

MSBON



MAINE STATE BOARD OF NURSING
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In re:)
Jane T. McGuire) **CONSENT AGREEMENT**
of Owls Head, Maine) **REGARDING VOLUNTARY**
License #R031913) **SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Jane T. McGuire'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: Jane T. McGuire, the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. On April 26, 1995 Ms. McGuire wrote to the Board explaining that she was voluntarily returning her registered professional nurse license due to "a medical illness," for which she was getting treatment. Ms. McGuire enclosed her registered professional nurse license along with this letter to the Board. By letter dated May 18, 1995 Ms. McGuire was advised by the Board that it had received a letter dated May 4, 1995 from Sandra LaPorte, R.N., Vice President of Nursing at Penobscot Bay Medical Center, stating that Ms. McGuire had been placed on administrative leave from employment at the Medical Center for suspected drug abuse and diversion. Ms. McGuire responded in a letter to the Board dated June 12, 1995. The Board held an informal conference to discuss this matter on October 18, 1995. Ms. McGuire attended the conference without legal counsel. This Consent Agreement is a result of that informal conference.

FINDINGS OF FACT

1. Ms. McGuire admits to a substance abuse problem.
2. Ms. McGuire readily admits to four instances of diversion of Demerol and Phenergan from the Penobscot Bay Medical Center while she was employed there.
3. Ms. McGuire admits using these substances on duty twice in one day.
4. There is a question of whether her actions deprived patients of needed medication.
5. The Medical Center strongly supports her nursing skills and excellent work history.
6. There was no documented evidence of patient harm as a result of Ms. McGuire's actions.
7. The Medical Center remains supportive of her.

8. Ms. McGuire stated at the informal conference that she had been substance-free for a period of six (6) months.
9. Ms. McGuire has completed a formal treatment program and continues in aftercare and extensive self-help, and she appears to have a strong support system.
10. Ms. McGuire's intent was to surrender her nursing license by returning her renewal application.
11. The diversion of narcotics by Ms. McGuire took place over a period of one month.
12. The Board has received strong letters of support for Ms. McGuire from her substance abuse counselor and her self-help recovery program sponsor.

COVENANTS

Ms. McGuire agrees voluntarily to continue the surrender of her license to practice professional nursing in Maine until April 13, 1996. The Board accepts the voluntary surrender of Ms. McGuire's license with the following conditions:

1. Ms. McGuire will remain substance-free.
2. Ms. McGuire will continue her prescribed aftercare treatment process and self-held recovery program.
3. Ms. McGuire will provide to the Board quarterly reports from her addiction counselor so long as she remains in treatment. Ms. McGuire waives any claims of confidentiality and privilege which she may have with respect to these reports.
4. Ms. McGuire agrees that she will neither seek nor accept employment in any position in the field of health care.
5. Should Ms. McGuire petition the Board for reinstatement of her license the decision of 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. McGuire fully complies with this Consent Agreement.
6. Ms. McGuire understands that this document is a Consent Agreement which extinguishes her legal right to practice nursing in Maine for a period of time. Ms. McGuire 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. McGuire affirms that she executes this Consent Agreement of her own free will.

DATED: 2/9/96

Jane T. McGuire
JANE T. MCGUIRE

FOR THE MAINE STATE BOARD OF
NURSING:

DATED: 2/12/96

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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL:

DATED: 2/14/96

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