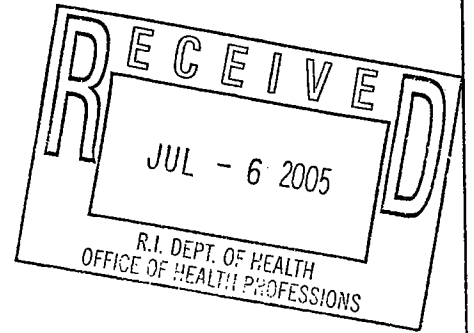


**STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH  
HEALTH SERVICES REGULATION  
BOARD OF NURSE REGISTRATION  
AND NURSING EDUCATION**



vs.

**MIRIAM LEVEILLE, RN (RN16886)**

**CONSENT ORDER**

Pursuant to Section 5-34-24 and 5-34.2-4 of the General Laws of the State of Rhode Island, 2004 Reenactment, and the Rules and Regulations promulgated thereunder, the Rhode Island Board of Nurse Registration and Nursing Education (hereinafter "Board"), has investigated a complaint charging Miriam Leveille, RN, Respondent, with a violation of Chapter 5-34 and 5-34.2 of the General Laws of the State of Rhode Island, 2004 Reenactment.

After consideration by the Investigating Committee of the Board, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a Registered Nurse licensed to practice nursing in the State of Rhode Island.
2. That on or about 30 November 2004 Respondent did divert Ambien and Ativan, for her own purposes while employed as a private duty nurse in the client's home.
3. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct as defined in Section 5-34-24 and the Rules and Regulations promulgated thereunder.

The parties agree as follows:

1. Respondent is a registered nurse and able to conduct business under and by virtue of the laws of the State of Rhode Island.

2. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
3. Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to the final ratification by the Board. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Board.
4. Respondent hereby acknowledges and waives:
  - a) The right to appear personally or by counsel or both before the Board;
  - b) The right to produce witnesses and evidence in her behalf at a hearing;
  - c) The right to cross-examine witnesses;
  - d) The right to have subpoenas issued by the Board;
  - e) The right to further procedural steps except for those specifically contained herein;
  - f) Any and all rights of appeal of this Consent Order;
  - g) Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
  - h) Any objection to the fact that it will be necessary for the board to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
  - i) Any objection to the fact that the Board reviewing this Consent Order may be the same as the Hearing Committee presiding over this matter should it later be brought to an administrative proceeding;
  - j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Board.

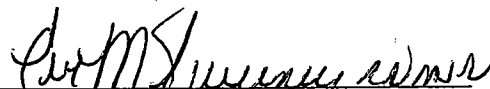
5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Board and Respondent's license shall reflect that the status is probationary.
6. Acceptance by the Respondent and approval by the Board of this Consent Order constitutes an admission of the facts herein.
7. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.
8. Respondent agrees to a three (3) year period of probation that will commence upon ratification of this Order and will abate for the duration of any period in which Respondent ceases to be employed as a registered nurse.
9. That, during the period of probation, Respondent shall not work in a staffing agency and/or pool, home health environment or as a private duty nurse. That Respondent shall work under the supervision of a registered nurse at all times. The registered nurse must be physically present in the facility at all times in which Respondent is on duty.
10. That upon ratification of this Consent Order Respondent shall notify the Board of the name and address of her employer.
11. That, during the period of probation, Respondent's employer(s) shall submit to the Board reports every three (3) months relating to Respondent's conduct and performance. That it shall be the responsibility of Respondent to request that the employer(s) submit said reports.
12. That during the period of probation Respondent shall notify the Board forthwith of any changes in employment, including the name and address of the new employer(s) and the reason for said change.
13. The Respondent agrees that she will continue in individual counseling and or treatment

for drug and or alcohol abuse approve by the Board, and shall continue such counseling and or treatment programs as the healthcare professional rendering her care deems appropriate including but not limited to, attendance at a minimum of three (3) AA and NA meetings/ week and to include sponsorship, nursing assistance and nurse support groups as needed.

14. The Respondent agrees to a minimum of monthly urine toxicology monitoring program that includes regular, random, reasonable suspicion, and post-incident testing deemed necessary by the healthcare provider.
15. Respondent waives confidentiality of treatment and will direct the Assistance Program and/or other health care professional rendering treatment to release any progress reports to the Board including, but not limited to, monthly progress reports, and monthly and random urine and drug screening reports for the duration of the Respondent's contract with the Assistance Program.
16. This Consent Order will be transmitted forthwith to the Assistance Program, which is hereby directed by the Respondent to notify the Board of any breach or termination by the Respondent of her treatment.
17. That should Respondent comply with the laws and regulations governing the practice of nursing and comply with the terms of this Order during the period of probation Respondent may apply to the Board for an unrestricted license.
18. That should Respondent fail to comply with the laws and regulations governing the practice of nursing and/or fail to comply with the terms of this Order, the license as a registered nurse shall be subject to suspension or other appropriate disciplinary action.

19. This Consent Order constitutes a final order of the Department of Health pursuant to Rhode Island General Laws 42-35-12. Pursuant to Rhode Island General Laws 42-35-12, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms. By signing this Consent Order, Respondent has waived the appellate rights stated herein.

  
Miriam Leveille, RN

  
President, Board of Nurse Registration  
and Nursing Education

Ratified as an order of the Board of Nurse Registration and Nursing Education at a meeting held on this 11 day of July 2005.