



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

**BEFORE THE MAINE STATE BOARD OF NURSING**

IN THE MATTER OF LICENSE NO. )  
R034998 ISSUED TO: )  
  
DEBRA A. DAY )  
  
To practice registered professional )  
nursing in the State of Maine )  
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**ORDER TERMINATING  
PROBATION**

WHEREAS, on April 11, 2001, License No. R034998 issued to Debra A. Day was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

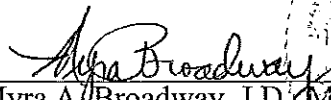
WHEREAS, on August 27, 2003, the Board of Nursing duly considered all evidence presented to it concerning Debra A. Day's compliance with the conditions of said probation; and

WHEREAS, the Board found that Debra A. Day has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on May 15, 2001 is hereby terminated.

DATED this 28th day of August 2003.

**MAINE STATE BOARD OF NURSING**

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



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ANGUS S. KING, JR.  
 GOVERNOR

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

IN RE: **DEBRA A. DAY, R.N.** ) **CONSENT AGREEMENT**  
 of Wells, Maine ) **FOR PROBATION WITH**  
 License #R034998 ) **CONDITIONS**

**INTRODUCTION**

This document is a Consent Agreement regarding Debra A. Day's license to practice professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(4), 10 M.R.S.A. § 8003(5)(B), and 32 M.R.S.A. § 2105-A(1-A)(B). The parties to this Consent Agreement are Debra A. Day ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reached this Agreement following an informal conference held on April 11, 2001 based on information submitted by Southern Maine Medical Center dated January 31, 2000 and information submitted by Varney Crossing Nursing Care Center dated April 27, 2000.

**FACTS**

1. Debra A. Day has been a registered nurse licensed by the Board to practice in Maine since 1992.
2. Debra A. Day used poor judgment while employed at Southern Maine Medical Center (SMMC) by self administering her prescriptive medication "fiorinol" for a migraine headache causing her to be impaired while on duty. In addition, Ms. Day failed to take measures to seek appropriate nursing relief because of her impaired state that placed her in a position of potentially rendering unsafe patient care. She was subsequently terminated from SMMC.
3. Debra A. Day used poor judgment while employed at Varney Crossing Nursing Care Center (Varney Crossing). Ms. Day was the only licensed nurse on duty at the time and chose to take a short nap knowing she was extremely difficult to waken. The CNAs on duty at the time tried to awaken Ms. Day after 15 minutes but were unsuccessful. Ms. Day was eventually wakened 30 minutes later by placing a cold face cloth on her face. Attached is a copy of the incident report dated April 17, 2000. Ms. Day was subsequently terminated as a per diem nurse at Varney Crossing.



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AGREEMENT

4. Debra A. Day agrees and understands that the conduct alleged constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(F), (2)(H) and Chapter 4(1)(A)(6) and (3)(F) of the Rules and Regulations of the Maine State Board of Nursing.
5. Debra A. Day's license to practice registered professional nursing is placed on a probationary status with conditions for a period of two years of nursing employment. The conditions of probation are as follows:
  - a. Debra A. Day will take part in continuing education in the areas of legal issues and implications of nursing practice and professional responsibility.

The continuing education shall be completed during the two year probationary period.

- b. Debra A. Day will notify any and all of her 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 Ms. Day performs nursing services or holds herself out as a nurse such as through the designation "R.N."
- c. Debra A. Day will immediately notify the Board in writing of any employment in the field of nursing, including the place and position of employment and of any change in nursing employment.
- d. Debra A. Day will arrange for and ensure the submission to the Board of quarterly reports addressing her job performance from her nursing employer(s).
- e. Debra A. Day understands and agrees that her license will remain on probationary status and subject to the terms of this Agreement until and unless the Board, at Ms. Day's request, votes to terminate Ms. Day's probation.

If, at the conclusion of the two year period of probation, Ms. Day demonstrates that she has complied with the terms and conditions of this Consent Agreement, the Board will vote to terminate the period of probation. If the Board concludes that the terms and conditions of this Consent Agreement have not been fulfilled, the Board may continue the probationary period or take disciplinary action as authorized by law.

**Debra A. Day**  
**Consent Agreement for Probation with Conditions**  
**Page 3**

6. The Board agrees to take no further disciplinary action upon these facts so long as Ms. Day fully complies with the terms and conditions of this Consent Agreement.
7. Debra A. Day understands and agrees that this document imposes discipline regarding her license to practice professional nursing in the State of Maine. Ms. Day 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 this Consent Agreement.
8. Debra A. Day affirms that she executes this Consent Agreement of her own free will.
9. Modification of this Consent Agreement must in writing and signed by all the parties.
10. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.
11. This Consent Agreement becomes effective upon the date of the last necessary signature below.

**I, DEBRA A. DAY, 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: 5/3/01

Debra A. Day  
DEBRA A. DAY, R.N.

**FOR THE MAINE STATE  
BOARD OF NURSING**

DATED: 5/10/01

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

FOR THE DEPARTMENT OF  
ATTORNEY GENERAL

DATED: 5/15/01

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