



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: YVONNE M. MAXWELL** )  
 of Buxton, Maine )  
 License #R036329 ) **CONSENT AGREEMENT FOR**  
**LICENSE REINSTATEMENT**  
**AND PROBATION WITH CONDITIONS**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Yvonne M. Maxwell’s license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Yvonne M. Maxwell (“Licensee” or “Ms. Maxwell”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Ms. Maxwell on December 3, 2009 regarding her request for reinstatement of her nursing license. 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).

**FACTS**

1. License History: Ms. Maxwell was originally licensed to practice registered professional nursing in Maine on August 4, 1993. On September 2, 2004, she entered into a Consent Agreement with the Board suspending her nursing license as a result of drug diversion and substance abuse. Under the terms of the Agreement, the suspension was stayed and Ms. Maxwell’s nursing license was placed on probation for a term of three years, effective only while she was employed as a registered professional nurse. On July 28, 2008, Ms. Maxwell entered into a second Consent Agreement surrendering her nursing license because she breached a condition of the September 2004 Agreement with a relapse in the use of opioids and alcohol. The referenced Consent Agreements in this paragraph are incorporated herein, attached, and marked as Exhibit A.
2. Yvonne M. Maxwell states that she has been clean and sober for 20 months. Following intensive in-patient treatment at the Recovery Center at Mercy Westbrook Hospital from April 4 - 9, 2008, she attended Mercy’s Partial Hospitalization Program, which met six days a week; she was discharged from that setting on April 21, 2008. On May 1, 2008, Ms. Maxwell was admitted to Mercy’s Daily Intensive Program, which also met six times a week; she was discharged on May 30, 2008. She currently attends counseling sessions two times a month, participates in a Professional Women’s Group for substance abuse support, and attends AA three times a week. Ms. Maxwell is also subject to random drug screening, which to date has tested negative.

**AGREEMENT WITH CONDITIONS OF PROBATION**

3. Yvonne M. Maxwell’s license as a registered professional nurse in the State of Maine is reinstated on probationary status. The probation will commence upon her return to nursing practice, either through employment or pursuant to an educational program, and will be for a period of five 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. Maxwell performs nursing services. Her probationary license will be subject to the following conditions:



PRINTED ON RECYCLED PAPER

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

PHONE: (207) 287-1133


FAX: (207) 287-1149

- a. Yvonne M. Maxwell 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.
  - b. Yvonne M. Maxwell 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 her treatment is terminated during her probation, she shall notify the Board and provide written documentation.
  - c. Yvonne M. Maxwell shall fully 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.
  - d. Yvonne M. Maxwell will notify the Board in writing within five business days after she obtains any nursing employment and/or enters 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, her 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.
  - e. Yvonne M. Maxwell 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. Yvonne M. Maxwell 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; they are to address clinical competency, ability to follow policies and procedures relative to standards of practice, and clinical documentation.
  - g. Yvonne M. Maxwell 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 Ms. Maxwell's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Maxwell has complied with the provisions of this Agreement.
  - h. Yvonne M. Maxwell'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, home health, school nursing, work as a travel nurse, or within the correctional system.
  - i. Yvonne M. Maxwell understands and agrees that the Board and 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 treatment for substance abuse which the Board deems necessary to evaluate her compliance with the Agreement and her continued recovery. She 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 care, counseling and employment as may be requested by the Board.
4. If Ms. Maxwell 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, 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.A. § 8003 and Title 32 M.R.S.A. § 2105-A.

5. Yvonne M. Maxwell 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. Maxwell for response. Ms. Maxwell 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 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 Office of the Attorney General, Ms. Maxwell's license will be immediately reinstated retroactive to the date of suspension.
6. 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. Maxwell'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. Maxwell understands this Agreement is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice will be limited to the State of Maine as it pertains to the Compact. If Ms. Maxwell 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.
7. 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.
8. Yvonne M. Maxwell understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
9. Yvonne M. Maxwell affirms that she executes this Agreement of her own free will.
10. Modification of this Agreement must be in writing and signed by all parties.
11. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
12. This Agreement becomes effective upon the date of the last necessary signature below.

