



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: DEBRA D. HAWES, R.N.) **CONSENT AGREEMENT**
 of Cornville, Maine) **VOLUNTARY SURRENDER**
 License #R034539) **OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Debra D. Hawes’s license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Debra D. Hawes (“Ms. Hawes” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Ms. Hawes in an informal conference on January 6, 2010. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (C), 10 M.R.S.A. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S.A. § 8003 (5) (D) and reached this Agreement on the basis of 1) a Board Notice of Complaint/Provider Report dated October 6, 2008, with information from Redington Fairview General Hospital (“Redington”) dated August 20 and October 2, 2008; and 2) Ms. Hawes’s response dated October 8, 2008.

FACTS

1. Debra D. Hawes has been licensed as a registered professional nurse to practice in Maine since August 1991. At the time of the incidents discussed in this Agreement, Ms. Hawes was licensed by the Board as a registered professional nurse; her previous license as a licensed practical nurse became inactive in March 1992.
2. Debra D. Hawes’s employment at Redington was terminated on August 19, 2008 regarding sub-standard nursing practice. The Board Notice of Complaint/Provider Report from Redington and Ms. Hawes’s response are incorporated within this Agreement [Exhibit A].
3. Debra D. Hawes admits the information contained in Exhibit A regarding her nursing practice demonstrates that she is currently not safe to provide direct patient care.
4. Debra D. Hawes wishes to resolve this issue by entering into a Consent Agreement to voluntarily surrender her registered professional nurse license, thereby waiving her right to a hearing.

AGREEMENT

5. The Maine State Board of Nursing will accept Debra D. Hawes’s offer to voluntarily surrender her registered professional nurse license.
6. Debra D. Hawes understands and agrees that based upon the above-stated facts and the information provided in Exhibit A, this document imposes discipline regarding her license to practice as a registered professional nurse. The grounds for discipline are for violations under 32 M.R.S.A. § 2105-A(2)(E) (1), (E)(2) (2)(F), (2)(H) and Chapter 4, sections 1(A)(5)(a), 1(A)(5)(b), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(B) and 3(F) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:



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Title 32 M.R.S.A. §§:

- a. 2105-A (2) (E) (1). Incompetence in the practice for which Ms. Hawes is licensed by engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a patient and the general public. (See also Chapter 4, Section 1.A.5.a.)
- b. 2105-A (2) (E) (2). Incompetence in the practice for which Ms. Hawes is licensed by engaging in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which she is licensed. (See also Chapter 4, Section 1.A.5.b.)
- c. 2105-A (2) (F). Unprofessional Conduct. Ms. Hawes has engaged in unprofessional conduct by violating standards of professional behavior regarding patient care that have been established in the practice for which she is licensed. (See also Chapter 4, Section 1.A.6.)
- d. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Chapter 4, Section 1.A.8.)

Chapter 4, Section 3. Unprofessional Conduct as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, states that *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:*

- e. Section 3(B). Ms. Hawes assumed duties and responsibilities within the practice of nursing without adequate preparation or when competency has not been maintained.
 - f. Section 3(F). Ms. Hawes failed to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard patients.
7. Debra D. Hawes understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Hawes agrees and understands that if the Board reinstates her license, it will be for a probationary period.
 8. 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. Hawes’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. Hawes understands this Consent Agreement is subject to the Compact.
 9. Ms. Hawes understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.

10. Debra D. Hawes 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” while her nursing license is surrendered.
11. 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.
12. Modification of this Agreement must be in writing and signed by all parties.
13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. Debra D. Hawes affirms that she executes this Agreement of her own free will.
15. This Agreement becomes effective upon the date of the last necessary signature below.

I, DEBRA D. HAWES, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. 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: 4/24/10

Debra D Hawes, RN
DEBRA D. HAWES, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 4/29/10

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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 5/4/10

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General