



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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE NO.)
 R035969 ISSUED TO:)
)
 SUSAN ARBUCKLE-KEITH)
)
 To practice registered professional)
 nursing in the State of Maine)
 -----)

**ORDER TERMINATING
 PROBATION**

WHEREAS, on April 11, 2002, License No. R035969 issued to Susan Arbuckle-Keith was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on September 4, 2008, the Board of Nursing duly considered all evidence presented to it concerning Susan Arbuckle-Keith's compliance with the conditions of said probation; and

WHEREAS, the Board found that Susan Arbuckle-Keith has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on June 3, 2002 is hereby terminated.

DATED this 9th day of September 2008.

MAINE STATE BOARD OF NURSING

BY: Myra Broadway
 Myra A. Broadway, J.D., M.S., R.N.
 Executive Director



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ANGUS S. KING, JR.
 GOVERNOR

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

IN RE: SUSAN ARBUCKLE-KEITH, R.N.)
 of West Bath, Maine)
 License #R035969) **CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Susan Arbuckle-Keith's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(4), 10 M.R.S.A. § 8003(5)(B), and 32 M.R.S.A. § 2105A(1A)(B). The parties to this Consent Agreement are Susan Arbuckle-Keith ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on April 11, 2002. The parties reached this Consent Agreement based on information submitted by the Office of the Attorney General dated January 30 2002, information submitted by Seaside Rehabilitation & Health Care Center and an investigative report dated February 8, 2002, from the Department of Human Services, Bureau of Medical Services, Division of Licensing and Certification, Investigative Report # 02-PNF-290.

FACTS

1. Susan Arbuckle-Keith has been a registered professional nurse licensed by the Board to practice in Maine since 1993.
2. Susan Arbuckle-Keith admits that she is a recovering alcoholic and had a relapse in November, 2001. She denies diverting drugs from Seaside Rehabilitation & Health Care Center ("Seaside"). Ms. Arbuckle-Keith stated that during her period of relapse from November, 2001 to January, 2002, she was using alcohol and drugs acquired from the "street."
3. Susan Arbuckle Keith admits that she made a medication error that resulted in patient's overdose. There is no documented patient harm. Ms. Arbuckle-Keith states that this medication error was a "wake-up call for her" and caused her to seek help for her substance abuse relapse.
4. Susan Arbuckle-Keith has been substance free since April 12, 2002. She is currently under the care of her primary care physician for substance abuse, whom she sees every three weeks. She is subject to random urine tests for drugs; she attends N.A. and is in the process of getting a therapist to address her substance abuse issues.



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- 5. Susan Arbuckle-Keith remains employed at Seaside with a positive recommendation from the Director of Nursing at Seaside. She also admits that she currently does not feel safe working around medications and that her present work place at Seaside has accommodated this concern.

AGREEMENT WITH CONDITIONS OF PROBATION

- 6. Susan Arbuckle-Keith agrees and understands that this document imposes discipline regarding her license to practice professional nursing and her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(B), (2)(F) and (2)(H) and Chapter, 4(1)(A)(2), 4(1)(A)(6), (4)(3)(O) and (4)(Q) of the Rules and Regulations of the Maine State Board of Nursing.
- 7. Susan Arbuckle-Keith's license to practice registered professional nursing in the State of Maine will be placed on a probationary status with conditions. The period of probation will be for a period of five years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Arbuckle-Keith performs nursing services. Ms. Arbuckle-Keith's probationary license will be subject to the following conditions:

- a. Susan Arbuckle-Keith will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a physician who is aware of Ms. Arbuckle-Keith's substance abuse history.
- b. Susan Arbuckle-Keith will continue in her aftercare treatment program as her treatment providers recommend. She will notify the Board if she changes her primary physician.
- c. Susan Arbuckle-Keith will arrange for and ensure the submission of quarterly reports to the Board by her primary physician treating her for substance abuse.

~~d. During Ms. Arbuckle-Keith's probationary period of nursing employment she will be prohibited from administering medications unless and until Ms. Arbuckle-Keith obtains approval from the Board for a change in drug administration status.~~

- e. Susan Arbuckle-Keith will immediately notify the Board in writing prior to a change her nursing employment or entry into an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and the same notice shall apply to any subsequent change in employment or change in educational programs. Ms. Arbuckle-Keith shall obtain approval from the Board prior to accepting a change in nursing employment or entry into an educational program in the field of

Sept. 28, 2006
 It was moved & voted by Board to delete ¶ 7 d. of this C.A.
 1. *M. Broadway*
 Exec. Director
 2. *John H. Richards*
 A.A. Co.
 3. *Susan Arbuckle-Keith*

- f. Susan Arbuckle-Keith will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - g. Susan Arbuckle-Keith will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her nursing practice.
 - h. Susan Arbuckle-Keith 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 Ms. Arbuckle-Keith's compliance with the Consent Agreement and her continued recovery. Ms. Arbuckle-Keith shall provide such information, shall authorize the release of such records and information, and shall 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 for the purpose of evaluating Ms. Arbuckle-Keith's compliance with the Consent Agreement and her continued recovery.
8. Susan Arbuckle-Keith agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the five year probationary period, until and unless the Board, at Ms. Arbuckle-Keith's written request, votes to terminate Ms. Arbuckle-Keith's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Arbuckle-Keith has complied with the provisions of this Consent Agreement.
 9. Susan Arbuckle-Keith understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Arbuckle-Keith understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
 10. If Ms. Arbuckle-Keith fails to meet any of the obligations of this Consent Agreement, 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.
 11. Susan Arbuckle-Keith affirms that she executes this Consent Agreement of her own free will.
 12. Modification of this Consent Agreement must in writing and signed by all the parties.

- 13. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.
- 14. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, SUSAN ARBUCKLE-KEITH, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 5-9-02

Susan Arbuckle-Keith, R.N.
SUSAN ARBUCKLE-KEITH, R.N.

DATED: 5/31/02

Terry Garney
TERRY GARMEY, ESQ.
Attorney for Susan Arbuckle-Keith

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 5/31/02

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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 6/3/02

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General

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