

MSBON



MAINE STATE BOARD OF NURSING
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In re:)
Ann E. Smith)
of Old Orchard Bch, Maine)
License #R038117)

CONSENT AGREEMENT
REGARDING VOLUNTARY
SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement regarding Ann E. Smith'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: Ann E. Smith, the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. By letter dated April 20, 1995 Ms. Smith was advised by the Board that it had received a letter dated April 7, 1995 from Jane Kerns, R.N., Director, Special Care Unit, Emergency Room, Southern Maine Medical Center, stating that Ms. Smith had been terminated from employment at the Medical Center for inappropriate medication documentation and administering medications without an appropriate physician's order. Counsel for Ms. Smith responded in a letter to the Board dated May 15, 1995. The Board held an informal conference to discuss this matter on September 14, 1995. Ms. Smith attended the conference with William C. Nugent, Esq. This Consent Agreement is a result of that informal conference.

FINDINGS OF FACT

1. Ms. Smith admits to the diversion of narcotics reflected in the April 7, 1995 letter from Ms. Kerns with attachments, and to the falsification of patient records.
2. Ms. Smith states that she has a ten-year history of substance dependency.
3. Ms. Smith was terminated from her employment at the Southern Maine Medical Center as a result of her actions.
4. Ms. Smith has seen a substance abuse counseling professional and is currently actively involved in a 12-step recovery program.
5. Ms. Smith stated at the informal conference that she had been substance-free for a period of six months.
6. There was no documented patient harm as a result of Ms. Smith's actions.

7. Ms. Smith denies ever using any of the medications while on duty.
8. At the time of the informal conference Ms. Smith was working as a nurse but without direct patient contact and with no access to medications.
9. A representative of the Southern Maine Medical Center states that Ms. Smith was a good nursing practitioner with the exception of this diversion of medications.

COVENANTS

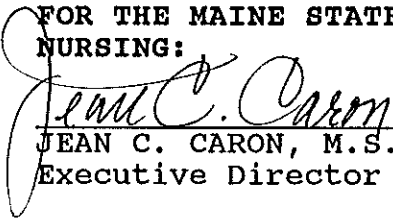
Ms. Smith agrees voluntarily to surrender her license to practice professional nursing in Maine for a period of two (2) years. The Board accepts the voluntary surrender of Ms. Smith's license with the following conditions:

1. Ms. Smith will remain substance-free.
2. Ms. Smith will be evaluated by a formal substance abuse program and will follow the recommendations that result from that evaluation, and will submit a copy of the evaluation report to the Board.
3. Ms. Smith will arrange to have quarterly reports submitted to the Board from her licensed alcohol and drug abuse counselor.
4. Ms. Smith will continue in her self-recovery program and aftercare as recommended.
5. Ms. Smith will neither seek nor accept employment in any position in the field of health care.
6. Should Ms. Smith 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. Smith fully complies with this Consent Agreement.
7. Ms. Smith understands that this document is a Consent Agreement which extinguishes her legal right to practice nursing in Maine. Ms. Smith 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. Smith affirms that she executes this Consent Agreement of her own free will.


DATED: 1-13-97


ANN E. SMITH

DATED: 1/21/97

FOR THE MAINE STATE BOARD OF
NURSING:

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

DATED: 1/23/98

FOR THE DEPARTMENT OF
ATTORNEY GENERAL:

TIMOTHY W. COLLIER
Assistant Attorney General
Counsel to the Board