



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: **KIMBERLY M. KINNE**) **CONSENT AGREEMENT**
 of Fairfield Center, Maine) **FOR PROBATION**
 License #R029722)

INTRODUCTION

This document is a Consent Agreement regarding Kimberly M. Kinne’s license to practice registered professional nursing in the State of Maine. The parties enter into this Consent 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). The parties to this Consent Agreement are Kimberly M. Kinne (“Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Ms. Kinne in an informal conference on December 14, 2005 and reached an agreement that Ms. Kinne’s registered professional nurse license will be placed on probation, with conditions, for a period of six years. This Consent Agreement is based upon the following agreed set of facts:

FACTS

1. Kimberly M. Kinne has been licensed as a registered professional nurse to practice in Maine since 1986.
2. Kimberly M. Kinne pled guilty to 2 Class D misdemeanor Counts of Unlawful Possession of Scheduled Drugs (17-A M.R.S.A. § 1107-A (1) (C) (Supp. 2003) in the Cumberland County Superior Court in Docket No. 05-546 on December 13, 2005. Ms. Kinne received a sentence of 364 days imprisonment in the County jail all but 20 days of that sentence suspended and Ms. Kinne is placed on probation for a term of one year. The Judgment and Commitment are attached hereto and marked as Exhibit A.
3. Kimberly M. Kinne pled guilty to 2 Class D misdemeanor Counts of Possession of Scheduled Drugs and 1 Class E misdemeanor Count of Possession of Scheduled Drugs (17-A M.R.S.A. § 1107) in the York County Superior Court in Docket No. CR-05-412 on December 13, 2005. Ms. Kinne received a sentence of 364 days for Counts 3; 364 days for Count 4; and, six months for Count 5. Count 4 is consecutive to Count 3 and Count 5 is consecutive to Count 4. All of these Counts are consecutive to the Cumberland County Superior Court case, Docket No. 05-546. All of the sentences for consecutive periods of imprisonment in the York County cases are suspended and Ms. Kinne is placed on three consecutive probationary terms of one year each; these to run consecutive to the Cumberland County case for a total of four years probation. The Judgment and Commitment are attached and marked as Exhibit B.



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4. Kimberly M. Kinne admits that in December 2003, she diverted narcotics (Oxycodone, and Flexeril) for her personal use from Kennebunk Nursing & Rehabilitation Center located in Kennebunk, Maine.
5. Kimberly M. Kinne admits that in April 2004, she diverted narcotics (Oxycodone) for her personal use from Cedars Nursing Care Center located in Portland, Maine.
6. Kimberly M. Kinne admits that she has an addiction to drugs and that she currently cannot work where drugs are accessible. Ms. Kinne states that she has been substance free since April 2005.
7. Kimberly M. Kinne continues in aftercare treatment for substance abuse. Ms. Kinne is under the care of physician specializing in addiction. The current treatment plan consists of attending Narcotic's Anonymous (NA) on a weekly basis.
8. Kimberly M. Kinne is currently employed at Damariscotta Dialysis Center ("Damariscotta Dialysis") located in Damariscotta, Maine, where she will not have access to controlled substances.
9. The parties agree to enter into this Consent Agreement to reinstate Ms. Kinne's registered professional nurse license for a term of probation with conditions.

REINSTATEMENT WITH CONDITIONS OF PROBATION

10. Kimberly M. Kinne 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)(A), 2(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(F), 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Ms. Kinne further understands that this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine
11. Kimberly M. Kinne's license to practice as a registered professional nurse in the State of Maine is placed on probationary status with conditions. The period of probation will be for a period of six years, to be effective only while she is employed in nursing practice. For purposes of this Agreement, nursing employment is any employment during which Ms. Kinne performs nursing services. Ms. Kinne's probationary license will be subject to the following conditions:
 - a. Kimberly M. Kinne 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 or other health care provider who is aware of Ms. Kinne's substance abuse history.
 - b. Kimberly M. Kinne will continue in her aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.

- c. Kimberly M. Kinne will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s).
 - d. Kimberly M. Kinne's employment in nursing practice is restricted to Damariscotta Dialysis located in Damariscotta, Maine. The manager at the facility will be Ms. Kinne's sole supervisor. In the event that the supervisor is unavailable to supervise Ms. Kinne, other on-site registered professional nurses can act as a team leader in providing supervision over Ms. Kinne.
 - e. Kimberly M. Kinne will immediately notify the Board in writing should her employment status change at Damariscotta Dialysis or if she is terminated.
 - f. Kimberly M. Kinne will notify Damariscotta Dialysis of the terms of this Consent Agreement and shall provide them with a copy of it.
 - g. Kimberly M. Kinne will arrange for and ensure the submission to the Board of quarterly reports from Damariscotta Dialysis regarding her general nursing practice.
 - h. Kimberly M. Kinne agrees and understands that the Board and the Department of Attorney General shall have access to any and all employment records and 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. Kinne's compliance with the Consent Agreement and her continued recovery. Ms. Kinne 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. Kinne's compliance with the Consent Agreement and her continued recovery.
 - i. Kimberly M. Kinne shall be in compliance with all the terms and conditions of her criminal probation.
 - j. Kimberly M. Kinne agrees to submit to random drug testing. The costs associated with the random drug testing will be at her expense.
12. The State of Maine is Kimberly M. Kinne's home state of licensure. Ms. Kinne agrees that during the pendency of this Consent Agreement her nursing practice is limited to Damariscotta Dialysis located in Damariscotta, Maine.
13. Kimberly M. Kinne agrees and understands that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Ms. Kinne has not remained substance free in accordance with the Consent Agreement, Ms. Kinne's 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. Kinne for a response. Ms. Kinne agrees and understands that in such 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 Department 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 Department of the Attorney General, Ms. Kinne's license will be immediately reinstated retroactive to the date of suspension.

14. If Ms. Kinne fails to meet any of the obligations of this Consent Agreement, the Board will give written notice to the Licensee regarding her failure to comply. Notice will be sent to the last known address filed with the Board. The Licensee has 30 days from receipt of this notification to respond to the Board in writing regarding the alleged failure to comply. If the licensee fails to respond to the Board's notification regarding her failure to comply, her license will be automatically suspended pending a hearing at the next regularly scheduled Board meeting. If after a hearing the Board finds that the Licensee has failed to meet 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.
15. Kimberly M. Kinne agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the six (6) year probationary period, until and unless the Board, at Ms. Kinne's written request, votes to terminate Ms. Kinne's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Kinne has complied with the provisions of this Agreement.
16. Ms. Kinne understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Kinne 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.
17. Kimberly M. Kinne affirms that she executes this Consent Agreement of her own free will.
18. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.


19. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, KIMBERLY M. KINNE, 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: 4-13-06



KIMBERLY M. KINNE, R.N.

DATED: 4/13/06


THIMI R. MINA, ESQ.
Attorney for Kimberly M. Kinne

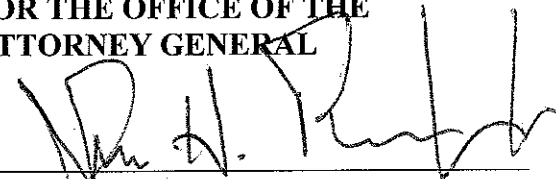
**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: 4/24/06


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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: 4/18/06


JOHN H. RICHARDS
Assistant Attorney General