

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV 88-250

MAINE STATE BOARD OF NURSING,)
)
Plaintiff)
)
v.) CONSENT DECREE AND ORDER
)
VICTORIA CHOATE,)
)
Defendant)

Plaintiff, Maine State Board of Nursing (the "Board"), having filed its Complaint, and Plaintiff and Defendant, having consented to the entry of this Consent Decree and Order ("Order") without trial or adjudication of any issue of fact or law and Defendant having acknowledged that:

1. This Court has jurisdiction over Defendant and the subject matter of this action, pursuant to 4 M.R.S.A. § 105 (Supp. 1988), 5 M.R.S.A. § 209 (Supp. 1988), 14 M.R.S.A. § 6051 (13) (1980), and 32 M.R.S.A. § 2107 (1988).

2. The Complaint states a claim upon which relief may be granted against the Defendant under the Nurse Practice Act, 32 M.R.S.A. § 2106(3), (4) and (6) (1988), and the Unfair Trade Practices Act, 5 M.R.S.A. § 207 (1979).

3. Defendant, in connection with her employment at the Mechanic Falls Nursing Home (formerly Androscoggin Community Home) from November 1987 to March 16, 1988, engaged in acts

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CITY OF COVINGTON
CLERK OF COURT

and practices as alleged in the attached complaint, in violation of the Nurse Practice Act, 32 M.R.S.A. § 2106(3), (4) and (6) and the Unfair Trade Practices Act, 5 M.R.S.A. § 207, which were in effect during the stated period of time.

4. Defendant waives the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Maine Rules of Civil Procedure.

5. Defendant waives any right she might have to appeal from this order.

6. Defendant has entered into this order voluntarily. No promise or threat of any kind has been made by the Plaintiff or its representative to induce Defendant to enter into this Order.

7. This Order may be presented to the Court for entry and signature without further notice.

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law, and upon consent of the parties hereto and it appearing that this Court has jurisdiction over the parties and the subject matter hereof:

A. Defendant is enjoined permanently from:

1. Practicing professional nursing or practical nursing, as defined by Title 32, M.R.S.A., Chapter 31, unless duly licensed to do so under said Chapter; and

2. Using in connection with her name any designation tending to imply that she is a licensed registered nurse or

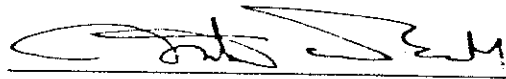
a licensed practical nurse unless duly licensed so to practice under said chapter; and

3. Otherwise violating any provisions of 32 M.R.S.A., Chapter 31, The Nurse Practice Act; and

4. Engaging in unfair and deceptive trade practices by representing or tending to imply that she is a licensed nurse.

B. This Court retains jurisdiction over this matter and the parties thereto.

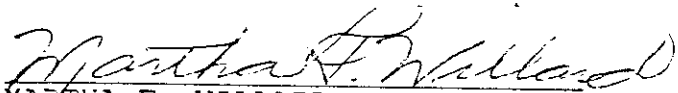
DATED: 7/13/88



JUSTICE, SUPERIOR COURT

WE CONSENT:

DATED: 7/11/88



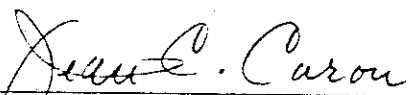
MARTHA F. WILLARD
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Attorney for Plaintiff
State of Maine
Board of Nursing

DATED: 6/28/88


VICTORIA CHOATE

DATED: 7/7/88

BY: 
JEAN C. CARON, R.N.
Executive Director
Maine State Board of Nursing



Maine State Board of Nursing

295 WATER STREET
AUGUSTA, MAINE 04330

IN RE:)
VICTORIA CHOATE, R.N.,)
of Leeds, Maine)

CONSENT AGREEMENT
PURSUANT TO 32 M.R.S.A.
§ 2105-A(1-A)(C)

This Consent Agreement is entered into by and among Victoria Choate, the Maine State Board of Nursing (hereinafter "the Board") and the Department of the Attorney General, State of Maine. By letter dated November 17, 1987, Victoria Choate was advised by the Board that it was initiating a complaint against her alleging drug dependency and impairment while practicing nursing and illegal procurement of drugs, based on information filed with the Auburn Police Department. Subsequently, Ms. Choate and her attorney, P. J. Perrino, met with the Board for an informal conference, held pursuant to 32 M.R.S.A. § 2105-A(1-A), on December 17, 1987. Following the conference, the Board made the following findings of fact:

A. FINDINGS OF FACT

1. Ms. Choate admits to forging prescriptions to obtain controlled substances over a 4 month period of time, and to drug dependency and impairment while practicing nursing.

2. Ms. Choate has been a substance abuser since 1985.
3. Therefore, Ms. Choate is in violation of 32 M.R.S.A. § 2105(2)(B), (E) and (F).
4. Ms. Choate voluntarily surrendered her R.N. license to the Board.
5. Ms. Choate voluntarily entered a detoxification unit and a 28-day rehabilitation program.
6. Ms. Choate is actively participating in an after care program.

B. COVENANTS

Pursuant to 32 M.R.S.A. § 2105-A(1-A)(C) the Board voted to accept Ms. Choate's voluntary surrender of her license for a period of 18 months, commencing on December 17, 1987. Ms. Choate understands and agrees to the following conditions of surrender:

1. Ms. Choate will continue with her after care program including regular attendance at AA and/or NA meetings.
2. Ms. Choate will accept no employment in nursing in any capacity.
3. Ms. Choate will arrange to have quarterly reports from her Substance Abuse Counselor, submitted to the Board. She waives any claims of confidentiality and privilege with respect to these reports.
4. Ms. Choate will remain chemical free.

The Board will take no further action on the complaint of November 17, 1987 if Ms. Choate complies with these

conditions. Ms. Choate understands and agrees that, at the end of the 18 month period, she may apply to the Board for reinstatement of her license. She further understands and agrees that the Board, may condition her license at that time.

Dated: 6/24/88

Victoria D Choate
Victoria Choate, R.N.

Dated: _____

P. J. Perrino, Counsel
for Ms. Choate

Dated: 7/7/88

Jean C. Caron
Maine State Board of Nursing
By: Jean C. Caron, R.N.
Executive Director

Dated: 7/8/88

Martha F. Willard
Martha F. Willard
Assistant Attorney General
Counsel to the Board