significant progress to date through her treatment. ...Since entering treatment, her increased rigorous honesty and her willingness to make necessary life and personal changes in response, is an indication of a high level motivation for change. ...If she participates with the same rigor she has done to date, prognosis is good."

Nurse Donaldson retired from the Air Force and is now a Maine resident. She finds comfort in God and in her church and has no historical problem with alcohol, only with narcotics. The urine screens have been negative except for a couple of specimens during the period February 2010-July 6, 2011. These were deemed to be unreliable due to the samples being too diluted to assure a valid negative result. However, there were various explanations regarding the causes of the dilution and the Board did not find the questioned screening results as being an intentional act to deceive.

¹ The Texas Board, subsequent to its investigation, notified the Maine Board that there are no disciplinary matters pending regarding Nurse Donaldson

III.

CONCLUSIONS OF LAW

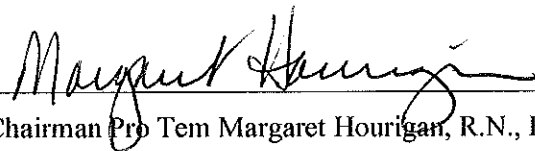
Based on the above facts and those found in the record but not alluded to herein, and utilizing its experience and training, the Board, by a vote of 5-0, concluded that Torre Donaldson has met the requirements for licensure by endorsement as a Registered Professional Nurse in the State of Maine. The license shall be granted with the condition that Torre Donaldson is hereby placed on probation for a period of five (5) years until September 21, 2016 during which period she shall:

1. Enroll in and successfully participate in the Medical Professionals Health Program.
2. Remain substance-free. Failure to do so will result in an automatic and immediate suspension of Torre Donaldson's license pending further review by the Board.
3. Advise all health care providers of her substance abuse history.
4. Continue in aftercare with AA/NA, support groups, and/or counseling and be responsible to ensure that quarterly reports are provided to the Board's Probation Compliance Officer.
5. Share this Decision and Order with her nursing employer and ensure that quarterly reports addressing her nursing practice are submitted by the nursing employer to the Board's Probation Compliance Officer.
6. Employment restricted to structured settings ONLY with ON-SITE nursing supervision. No agencies, no school nursing, no jails, no home health care, travel nursing assignments or anywhere else where she is alone.
7. No Multi-State Privilege without written agreement by this Board and the Board in the state in which she wishes to practice.
8. Notify the Board in writing regarding any change in address and nursing employment or entry into educational program in the field of nursing. Notification shall include the place and position of employment or educational program and the same notification shall apply to any subsequent change in employment or change in educational program.

Wherefore, the APPEAL is GRANTED.

So Ordered.

Dated: October 24, 2011


Chairman Pro Tem Margaret Hourigan, R.N., Ed. D.

IV.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S. Sec. 10051.3 and 10 M.R.S. Sec. 8003(5)(G) and (5-A)(G), any party that appeals this Decision and Order must file a Petition for Review in the Maine Superior Court having jurisdiction within 30 days of receipt of this Order.

The petition shall specify the person seeking review, the manner in which s/he is aggrieved and the final agency action which s/he wishes reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Nursing, all parties to the agency proceedings, and the Maine Attorney General.