



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: TAMMIE J. ALLEN, LPN )  
 of Glenburn, Maine )  
 License #P012642 )  
 ) CONSENT AGREEMENT  
 ) FOR  
 ) PROBATION

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Tammie J. Allen’s license to practice licensed practical nursing in the State of Maine. The parties to this Consent Agreement are Tammie J. Allen (“Ms. Allen” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Licensee met with the Board in an Informal Conference on June 3, 2010. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B), 10 M.R.S.A. § 8003(5) (A-1) (4) and 10 M.R.S.A. § 8003 (5) (B); they reached this Agreement on the basis of a Criminal Conviction for Unlawful Trafficking of Scheduled Drugs in Penobscot County Superior Court, Bangor Maine dated February 3, 2010.

**FACTS**

1. Tammie J. Allen has been a licensed practical nurse licensed to practice in Maine since November 2007.
2. On February 3, 2010, Tammie J. Allen was convicted of Unlawful Trafficking in Scheduled Drugs, a Class B felony, in the Penobscot County Superior Court, Docket No. BANSC-CR-2008-01139. Ms. Allen received a sentence of three years’ incarceration in the Maine Department of Corrections, with all but 60 days suspended and a two-year term of probation [Exhibit A].
3. Tammie J. Allen admits that she has a substance abuse problem with the use of opiates.
4. Following her arrest in November 2008, Ms. Allen entered the Acadia Hospital Outpatient Suboxone Treatment Program in Bangor. She is no longer on Suboxone, but receives Methadone therapy at St. Joseph Hospital. Ms. Allen continues treatment and therapy at Hearts-Ease Mental Health and is also in treatment at the Penobscot County Metro Treatment Center. She states she has been clean and sober since December 2008.
5. Tammie J. Allen wishes to resolve this Complaint by entering into this Consent Agreement and waives her right to a hearing before the Board.

**AGREEMENT**

6. Tammie J. Allen agrees and understands that based upon the above-stated facts, her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(B), (2)(F), (2)(G), (2)(H) and Chapter 4, sections 1(A)(2), 1(A)(6), 1(A)(7) and 1(A)(8) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
  - a. M.R.S. § 2105-A (2) (B). Ms. Allen has a habitual substance abuse problem that is foreseeably likely to result in her performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2.)
  - b. M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Allen engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed regarding the administration of scheduled drugs. (See also Rule Chapter 4, Section 1.A.6.)



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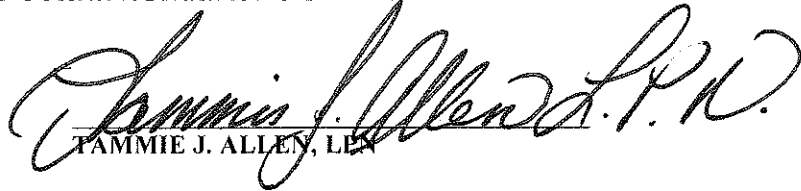
- c. M.R.S. § 2105-A (2) (G). Ms. Allen was convicted of a crime that involves dishonesty and false statements and relates directly to the practice for which she is licensed. In addition, it is a crime for which incarceration for more than one year was imposed (See FACTS #2).
  - d. M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6.)
7. Tammie J. Allen's license as a practical nurse in the State of Maine is placed on probationary status with conditions. The period of probation will commence upon Ms. Allen's return to nursing practice and will be for a period of five years, effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Allen performs nursing services. Her probationary license will be subject to the following conditions:
- a. Tammie J. Allen shall fully cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. She shall inform the Board in writing within 15 days of any address change.
  - b. Tammie J. Allen will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a health care provider who is aware of her substance abuse history.
  - c. Tammie J. Allen will continue in her aftercare treatment program to such an extent and for as long as her treatment providers recommend.
  - d. Tammie J. Allen will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers and such reports shall continue until her probation is terminated. If Ms. Allen's treatment is terminated during her probation, she shall notify the Board and provide written documentation.
  - e. Tammie J. Allen will notify the Board in writing within five business days after she obtains any nursing employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, her employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
  - f. Tammie J. Allen will notify any and all of her nursing employers and faculty involved in clinical studies of the terms of this Agreement and provide them with a copy of it.
  - g. Tammie J. Allen's employment is restricted during the period of probation to structured settings with on-site supervision by a registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse or within the correctional system.
  - h. Tammie J. Allen will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice, to include clinical competency, adherence to policies and procedures relative to standards of practice, and documentation.
  - i. Tammie J. Allen must remain compliant with the conditions of her criminal probation, which were imposed as a result of her conviction in the Penobscot County Superior Court [Exhibit A].

- j. Tammie J. Allen agrees and understands that the Board and the Office of the Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate her compliance with the Agreement and her continued recovery. Ms. Allen shall provide such information, authorize the release of such records and information, and authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board.
8. Tammie J. Allen agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the above-referenced probationary period until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Allen has complied with the provisions of this Agreement.
9. If Ms. Allen violates any condition of her probation, the Board will give written notice to the Licensee regarding her failure to comply. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review her response to determine what action, if any, it determines to take. If the Licensee fails to timely respond to the Board's notification regarding failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, the Board may take any disciplinary action which it deems appropriate and impose any of the sanctions including, but not limited to, that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
10. Tammie J. Allen understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that she has not remained substance-free in accordance with this Agreement, her license will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such information, the information will be immediately forwarded to Ms. Allen for response. She understands and agrees that in such an event, her license shall remain suspended pending a hearing. The Board shall hold a hearing within 60 days of the automatic suspension unless both the Licensee and the Board agree to hold the hearing later, or the Executive Director and/or the Office of the Attorney General earlier determine that such information is without merit. If the information received is proven to be inaccurate or incorrect, either through hearing or determination by the Executive Director and/or the Office of the Attorney General, Ms. Allen's license will be immediately reinstated retroactive to the date of suspension.
11. 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. Allen's "home state" of licensure and primary state of residence, which means that 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. Allen understands this Agreement is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice will be limited to the State of Maine as it pertains to the Compact. If Ms. Allen wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state; the Board will then make a determination.
12. 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.
13. Tammie J. Allen understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.

14. Tammie J. Allen affirms that she executes this Agreement of her own free will.
15. Modification of this Agreement must in writing and signed by all parties.
16. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
17. This Agreement becomes effective upon the date of the last necessary signature below.

I, TAMMIE J. ALLEN, LPN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY LICENSED PRACTICAL NURSE LICENSE. 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: 10-1-10

  
TAMMIE J. ALLEN, LPN

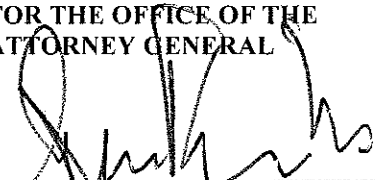
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 10/4/10

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 10/6/10

  
JOHN H. RICHARDS  
Assistant Attorney General