



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: **SUSAN M. TALARICO, L.P.N.**) **CONSENT AGREEMENT**
 of Porter, Maine) **FOR SUSPENSION AND**
 License # P010392) **PROBATION**

INTRODUCTION

This document is a Consent Agreement regarding Susan M. Talarico's license to practice practical nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A) and 10 M.R.S.A. § 8003(5). The parties to this Consent Agreement are Susan M. Talarico ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on August 27, 2003. The parties reached this Agreement on the basis of information submitted by State of Maine, Attorney General Investigation Incident Report and supporting documentation consisting of Maine State Police Reports received by the Board on January 23, 2003, a copy of which is attached to and hereby incorporated into this Consent Agreement as "Exhibit A." In addition, Susan M. Talarico provided the Board with a written statement dated January 30, 2003 and received February 6, 2003, a copy of which is attached to and hereby incorporated into this Consent Agreement as "Exhibit B."

FACTS

1. Susan M. Talarico has been licensed by the Board as a licensed practical nurse since 1991.
2. Susan M. Talarico, while employed as a licensed practical nurse, removed prescription drugs to wit: Celexa and Tetracycline from the Windham Correctional Center with the intent to ingest them and without a valid prescription from a practitioner. In addition, Susan M. Talarico ingested the Tetracycline without possessing a valid prescription from a practitioner, and possessed and used marijuana, a schedule Z illegal drug.
3. On August 27, 2003, the Board held an informal conference with Susan M. Talarico concerning this matter. Following the informal conference, the Board voted to offer Ms. Talarico this Consent Agreement to resolve this matter. Absent Ms. Talarico's acceptance of this Consent Agreement by signing and dating it and returning it to the Board within thirty days of her receipt thereof, the Board shall dispose of this matter in whatever fashion it deems appropriate.



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AGREEMENT

4. Susan M. Talarico understands and agrees to the facts as described in paragraph 2 above and agrees and admits that such facts constitute grounds for discipline of her licensed practical nurse license under Title 32 M.R.S.A. § 2105-A(2)(F), and Chapter 4.1.A.(6) of the Rules and Regulations of the Maine State Board of Nursing.
5. As discipline for the violations admitted in paragraphs 3 and 4 above, Susan M. Talarico agrees to:
 - a. A **LICENSE SUSPENSION** of 60 days from the effective date of this Agreement; and
 - b. A **LICENSE PROBATION** for three years commencing upon the completion of the 60 day period of suspension and effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Consent Agreement, nursing employment is any employment during which Susan M. Talarico performs nursing services. During the three year probation, Susan Talarico's license to practice licensed practical nursing in the State of Maine will be subject to the following conditions:
 - (1) Susan M. Talarico will only be employed as a licensed practical nurse only in a structured facility that employs a licensed registered professional nurse who provides Susan M. Talarico with direct on site supervision;
 - (2) Susan M. Talarico will immediately notify the Board in writing regarding any change in her nursing employment or entry into an educational program in the field of nursing. Notification under this section shall include the place and position of employment or the educational program and the same notification shall apply to any subsequent change in employment or change in educational program;
 - (3) Susan M. Talarico will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it;
 - (4) Susan M. Talarico will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her licensed practical nursing practice;
 - (5) Susan M. Talarico will totally abstain from the use or possession of illegal drugs. In the event that any member of the Board or its staff receive reliable information that Ms. Talarico has stolen, used or possessed any illegal

drugs, Ms. Talarico's license, upon notification by the Board, shall immediately and without hearing be suspended. For the purposes of this Consent Agreement, illegal drugs are those defined in 17-A M.R.S.A. § 1102;

(6) Susan M. Talarico will refrain from all criminal conduct, including theft.

6. Susan M. Talarico agrees and understands that her license will remain on probationary status and subject to the terms of this Consent Agreement indefinitely beyond the three year probationary period, until and unless the Board, at Ms. Talarico's written request, votes to terminate Ms. Talarico's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Talarico has complied with the provisions of this Consent Agreement.
7. Susan M. Talarico understands that this document is a Consent Agreement that affects her rights to practice licensed practical nursing in Maine. Ms. Talarico 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.
8. If Susan M. Talarico fails to meet any of 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.
9. Susan M. Talarico affirms that she knowingly and voluntarily executes this Consent Agreement of her own free will.
10. Modification of this Consent Agreement must in writing and signed by all the parties.
11. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.
12. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, SUSAN M. TALARICO, L.P.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: 10/10/03

Susan M. Talarico
SUSAN M. TALARICO, L.P.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 10/17/03

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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 10/22/03

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General