



Paul R. LePage
GOVERNOR

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

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

IN RE: Rebecca Webber

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DECISION AND ORDER
License Application

I. PROCEDURAL HISTORY

Pursuant to the authority found in 5 M.R.S. § 9051 et seq. and 10 M.R.S. § 8003 et seq., the Maine State Board of Nursing (“Board”) met in public session at the Board office in Augusta, Maine on August 22, 2013. The purpose of the meeting was to conduct an adjudicatory hearing to determine whether Rebecca Webber had met the requirements of licensure as a registered professional nurse.

A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Susan Baltrus, MSN, RN, CNE; Robin Brooks (public representative); Joanne Fortin, RN; Peggy Sonesson, RN; and Chair Margaret Hourigan, RN, EdD. Ms. Webber was present. Ron Guay, Esq. represented the State. Rebekah J. Smith, Esq. served as Presiding Officer.

The Board took administrative notice of its statutes and rules and admitted into evidence, without objection, State Exhibits #1 - #7 and Applicant Exhibit(s) #1. The State made an opening statement. The Applicant testified. The State made a closing statement. The Board then deliberated and made the following findings of fact and conclusions of law by a preponderance of the credible evidence regarding Ms. Webber’s satisfaction of the requirements of licensure.

II. FINDINGS OF FACT

1. Rebecca Webber applied for licensure as a registered professional nurse on May 22, 2013.

(State Exhibit #4.) In her application, Ms. Webber disclosed that she had been convicted of



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several misdemeanors between 2005 and 2009 and explained the circumstances surrounding each conviction. (State Exhibit #4.)

2. Ms. Webber's application was preliminarily denied by the Board at its June 12 - 13, 2013 meeting on the basis of her four misdemeanor convictions between 2005 and 2009. (State Exhibit #3.) Ms. Webber filed a timely notice of appeal and request for hearing. (State Exhibit #2.)
3. By certified letter sent on August 8, 2013, and received on August 14, 2013, Ms. Webber was notified that the hearing would be held on August 22, 2013. (State Exhibit #1.)
4. Ms. Webber was convicted of furnishing liquor to a minor in October 2005. (State Exhibit #4.) Ms. Webber was convicted of Class E Theft by Unauthorized Taking in May 2008 for shoplifting several items from a grocery store in March 2008. (State Exhibits #4 and #7.) Ms. Webber was convicted of Class E Theft by Unauthorized Taking in January 2009 for shoplifting several items from a grocery store in August 2008. (State Exhibit #6.) At hearing, Ms. Webber acknowledged that the behavior that led to this conviction was immature. (Testimony of Applicant Webber.)
5. Ms. Webber was convicted of Class D Domestic Assault in April 2009. (State Exhibit #5.) At the time of her arrest in January 2009, Ms. Webber acknowledged to the police that she had thrown a pair of jeans at her boyfriend and asked him to leave the residence. (State Exhibit #5.) At hearing, Ms. Webber testified to the same circumstances. (State Exhibit #5.)
6. Ms. Webber testified to the difficulties of her youth and early adulthood that led to the convictions. (Testimony of Applicant Webber.) She also testified to the sense of purpose and fulfillment that becoming a Certified Nursing Assistant had brought her and how hard she had worked to become a nurse. (Testimony of Applicant Webber.) Ms. Webber testified that she continues to see a counselor weekly or biweekly to deal with life stressors. (Testimony of Applicant Webber.)

7. Ms. Webber testified to her compassionate approach working with patients with dementia as well as with patients with a range of physical and mental health needs. (Testimony of Applicant Webber.)
8. Ms. Webber submitted several letters of recommendation and employment reviews that attested to her compassionate demeanor, commitment to patients, dependability, and positive attitude. (Applicant Exhibits #1.)

III. GOVERNING STATUTES AND RULES


1. The requirements for licensure as a registered professional nurse are found at 32 M.R.S. § 2201 et seq.
2. The Board may refuse to issue a license if an applicant has been convicted of a crime for which less than one year of incarceration may be imposed and which involves dishonesty or false statement or relates directly to the practice for which the licensee is seeking a license. 32 M.R.S. § 2015-A (2) (G); 5 M.R.S. § 5301(2). The Board may also consider a conviction for which no incarceration may be imposed, but which relates directly to the practice for which the licensee is seeking a license. 32 M.R.S. § 2105-A (2) (G); 5 M.R.S. § 5301(2).
3. Such convictions may be considered by the Board for up to ten years from the point of final discharge from a corrections system, although this limit does not apply if the applicant's conduct that gave rise to the conviction would otherwise have been grounds for a disciplinary action. 5 M.R.S. § 5303(2) (A).
4. If an applicant has a conviction that falls within 5 M.R.S. § 5301(2), a Board may deny her a license only if the Board determines that she has not been sufficiently rehabilitated to warrant the public trust. 5 M.R.S. § 5302(1). The applicant has the burden to prove that she has been sufficiently rehabilitated. 5 M.R.S. § 5302(1).

IV. CONCLUSIONS OF LAW

The Board, considering the above facts and those alluded to in the record but not referred to herein, by a vote of 5-0, found that Rebecca Webber met the requirements for licensure as a registered professional nurse and granted her application. The Board found that although Ms. Webber had been convicted of crimes that involved dishonesty or false statement or that related directly to the license she was seeking, she had proven that she was sufficiently rehabilitated to warrant the public trust.

So Ordered.

Dated: September 5, 2013


Margaret Hourigan, RN, EdD, Chair
Maine State Board of Nursing

V. APPEAL RIGHTS

Pursuant to the provisions of 10 M.R.S. § 8003(5) and 5 M.R.S. § 11002(3), any party that appeals this Decision and Order must file a Petition for Review in the Superior Court within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which s/he is aggrieved and the final agency action which s/he wishes reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by certified mail, return receipt requested, upon the State of Maine Board of Nursing, all parties to the agency proceedings, and the Attorney General.