



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

<b>IN RE:</b>	)	
<b>TREVOR J. KRAUS, R.N.</b>	)	<b>CONSENT AGREEMENT FOR</b>
<b>of Durham, Maine</b>	)	<b>VOLUNTARY SURRENDER OF</b>
<b>License # R051888</b>	)	<b>LICENSE</b>
	)	

**PARTIES**

This document is a Consent Agreement regarding Trevor J. Kraus's license to practice registered professional nursing in the State of Maine. The parties to this Consent Agreement are Trevor J. Kraus, ("Mr. Kraus"), the Maine State Board of Nursing ("the Board"), and the Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 32 M.R.S.A. § 2105-A (1-A) (C) and 10 M.R.S.A. § 8003(5) (B), (5) (D).

**FACTS**

1. At the time of the incidents discussed in this Consent Agreement, Mr. Kraus was licensed in Maine as a registered professional nurse.
2. Mr. Kraus was employed by Maine Medical Center in the Special Care Unit from December 2005 to February 2007.
3. In January 2007, the Pharmacy Department of Maine Medical Center conducted a random audit regarding Pyxis access to track possible drug diversions by staff members.
4. The audit revealed that Mr. Kraus had a significantly higher number of medication withdrawals from Pyxis when compared to his peers.
5. Mr. Kraus took Oxycodone, Hydrocodone, and Benzodiazepines from Pyxis for his own personal use.
6. Mr. Kraus was suspended from Maine Medical Center on January 16, 2007.
7. After an investigation based on the audit, Mr. Kraus was placed on a performance plan and returned to work on January 31, 2007.
8. The investigation did not reveal any documented patient harm as a result of Mr. Kraus's actions.

In re: Trevor J. Kraus



Consent Agreement

9. In February 2007, Mr. Kraus was placed on a medical leave of absence. Mr. Kraus later resigned his position, which became effective July 10, 2007.
10. In March 2007, Mr. Kraus entered a 90-day residential substance abuse treatment program, which he successfully completed in June 2007.
11. Since June 2007, Mr. Kraus has continued with substance abuse treatment, which includes seeing his treatment providers on a weekly basis and attending daily AA meetings.
12. Mr. Kraus did have two relapses, in December 2007 and February 2008, during which he used controlled substances that had been prescribed for someone else.
13. On May 14, 2008, following an informal conference, the Board voted to set this matter for hearing and to offer this Consent Agreement to Mr. Kraus in order to resolve the complaint against him.
14. Absent Mr. Kraus's acceptance of this Consent Agreement by signing, dating, and mailing it to Myra Broadway, Executive Director, 158 State House Station, Augusta, Maine 04333-0158 **by August 15, 2008**, the Board will resolve this matter by holding an adjudicatory hearing.

#### AGREEMENT

15. Trevor J. Kraus neither admits nor denies the facts contained herein regarding the diversion of narcotics or other controlled substances from Maine Medical Center, but acknowledges that if this matter went to a hearing before the Board, the Board could find that such conduct constitutes grounds for disciplining him as follows: Pursuant to 32 M.R.S.A. § 2105-A(2)(F) and Board Rule 02-380 ch. 4 § (3)(P), engaging in unprofessional conduct by diverting drugs that were the property of a health care provider.
16. Mr. Kraus agrees to voluntarily surrender his registered professional nurse license, R051888.
17. Mr. Kraus agrees and understands that his license will remain on surrender status and subject to the terms of this Consent Agreement. No earlier than January 1, 2009, Mr. Kraus may request, in writing, that he come before the Board for the purpose of discussing reinstatement of his license. Mr. Kraus's license will remain on voluntary surrender status unless and until the Board votes to reinstate his license, which will occur no earlier than February 1, 2009. Mr. Kraus agrees and understands that if the Board reinstates his license, it will be for a probationary period.
18. During the time that his license is on surrender status, Mr. Kraus shall continue treatment with all treatment providers and provide reports from those providers prior to coming before the Board for the purpose of reinstatement of his license.

19. Mr. Kraus understands that this document is a Consent Agreement that affects his rights to practice professional nursing in Maine. Mr. Kraus understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering the Consent Agreement.
20. Mr. Kraus shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S.A. § 2502(2) or in any position holding himself out as a registered professional nurse or with the designation "R.N.," including in a veterinarian's office, while his nursing license is surrendered. In addition, Mr. Kraus is not to seek employment where the handling or dispensing of drugs is part of the job responsibility. Mr. Kraus may work in an administrative position that does not require a professional nursing license as long as that position does not violate any part of this Consent Agreement.
21. The Board and Mr. Kraus agree that any violation of any of the terms or conditions of this Consent Agreement by Mr. Kraus shall constitute grounds for discipline and the Board has the authority to issue an order modifying, suspending, or revoking his license in the event that he fails to comply with any of the terms of this Consent Agreement.
22. Pursuant to 10 M.R.S.A. § 8003(5) (B), this Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.
23. This Consent 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.
24. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
25. Mr. Kraus acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will, that no promises have been made to him outside of the written terms and conditions of this Consent Agreement, and that he agrees to abide by all terms and conditions set forth herein.

**I, TREVOR J. KRAUS, 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: 8/12/08

  
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TREVOR J. KRAUS, R.N.

DATED: Aug 13, 2008 KW Lehman

KENNETH W. LEHMAN, ESQ.  
Attorney for Trevor J. Kraus, R.N.

FOR THE MAINE STATE BOARD OF NURSING

DATED: 8/13/08

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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 8-14-08

Carrie L. Carney  
CARRIE L. CARNEY  
Assistant Attorney General