



MAINE STATE BOARD OF NURSING

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(207) 624-5275 • FAX (207) 624-5290

In re:)
Cheryl A. Colby) CONSENT AGREEMENT
of Lynn, Massachusetts) REGARDING VOLUNTARY
License #R035292) SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement regarding Cheryl A. Colby's license to practice professional nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. Section 2105-A(1-A)(B) and 10 M.R.S.A. Section 8003(5)(B). The parties to this Consent Agreement are: Cheryl A. Colby, the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. By letter dated August 18, 1993 from Debra Murphy, R.N.C., Director of Nursing, Down East Community Hospital, stating that Ms. Colby had been discharged from employment at the Hospital following her confession to diversion of narcotics. This information was supplemented by letter dated September 30, 1993 enclosing a memorandum dated August 12, 1993, with attachment, from Paul Paradis of the Maine Drug Enforcement Agency. (The attachment to this memo was a statement from Ms. Colby dated August 11, 1993 in which she voluntarily surrendered her license to practice nursing in the State of Maine to Special Agent Paradis.) The Board held an informal conference to discuss this matter on February 16, 1994. Ms. Colby attended the conference without legal counsel. This Consent Agreement is a result of that informal conference.

FINDINGS OF FACT

1. Ms. Colby admits to the diversion of narcotics and to the falsification of records at Down East Community Hospital.
2. There is no documented harm to any patient as a result of Ms. Colby's actions, and she states that she did not deprive any patient of needed medication.
3. Ms. Colby has a long history of substance abuse including multiple treatments and relapses, and a history of previous license discipline in New Hampshire.
4. At the time of the informal conference Ms. Colby was actively involved in an informal treatment program.

5. At the time of the informal conference Ms. Colby had been substance-free for more than nine weeks.
6. Ms. Colby appears to have a strong support network to assist her in her recovery.
7. Ms. Colby did not use substances while on duty.
8. Ms. Colby cannot state for certain whether she was impaired on duty at any time.
9. Ms. Colby's nursing supervisor states that Ms. Colby's nursing judgment appeared to change immediately before she was confronted by hospital personnel.
10. Ms. Colby has voluntarily surrendered her license to practice nursing in Maine.
11. Ms. Colby has been cooperative with the investigation by the facility and by criminal authorities.

COVENANTS

Ms. Colby agrees voluntarily to surrender her license to practice professional nursing in Maine for a period of two years. The Board accepts the voluntary surrender of Ms. Colby's license with the following condition:

1. Ms. Colby will remain substance-free.
2. Ms. Colby will continue her prescribed treatment process and self-help recovery program.
3. Ms. Colby will provide to the Board quarterly reports from her substance abuse counselor so long as she remains in treatment.
4. Ms. Colby will not seek nor accept employment in any position in the field of health care.

Should Ms. Colby petition the Board for reinstatement of her license the decision on reinstatement at that point will be at the discretion of the board. The Board agrees to take no further action upon these facts so long as Ms. Colby fully complies with the Consent Agreement.

Ms. Colby understands that this document is a Consent Agreement which extinguishes her legal right to practice nursing in Maine. Ms. Colby understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering this Consent Agreement. Ms. Colby affirms that she executes this Consent Agreement of her own free will.

DATED: 10-6-94

Cheryl A. Colby
CHERYL A. COLBY

FOR THE MAINE STATE BOARD OF
NURSING:

DATED: 10/12/94

Jean C. Caron
JEAN C. CARON, R.N., M.S.
Executive Director

FOR THE DEPARTMENT OF
ATTORNEY GENERAL:

DATED: 10/17/94

Tim W. Collier
TIMOTHY W. COLLIER
Assistant Attorney General
Counsel to the Board