



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

October 14, 2003

Carol E. West
 6 Elaine Avenue
 Lewiston, ME 04240-1742

NOTICE OF HEARING

Dear Ms. West:

This is to confirm that on October 1, 2003, the Maine State Board of Nursing voted to suspend your practical nurse license effective immediately pursuant to 5 M.R.S.A. Section 10004(3) based upon the immediate jeopardy your continued practice of practical nursing poses to your health and safety and the health and safety of the public. This is to notify you that the Maine State Board of Nursing ("the Board") will conduct a hearing under the authority of 32 M.R.S.A. Section 2105-A(1-A)(D) and 10 M.R.S.A. Section 8003(5) to determine whether grounds exist for the Board to take disciplinary action against your license to practice practical nursing. The hearing is scheduled for Wednesday, October 22, 2003 at 1:30 p.m. at the Board office at 24 Stone Street, in Augusta, Maine in the conference room.

The hearing will concern whether you have violated 32 M.R.S.A. Section-2105-A(2)(E), (2)(F) and (2)(H), and the Rules and Regulations of the Maine State Board of Nursing, Chapter 4 Disciplinary Action and Violations of Law, Section 1. A.(5) and (6) and Section 3.(B), (F), (K) and (N). A copy of Chapter 4 was provided to you on February 19, 2003. The specific issues to be decided are (1) whether you are incompetent in the practice for which you are licensed; (2) whether you have violated a standard of professional behavior that has been established in the practice for which you are licensed; and (3) whether these actions, if substantiated, incompetence and/or unprofessional conduct. The factual allegations are contained in the information enclosed:

1. Information submitted by Russell Park Rehabilitation and Living Center thru-memo dated February 17, 2003.
2. Letter of response received from you March 5, 2003.
3. Information submitted by the Division of Licensing & Certification, Department of Human Services thru letter dated May 29, 2003.

The hearing will be held in accordance with applicable provisions of the Maine Administrative Procedure Act, 5 M.R.S.A. Section 9051 and 9064. You have the right to be represented by an attorney. You may present evidence, call witnesses and present oral or written testimony and arguments to the Board. Applications for intervention pursuant to 5 M.R.S.A. Section 9054 will be accepted until the commencement of the hearing.



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

TDD: (207) 287-1151

PHONE: (207) 287-1133

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

Failure to appear at the scheduled hearing may result in a disposition by default, and information obtained during the hearing may be used in subsequent legal proceedings. Violations of the above cited statutory and regulatory provisions may result in sanctions ranging from a letter of guidance or concern to suspension or revocation of your license. A fine of up to \$1,500 for each violation may be imposed. Also, please be advised that pursuant to 10 M.R.S.A. Section 8003-D, if there is a finding of violation, the Board may assess actual expenses of investigation and hearing in addition to other penalties provided by law. Such expenses include, but are not limited to, travel expenses and the proportionate part of the salaries and other expenses of investigators or inspectors; hourly costs of hearing officers, costs associated with record retrieval and the costs of transcribing or reproducing the administrative record.

If you have any questions concerning the conduct of the hearing, please do not hesitate to contact me.

Sincerely,



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

MAB:vlc

Enclosures

pc: Ken Taylor
Kenneth W. Lehman, Esq.
James E. Smith, Presiding Officer and Counsel for the Board
John H. Richards, Assistant Attorney General