



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

PAUL R. LEPAGE  
 GOVERNOR

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

IN RE: TRUDY A. JOHNSON, RN )  
 of Lewiston, Maine )  
 License No. R028869 )

**CONSENT AGREEMENT  
 FOR VOLUNTARY SURRENDER  
 OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Trudy A. Johnson’s license to practice registered professional nursing (“RN License”) in the State of Maine. The parties to this Agreement are Trudy A. Johnson (“Ms. Johnson” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (C), 10 M.R.S. §§ 8003 (5) (B) and 10 M.R.S. § 8003 (5) (D). The parties reached this Agreement on the basis of a Board Complaint dated August 27, 2009, with a Provider Report from Russell Park Rehabilitation & Living Center (“Russell Park”) dated July 15, 2009; 2) a Board Complaint dated December 17, 2009, with an Investigative Report from the Department of Health and Human Services, Division of Licensing and Regulatory Services dated December 11, 2009; and 3) information from the Office of the Attorney General received January 11, 2010 regarding a Summary of Interview with Detective Jeffrey J. Wrigley, Case Number 2009-008-60A.

**FACTS**

1. Trudy A. Johnson has been licensed as a registered professional nurse in Maine since August 26, 1985.
2. Trudy A. Johnson was terminated from Russell Park on July 6, 2009 because in her capacity as RN Charge Nurse she failed to follow standards of nursing practice and Russell Park’s policies and procedures related to residents’ assessments, medication administration, proper documentation, and pharmacy procedures. In reviewing the information from Russell Park, the Board determined that Ms. Johnson diverted scheduled drugs from patients at Russell Park. For a more detailed description, a copy of the Board Complaint is attached hereto, incorporated herein and marked as Exhibit A.
3. Trudy A. Johnson admits that she diverted morphine from Sandy River Center at the end of March or early April 2009 for her own personal use. Ms. Johnson also admitted that she injected the morphine on this particular occasion while she was working and providing nursing services at Sandy River.
4. Trudy A. Johnson waives her right to a hearing and has offered to surrender her RN License.

**AGREEMENT**

5. The Maine State Board of Nursing will accept Trudy A. Johnson’s offer to voluntarily surrender her RN License, No. R028869. Ms. Johnson acknowledges that if this matter went to a hearing before the Board, it is more likely than not that the above-stated facts and underlying investigative information would support the licensing violations in this Agreement.
6. Trudy A. Johnson understands that based upon the above-stated facts, this document imposes discipline regarding her RN License to practice in the State of Maine. The grounds for discipline for violations are under 32 M.R.S. § 2105-A(2)(A), (2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(F), 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:



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- a. 32 M.R.S. § 2105-A (2) (A). The practice of fraud and deceit in connection with service rendered within the scope of the license issued to Ms. Johnson by diverting scheduled drugs. (See also Rule Chapter 4, Section 1.A.1.)
  - b. 32 M.R.S. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Johnson performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2.)
  - c. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Johnson engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
  - d. 32 M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the board. (See also Rule Chapter 4, Section 1.A. 8.)
  - e. Rule Chapter 4, Section 3. Unprofessional Conduct. *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:*
    - 1) Chapter 4, Section 3(F). Ms. Johnson failed to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.
    - 2) Chapter 4, Section 3(K). Ms. Johnson inaccurately recorded, falsified or altered a patient or health care provider record.
    - 3) Chapter 4, Section 3(P). Ms. Johnson diverted drugs from a resident and healthcare provider.
    - 4) Chapter 4, Section 3(Q). Ms. Johnson possessed, obtained and administered prescription drugs to herself, except as directed by a person authorized by law to prescribe drugs.
7. Trudy A. Johnson 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 Ms. Johnson's written request, votes to reinstate her license. Ms. Johnson 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. Johnson's "Home state" of licensure and primary state of residence, which means that Ms. Johnson has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other Party states that are in the Compact are referred to as "Remote states," which means Party states other than the Home state that have adopted the Compact. Ms. Johnson understands that this Agreement is subject to the Compact.
  9. Trudy A. Johnson understands that she does not have to execute this Agreement and that she has the right to consult with an attorney before entering into the Agreement.
  10. Trudy A. Johnson shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation "R.N.," including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Johnson is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
  11. This Agreement is a public record within the meaning of 1 M.R.S. §402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. §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. Trudy A. Johnson 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, TRUDY A. JOHNSON, RN, 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: 10/29/2011

  
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TRUDY A. JOHNSON, RN

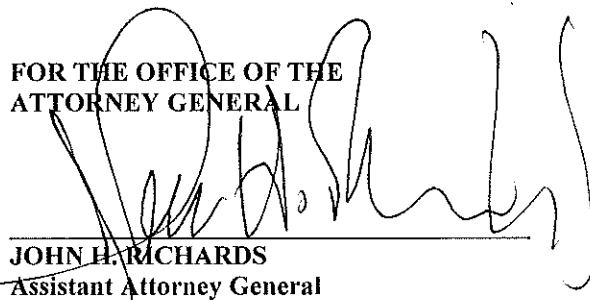
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 11/6/11

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 11/7/11

  
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JOHN H. RICHARDS  
Assistant Attorney General