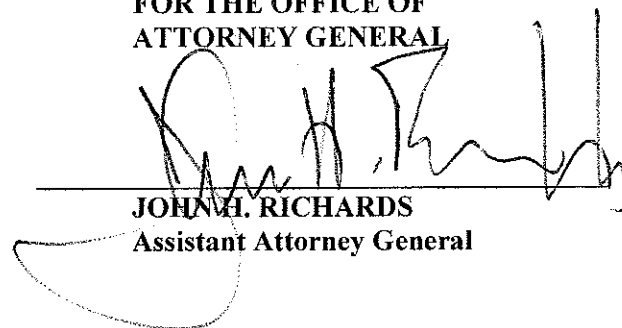
I, YVONNE M. MAXWELL, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS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

DATED: 02-01-2010   
YVONNE M. MAXWELL

FOR THE MAINE STATE  
BOARD OF NURSING

DATED: Feb 4, 2010   
MYRA A. BROADWAY, J.D., M.S., R.N.  
Executive Director

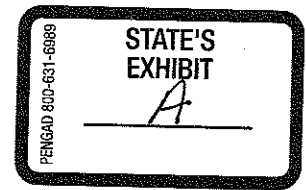
FOR THE OFFICE OF  
ATTORNEY GENERAL

DATED: 2/9/10   
JOHN H. RICHARDS  
Assistant Attorney General



JOHN ELIAS BALDACCI  
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

IN RE: YVONNE M. MAXWELL, R.N. )  
of Buxton, Maine )  
License # R036329 )

CONSENT AGREEMENT  
FOR VOLUNTARY  
SURRENDER OF LICENSE

**INTRODUCTION**

This document is a Consent Agreement regarding Yvonne M. Maxwell'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) (C) and 10 M.R.S.A. § 8003 (5) (B), (5) (D). The parties to this Consent Agreement are Yvonne M. Maxwell ("Ms. Maxwell" or "Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of information provided to the Board by Pine Point Center located in Scarborough, Maine, dated April 30, 2008 and a discussion with Ms. Maxwell regarding a relapse in her substance abuse recovery.

**FACTS**

1. Yvonne M. Maxwell has been a registered professional nurse licensed to practice in Maine since 1993.
2. On September 2, 2004, Ms. Maxwell entered into a Consent Agreement with the Board for Suspension and Probation with Conditions for a period of three (3) years. In Item 6(e) of the Agreement, Ms. Maxwell agreed to the probationary condition that she "will abstain completely from the use of alcohol and controlled medications, with the exception of prescribed medications by her physician who is aware of Ms. Maxwell's substance abuse history" [Exhibit A].
3. On April 4, 2008, Ms. Maxwell was admitted to the Recovery Center at Mercy Westbrook Hospital as a result of a relapse in the use of alcohol and opioids.
4. Yvonne M. Maxwell agrees that she had a serious relapse and agrees to surrender her registered professional nurse license in lieu of an adjudicatory hearing.

**AGREEMENT**

5. The Maine State Board of Nursing will accept Yvonne M. Maxwell's offer to voluntarily surrender her registered professional nurse license. She agrees and understands that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not the facts would support the Board's findings in this Consent Agreement.



PRINTED ON RECYCLED PAPER

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

PHONE: (207) 287-1133

FAX: (207) 287-1149

**Consent Agreement for Voluntary Surrender of License  
Yvonne M. Maxwell**

6. Yvonne M. Maxwell 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 under 32 M.R.S.A. § 2105-A(2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, section 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
  - a. "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 and safety of patients." See also Chapter 4, Section 1.A.2.
  - b. "F. Unprofessional Conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed." See also Chapter 4, Section 1.A.6.
  - c. "H. A violation of this chapter or a rule adopted by the board." See also Chapter 4, Section 1.A.6.
  - d. "Unprofessional Conduct" as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3:  
"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:  
  
"Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs."
7. Yvonne M. Maxwell agrees and understands that her license will remain on surrender status and subject to the terms of this Consent Agreement indefinitely until and unless the Board, at Ms. Maxwell's written request, votes to reinstate Ms. Maxwell's license. Ms. Maxwell agrees and understands that if the Board reinstates her license, it will be for a probationary period.
8. This Consent 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.
9. Yvonne M. Maxwell 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.

**Consent Agreement for Voluntary Surrender of License  
Yvonne M. Maxwell**

10. Yvonne M. Maxwell 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 "RN," including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Maxwell is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
11. Modification of this Consent Agreement must be in writing and signed by all parties.
12. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
13. Yvonne M. Maxwell affirms that she executes this Consent Agreement of her own free will.
14. This Consent Agreement becomes effective upon the date of the last necessary signature below.

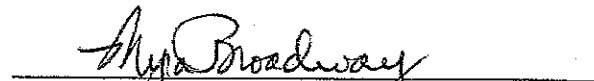
**I, YVONNE M. MAXWELL, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 7-19-08

  
\_\_\_\_\_  
YVONNE M. MAXWELL, R.N.

