



Paul R. LePage
GOVERNOR

STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0158

MYRA A. BROADWAY, J.D., M.S., R.N.
EXECUTIVE DIRECTOR

IN RE: KATHLEEN C. ZURZOLO
of Bryant Pond, ME
License No. RN59901

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CONSENT AGREEMENT FOR
INACTIVE STATUS

Complaint 2010-612

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. §8008, the Legislature provided that the sole purpose of the Board is to "protect the public health and welfare" and that "other goals or objectives may not supersede this purpose."

This document is a Consent Agreement ("Agreement") regarding Kathleen C. Zurzolo's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Kathleen C. Zurzolo ("Ms. Zurzolo" or "Licensee"), the Maine State Board of Nursing ("the Board"), and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S. §8003(5)(B) in order to resolve Complaint 2010-612.

FACTS

1. Licensing History. Kathleen C. Zurzolo was first licensed to practice in Maine as an RN on October 28, 2011 through a Board Decision & Order with probationary conditions for a period of three years because of her history of substance abuse.
2. The October 24, 2011 Board Decision & Order states:

[Kathleen Zurzolo] shall remain substance-free. Failure to do so will result in an automatic and immediate suspension of Ms. Zurzolo's license pending further review by the Board.
3. On August 29, 2013, Kathleen C. Zurzolo submitted her required quarterly progress report to the Board's Probation Compliance Officer stating that on August 14, 2013, following an investigative interview with detectives concerning a possible drug diversion, she relapsed with alcohol. She stated that she was admitted to St. Mary's in-patient unit for alcohol intoxication and severe anxiety and had contacted the Medical Professionals Health Program [MPHP]. MPHP has confirmed that Ms. Zurzolo has initiated contact with its staff, but is not currently under a monitoring contract.
4. On September 4, 2013, the Board voted to immediately suspend Ms. Zurzolo's nursing license pursuant to the provision of the October 2011 Board Decision & Order cited in paragraph 2 above.
5. Absent Licensee's acceptance of this Agreement by signing, dating, and returning it to Jayne Winters, Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or before January 3, 2014, the Board will take further action. In the absence of an Agreement on Complaint 2010-612, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action on this matter including fines, suspension or revocation of Licensee's license.




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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

AGREEMENT

6. Kathleen C. Zurzolo admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her as follows:
 - a. Pursuant to 10 M.R.S. §8003 (A-1)(4) for failure to comply with the conditions of her October 24, 2011 Decision & Order for Licensure with Probation; and
 - b. Pursuant to 32 M.R.S. §2105-A (2)(B) for misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients.
7. As discipline for the conduct admitted in paragraph 6 above, Ms. Zurzolo agrees to place her Maine RN license on **INACTIVE STATUS** effective upon the date of the final execution of this Agreement. Licensee understands and agrees that she is subject to the terms of this Agreement until and unless the Board, at her written request, votes to approve reactivation of her license. She further understands and agrees that the Board shall have the sole discretion to grant or deny such a request or to grant her a license with probation and conditions as it determines appropriate to protect the public.
8. The State of Maine is a “party state” that has adopted the Nurse Licensure Compact (“the Compact”), which is set out in Chapter 11 of the Rules of the Maine State Board of Nursing. The State of Maine is Ms. Zurzolo’s “home state” of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principal home for legal purposes; her domicile. Other party states in the Compact are referred to as “remote states,” which means party states other than the home state that have adopted the Compact. Ms. Zurzolo understands this Agreement is subject to the Compact.
9. Ms. Zurzolo shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. §2502(2) or in any position holding herself out as a registered professional nurse or with the designation “RN” while she does not hold a nursing license.
10. This Agreement is a public record within the meaning of 1 M.R.S. §402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. §408.
11. This Agreement constitutes an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
12. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
13. For the purposes of this Agreement, the term “execution” means that date on which the final signature is affixed to this Agreement.
14. This Agreement is not subject to review or appeal by Ms. Zurzolo, but may be enforced by an action in the Superior Court by the Board.
15. Ms. Zurzolo acknowledges by her signature hereto that she has read this Agreement, has had an opportunity to consult with an attorney before executing this Agreement, has executed this Agreement of her own free will, and agrees to abide by all terms and conditions set forth herein.


Dated: 12/20/13



LICENSEE KATHLEEN C. ZURZOLO

FOR THE MAINE STATE BOARD OF NURSING

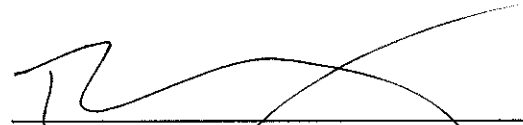
Dated: 12/23/13



MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: 1/9/14



RONALD O. GUAY
Assistant Attorney General

EFFECTIVE DATE: 1/3/14