



Paul R. LePage  
GOVERNOR

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

MYRA A. BROADWAY, JD, M.S., RN.  
EXECUTIVE DIRECTOR

IN RE: KELLEY BUNKER-TAYLOR, RN )  
of Ellsworth, ME )  
License No. RN27271 )

CONSENT AGREEMENT  
FOR VOLUNTARY  
SURRENDER OF LICENSE

Complaint No. 2012-238

**INTRODUCTION**

This document is a Consent Agreement ("Agreement") regarding Kelley Bunker-Taylor's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Kelley Bunker-Taylor ("Licensee" or "Ms. Bunker-Taylor"), the Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A)(C) and 10 M.R.S. §§8003 (5)(B) and 8003 (5)(D) to resolve Board Complaint 2012-238, dated December 28, 2012, which includes a provider report from Eastern Maine Medical Center ("EMMC") dated November 9, 2012.

**FACTS**

1. **Licensing History.** Kelley Bunker-Taylor has been licensed to practice as an RN in Maine since March 15, 1984; she was a licensed practical nurse from December 1980 to July 1986. On June 26, 1986, Ms. Bunker-Taylor entered into a Consent Agreement with the Board surrendering her nursing license following her admitted diversion of scheduled medications (Demerol) and a history of substance abuse; on December 12, 1986, she entered into a Consent Agreement with the Board and was reinstated on probation, which was successfully completed on December 12, 1987.

On September 27, 2007, Ms. Bunker-Taylor entered into a Consent Agreement with the Board for probation for a period of five years, following her admitted relapse and diversion of Vicodin. She began working as an RN at EMMC on July 13, 2008. Having been compliant with nursing employer and treatment provider quarterly reporting, and what the Board believed was continued abstinence, the 2007 probation was terminated on September 20, 2012.

2. On November 13, 2012, the Board received a provider report from EMMC advising that Ms. Bunker-Taylor had resigned October 31, 2012 during the facility's "investigation of chronic narcotics theft." She admitted to her nurse manager that she had been diverting "for a long time." She would not provide further detail as to what medications were diverted based upon her attorney's advice. The Maine DEA was contacted for further investigation. The Board docketed the Complaint as 2012-238 and sent it to Ms. Bunker-Taylor for response.

3. On January 11, 2013, Ms. Bunker-Taylor admitted in a telephone interview with the Board's investigator that she became dependent on pain medication when it was prescribed years ago for carpal tunnel and a second unrelated surgery. She diverted Vicodin, Percocet, Oxycodone, Fentanyl and Morphine and admitted to working while impaired. She stated that she only used medication at work and did not take it home with her.



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4. On January 17, 2013, the Board received written response from Ms. Bunker-Taylor in which she admitted her self-report and subsequent resignation from EMMC for drug diversion. She stated she believes the limited use of painkillers in 2009 or 2010 for surgery was a triggering event for her. She admitted that her use was during working hours, up to three doses a shift although not used daily. She further stated that she would remove opiates from the Pyxis and not sign the medications out at the patients' bedside, but use them for herself. If a patient was prescribed half the vial of an injectable, she would administer what was ordered to the patient and use the remaining amount for herself.

Ms. Bunker-Taylor stated that she is currently in weekly substance abuse counseling to address relapse prevention, meeting weekly with a local support group, and continuing with daily devotions and church attendance. She has also contacted a case manager at the Medical Professionals Health Program ["MPHP"] and plans to participate in its monitoring program after pending jail sentence is served.

5. Kelley Bunker-Taylor wishes to resolve this matter by surrendering her RN license, thereby waiving her rights to an adjudicatory hearing.

#### AGREEMENT

6. Kelley Bunker-Taylor understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not they would support the Board's findings in this Agreement. Further, she understands and agrees that this document imposes discipline regarding her nursing practice in the State of Maine. Specifically, the violations are:
  - a. Pursuant to 32 M.R.S. §2105-A (2) (A) for engaging in the practice of fraud or deceit in connection with service rendered within the scope of the license issued.
  - b. Pursuant to 32 M.R.S. §2105-A (2)(B) for habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Bunker-Taylor performing services in a manner that endangers the health or safety of patients.
  - c. Pursuant to 32 M.R.S. §2105-A (2) (E) (1) for engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public.
  - d. Pursuant to 32 M.R.S. §2105-A (2) (F) for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which she is licensed.
  - e. Pursuant to 32 M.R.S. §2105-A (2) (H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(K) by inaccurately recording, falsifying, or altering a patient or health care provider record.
  - f. Pursuant to 32 M.R.S. §2105-A (2) (H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(O) by practicing nursing when physical or mental ability to practice is impaired by alcohol or drugs.

- g. Pursuant to 32 M.R.S. §2105-A (2) (H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(P) by diverting drugs, supplies, or property of a patient or health care provider.
    - h. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4, §3(Q) by possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
7. As discipline for the conduct admitted in Paragraph No. 6 above, Ms. Bunker-Taylor agrees to **SURRENDER** her Maine RN license, effective on the date of the final execution of this Agreement. Ms. Bunker-Taylor understands and agrees that as a result of surrendering her license, she no longer has a nursing license and is subject to the terms of this Agreement until and unless the Board, at her written request, votes to reinstate her license. Ms. Bunker-Taylor understands and agrees that upon receiving a request from her to reinstate her Maine RN license, 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. Bunker-Taylor'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. Bunker-Taylor understands this Agreement is subject to the Compact.
9. Kelley Bunker-Taylor understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
10. Kelley Bunker-Taylor shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. §2502(2), including in a veterinarian's office, or in any position holding herself out as a registered professional nurse or with the designation "RN" while her nursing license is surrendered. In addition, she is not to seek employment where the handling or dispensing of medication is part of the job responsibility.
11. 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.
12. This Agreement constitutes a final 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.
13. Modification of this Agreement must be in writing and signed by all parties.
14. Kelley Bunker-Taylor understands and agrees that this Consent Agreement is not subject to judicial review or appeal and may be enforced by an action in the Superior Court.
15. Kelley Bunker-Taylor affirms that she executes this Agreement of her own free will.

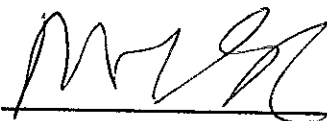
16. This Agreement becomes effective upon the date of the last necessary signature below.

I, KELLEY BUNKER-TAYLOR, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 5-15-13

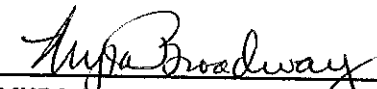
  
KELLEY BUNKER-TAYLOR, RN

DATED: 5/16/13

  
MARVIN H. GLAZIER, ESQ.  
Attorney for KELLEY BUNKER-TAYLOR, RN

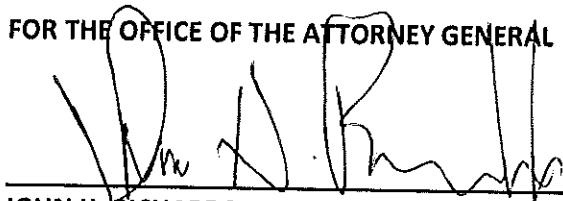
FOR THE MAINE STATE BOARD OF NURSING

DATED: 6/3/13

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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 5/21/13

  
JOHN H. RICHARDS  
Assistant Attorney General