



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

ANGUS S. KING, JR.  
 GOVERNOR

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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE NO. )  
 P007035 ISSUED TO: )  
 GARY C. NOYES )  
 To practice practical nursing in the )  
 State of Maine )  
 ----- )

ORDER TERMINATING  
 PROBATION

WHEREAS, on May 25, 1999, License No. P007035 issued to Gary C. Noyes was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on February 15, 2001, the Board of Nursing duly considered all evidence presented to it concerning Gary C. Noyes' compliance with the conditions of said probation; and

WHEREAS, the Board found that Gary C. Noyes has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on February 10, 1999 is hereby terminated.

DATED this 26th day of February 2001.

MAINE STATE BOARD OF NURSING

BY: Myra Broadway  
 Myra A. Broadway, J.D., M.S., R.N.  
 Executive Director



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 EXECUTIVE DIRECTOR

IN RE: **GARY C. NOYES, L.P.N.** )  
 of East Corinth, Maine ) **CONSENT AGREEMENT FOR**  
 License #P007035 ) **SUSPENSION AND PROBATION**

**INTRODUCTION**

This document is a Consent Agreement regarding Gary C. Noyes' license to practice practical nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A) and 10 M.R.S.A. § 8003(5). The parties to this Agreement are Gary C. Noyes, the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

This Consent Agreement arose out of an informal conference held on June 9, 1998 regarding a letter dated March 30, 1998 from Barbara Steller, R.N.C., Administrator, Dexter Health Care.

**FACTS**

1. Gary C. Noyes has been a L.P.N. since 1981.
2. On March 30, 1998, Mr. Noyes was terminated from the Dexter Health Care for sexual harassment and patient neglect.
3. Dexter Health Care documented several instances of unprofessional communication by Mr. Noyes to and regarding patients and staff.
4. Mr. Noyes was awarded unemployment benefits, notwithstanding his termination.
5. Mr. Noyes complained that his employer's allegations of misconduct were vague yet he apparently never requested specific information about the allegations from his employer.
6. Mr. Noyes admits that there have been past patient complaints about intimidation, which he attributes to his size.



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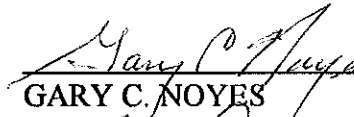
## AGREEMENT

1. Mr. Noyes' conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(E)(1) and (F).
2. **Suspension**: Mr. Noyes' license to practice practical nursing shall be suspended for a period of six months from the effective date of this Agreement. Three months of the six month suspension period shall be stayed pending successful completion of the conditions of probation and other terms of this agreement.
3. **Probation**: Following the 3 month period of suspension that is not stayed, Mr. Noyes' license to practice shall be subject to probation for a minimum of one year (12 months) of nursing practice.
4. **Counseling**: Commencing during the period of suspension, Mr. Noyes shall enroll and actively participate in counseling for the period deemed necessary, and until discharged, by his counselor(s). Mr. Noyes shall notify the Board upon his enrollment in counseling and shall provide the Board with a copy of his counselor's initial assessment.
5. **Counselor's Monthly Reports**: Mr. Noyes will arrange for and ensure the submission to the Board of monthly reports from his counselor(s) as well as his counselor(s)' reports of initial assessment until discharge.
6. **Notice of Employment Status**: Mr. Noyes will immediately notify the Board in writing of any employment in the field of nursing, including the place and position of employment, and any change in nursing employment thereafter, during the time of probation.
7. **Notice to Employer**: During the time of probation Mr. Noyes will notify any and all of his nursing employers of the terms of this Consent Agreement and shall provide them with a copy of it. For purposes of this Consent Agreement, nursing employment is any employment during which Mr. Noyes performs nursing services or holds himself out as a nurse, such as through the designation "L.P.N."
8. **Employer Quarterly Reports**: During the time of probation Mr. Noyes will arrange for and ensure the submission to the Board of quarterly reports addressing his job performance from any and all of his nursing employers.
9. **Confidentiality and Release of Records**: During the time of suspension and probation Mr. Noyes agrees and understands that the Board and the Department of Attorney General shall have access to any and all medical and counseling records and all otherwise confidential or medically privileged information pertaining to his treatment and counseling which the Board deems necessary to evaluate Mr. Noyes' compliance with this Consent Agreement and his ability to practice nursing in accordance with the laws, rules and standards governing nursing practice in the State of Maine. Mr. Noyes shall provide such