**FOR THE MAINE STATE BOARD OF NURSING**

DATED: 7/24/08

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

**FOR THE OFFICE OF THE ATTORNEY GENERAL**

DATED: 7/28/08

  
\_\_\_\_\_  
JOHN H. RICHARDS  
Assistant Attorney General



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: YVONNE M. MAXWELL, R.N.	)	<b>CONSENT AGREEMENT</b>
of Buxton, Maine	)	<b>FOR SUSPENSION AND</b>
License #R036329	)	<b>PROBATION WITH CONDITIONS</b>

**INTRODUCTION**

This document is a Consent Agreement regarding Yvonne M. Maxwell's license to practice registered professional nursing in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(B), 10 M.R.S.A. § 8003(5)(A-1)(2), (A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Yvonne M. Maxwell ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with the Licensee in an informal conference on July 28, 2004. The parties reached this Consent Agreement based on information submitted by the Office of the Attorney General from a complaint from Mercy Hospital ("Mercy") in Portland dated December 11, 2003, Ms. Maxwell's response to the complaint dated January 30, 2004 and a "Return to Work Agreement" from Mercy Hospital all of which are attached as Exhibit A.

**FACTS**

1. Yvonne M. Maxwell has been registered professional nurse licensed to practice in Maine since 1993.
2. On December 11, 2003, Mercy reported to the Office of the Attorney General that Ms. Maxwell was diverting Oxycodone and making false entries in patient's charts to facilitate the diversions. In a subsequent interview conducted on January 5, 2004, with an investigator from the Office of the Attorney General, Ms. Maxwell admitted that she falsified patients' records and diverted Oxycodone for her own use for a period of approximately five to six months.
3. In December 2003, Ms. Maxwell was placed on a medical leave for substance abuse rehabilitation. She completed a nine day intensive outpatient treatment program at Mercy's Recovery Center. Ms. Maxwell is currently attending weekly group therapy and receives individual counseling from a substance abuse counselor once a week. Ms. Maxwell states that she has been substance free since December 9, 2003.
4. Yvonne M. Maxwell's has been employed at Mercy for 10 years. She is currently back to work at Mercy, working three-four days a week on eight hour shifts. Upon returning to work at Mercy, Ms. Maxwell entered into a Return to Work Agreement, which creates expectations and restrictions (see Exhibit A). Her employer states that Ms. Maxwell's clinical skills are exceptional and is willing to work with her in her recovery.



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME.

TDD: (207) 287-1151

PHONE: (207) 287-1133

FAX: (207) 287-1149

<http://www.maine.gov/boardofnursing/>



## AGREEMENT WITH CONDITIONS OF PROBATION

5. Yvonne M. Maxwell agrees and understands that this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine and the above-described conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(A), (2)(F) and (2)(H) and Chapter, 4(1)(A)(1), 4(1)(A)(6), (4)(3)(P) and (4)(Q) of the Rules and Regulations of the Maine State Board of Nursing.
  
6. Yvonne M. Maxwell's license to practice registered professional nursing in the State of Maine is suspended for a period of six months, however, the period of suspension is stayed and her license is placed on a probationary status with conditions. The period of probation will be for a period of three years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Consent Agreement, nursing employment is any employment during which Ms. Maxwell performs nursing services. Ms. Maxwell's probationary license will be subject to the following conditions:
  - a. Yvonne M. Maxwell will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her nursing practice.
  - b. Yvonne M. Maxwell will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
  - c. Yvonne M. Maxwell will immediately notify the Board in writing regarding any change in her nursing employment or entry into an educational program in the field of nursing. Notification under this section shall include the place and position of employment or the educational program and the same notification shall apply to any subsequent change in employment or change in educational program.
  - d. Yvonne M. Maxwell will continue in her treatment program to such an extent and for as long as her treatment provider(s) recommend and will arrange for and ensure the submission to the Board quarterly reports from her treatment provider(s).
  - e. Yvonne M. Maxwell will abstain completely from the use of alcohol, with the exception of prescribed medications by her physician who is aware of Ms. Maxwell's substance abuse history. *and controlled medications  
Y/M*
  - f. Yvonne M. Maxwell's employment is restricted during the period of probation to structured settings, which shall not include assignments from temporary employment agencies, school nursing or working within the correctional system.
  
7. Yvonne M. Maxwell agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the three year probationary period, until and unless the Board, at Ms. Maxwell's written request, votes to terminate Ms. Maxwell's probation. When considering whether to terminate the

probation, the Board will consider the extent to which Ms. Maxwell has complied with the provisions of this Consent Agreement.

8. Yvonne M. Maxwell understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Maxwell understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
9. If Ms. Maxwell fails to meet any of the obligations of this Consent Agreement, 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.
10. Yvonne M. Maxwell affirms that she executes this Consent Agreement of her own free will.
11. Modification of this Consent Agreement must in writing and signed by all the parties.
12. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.
13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

**I, YVONNE M. MAXWELL, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 8-25-2014

  
YVONNE M. MAXWELL, R.N.

FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 8/31/04

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 9/2/04

  
JOHN H. RICHARDS  
Assistant Attorney General