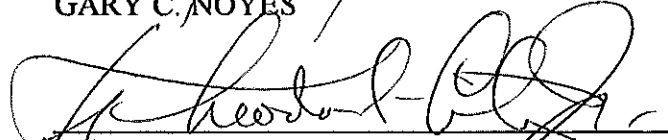
information, shall authorize the release of such records and information and shall authorize any such discussions and communications with any and all persons involved in his counseling and employment as may be required by the Board for the purpose of evaluating Mr. Noyes' compliance with this Consent Agreement and the laws and rules governing nursing practice.

10. **Terms of Suspension and Probation:** Mr. Noyes agrees and understands that his license shall not be reinstated unless and until he has complied with the terms and conditions of this Consent Agreement regarding his enrollment and participation in counseling. The determination whether Mr. Noyes has complied with the terms and conditions of this Consent Agreement for purposes of this paragraph shall be made by the Executive Director. Mr. Noyes agrees and understands that following the period of his suspension, his license shall remain on probationary status and subject to the terms of this agreement indefinitely beyond the minimum 12 month probationary period, until and unless the Board, at Mr. Noyes' written request, votes to terminate Mr. Noyes' probation. When considering whether to terminate the probation, the Board will consider the degree to which Mr. Noyes has complied with the provisions of this agreement. Mr. Noyes further understands and agrees that should the Board determine, after opportunity for hearing, that he has failed to comply with the terms of this agreement or has engaged in further conduct in violation of the Board's laws and rules, the Board may impose the remaining 3 month period of suspension and take such other disciplinary action as is authorized by law.
11. **Miscellaneous Provisions:** Mr. Noyes understands that this document is a Consent Agreement which affects his rights to practice nursing in Maine. This Consent Agreement may be amended only in writing, signed by all the parties. Mr. Noyes understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering this Consent Agreement. Mr. Noyes affirms that he executes this Consent Agreement of his own free will.
12. **Effective Date:** This Consent Agreement becomes effective upon the last necessary signature below.

DATED: January 19, 1999


  
GARY C. NOYES

DATED: JANUARY 19, 1999

  
THEODORE S. CURTIS, JR., Esq.  
(Counsel for Mr. Noyes)


**FOR THE MAINE STATE BOARD  
OF NURSING:**

DATED: 2/10/99

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

**FOR THE DEPARTMENT OF  
ATTORNEY GENERAL:**

DATED: Feb 14, 1999

  
SUSAN A. SPARACO  
Assistant Attorney General  
Counsel to the Board

AFFIDAVIT

I, Gary C. Noyes, under oath do so depose and swear as follows:

1. I am a resident of Orono, Maine.
2. I was terminated by Dexter Health Care on March 30, 1998. After consideration, the Maine Employment Security Commission found my "discharge was not for misconduct in connection with the employment."
3. However, because Dexter Health Care made a report to the Board of Nursing which in turn wrote to me on April 9, 1998 that possibly I had violated State law, I voluntarily decided to not use my LPN license until all allegations were cleared up. I have pride in my reputation as a professional, and if there is some issue, I think it should be cleared up before I resume practice. I have not practiced as a nurse since March 1998. Instead, I have supported my family as an employee of Electrolux and as a teacher of driver education.
4. In order to improve my abilities and to rectify my failings raised by the Board at an informal session, I have sought counseling. A copy of the counselor's initial evaluation will be provided to the Board.
5. I believe that there is a need for nurses in Maine. I have much experience, both in the military as a Navy corpsman and in 17 years as a practicing LPN. I am eager to return to the service of patients as soon as the Board decides I am ready to resume my work.
6. I so state this is true to my knowledge and belief and to the extent it is based upon belief, I believe it to be true.

DATED: January 19, 1999

Gary C. Noyes  
Gary C. Noyes

STATE OF MAINE  
PENOBSCOT, ss.

JANUARY 19, 1999  
Date

Then personally appeared the above-named GARY C. NOYES and gave oath that the above statements are true, are based upon his personal knowledge, information and belief, and where based upon information and belief, he believes them to be true.

Before me: Gloria J. York  
Notary Public

Gloria J. York, Notary Public  
State of Maine  
My Commission Expires 2/10/2003