



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

JANET T. MILLS
 GOVERNOR

KIM ESQUIBEL, PH.D, M.S.N., R.N.
 EXECUTIVE DIRECTOR

IN RE: GUY A. CURTIS II, RN)
 of North Yarmouth, ME)
 License No. RN45472)

**CONSENT AGREEMENT
 FOR REPRIMAND, FINE & EDUCATION**

Complaint 2019-153

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 Guy A. Curtis II’s license as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Guy A. Curtis II (“Mr. Curtis”), 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 32 M.R.S. § 2105-A and 10 M.R.S. § 8003(5) in order to resolve Complaint 2019-153.

FACTS

1. At all times pertinent to this matter, Mr. Curtis was licensed by the Board as an RN, license no. RN45472.
2. Until April 2, 2019, Mr. Curtis was employed as a nurse at Mid Coast Hospital (“Mid Coast”) in Brunswick, Maine.
3. On April 22, 2019, the Board received notification from Mid Coast that it had terminated Mr. Curtis’s employment. Mid Coast’s management had received reports that areas in the hospital were being covered in sputum, mucus, and saliva. On or about March 22, 2019, a security camera captured Mr. Curtis bringing his hand to his face and forcing a large amount of sputum and mucus from his mouth and nostril to the door of an elevator. As a result of receiving this information, the Board initiated a complaint against Mr. Curtis’s nursing license; Board staff docketed the Complaint as 2019-153.
4. In his response to Complaint 2019-153, Mr. Curtis admitted to the conduct on or about March 22, 2019. He said his conduct was a response to bullying by other staff at Mid Coast and conflicts with his supervisors and/or hospital administration.
5. Following review at its June 5-6, 2019 meeting, the Board voted to offer Mr. Curtis a consent agreement.
6. Absent Mr. Curtis’s acceptance of this Agreement by signing, dating, and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 **on or before September 15, 2019**, the Board may take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action in this matter.

AGREEMENT

7. Mr. Curtis admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against his Maine nursing license under the following laws and regulations:

32 M.R.S. § 2105-A(2)(F), for engaging in unprofessional conduct by violating a standard of professional behavior that has been established in the practice for which the licensee is licensed; specifically, American Nurses Association Code of Ethics for Nurses Provision 2.4, “Professional Boundaries,” and Provision 6.2, “The Environment and Ethical Obligation”; and



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32 M.R.S. § 2105-A(2)(F) & (H), for engaging in unprofessional conduct as defined by the Board and violating a rule of the Board by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient (Board Rules Ch. 4, § 3(F)).


8. As discipline for the violations admitted to above, Mr. Curtis agrees:
- a. To accept a **REPRIMAND**;
 - b. To pay a **CIVIL PENALTY of \$250.00** within six (6) months of the execution of this Agreement. Mr. Curtis shall remit payment to the Maine State Board of Nursing, 158 State House Station, Augusta ME 04330-0158. The fine shall be paid by bank check or money order and made payable to “Treasurer State of Maine”; and
 - c. That, unless this Agreement is modified in writing by all of the parties hereto, following the execution of this Agreement his license to practice as a registered professional nurse shall be PROBATIONARY and that his license shall be subject to the following conditions:
 - i. Education. Mr. Curtis shall complete, at his own expense, the National Council of State Boards of Nursing (“NCSBN”) course “Righting a Wrong: Ethics & Professionalism in Nursing” within three (3) months following the execution of this Agreement. In complying with this condition, Mr. Curtis shall provide the Board with documentary proof of his successful completion of the course.
 - ii. Privilege to Practice Restrictions. The State of Maine is a “party state” that has adopted the Nurse Licensure Compact (“Compact”), which is set out in Title 32, Chapter 31, Subchapter 2-A of the Maine Revised Statutes. Mr. Curtis understands and agrees that this Agreement is applicable to his multi-state licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Mr. Curtis’s license is subject to this Agreement, he may not work outside the State of Maine pursuant to a multi-state privilege.

9. Mr. Curtis agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement until he has completed the required NCSBN course. Mr. Curtis further agrees and understands that the probation under this Agreement will automatically terminate once he provides the Board with documentary proof of his successful completion of the NCSBN course.
10. Violation of any of the terms or conditions of this Agreement by Mr. Curtis shall constitute unprofessional conduct and shall be grounds for discipline.
11. In the event that Mr. Curtis is alleged to have violated any condition of his probation, the Board will give written notice to him regarding his failure to comply, sent to the last known address that is on file with the Board. Mr. Curtis shall, within 30 days from receipt of this notification, submit a written response to the Board regarding the alleged violation. The Board will review Mr. Curtis’s response to determine what action, if any, it will take. If after notice and hearing, the Board finds that Mr. Curtis has failed to meet probationary conditions, the Board may take any disciplinary action that it deems appropriate and impose any of the sanctions including, but not limited to, those found in 10 M.R.S. § 8003 and 32 M.R.S. § 2105-A.
12. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. This Agreement cannot be modified orally. It can be modified only by writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Mr. Curtis may file a written request, together with any supporting documentation, to modify the terms and conditions of this Agreement. The Board retains the sole discretion to: (a) deny Mr. Curtis’s request; (b) grant Mr. Curtis’s request; and/or (c) grant Mr. Curtis’s request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Mr. Curtis’s request to modify this Agreement need not be made pursuant to a hearing and is not appealable to any court.

13. The Board and Mr. Curtis agree that no further agency or legal action will be initiated against him by the Board based upon the specific violations admitted to herein, except or unless he fails to comply with the terms and conditions of this Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Mr. Curtis. The Board may also consider the fact that discipline was imposed by this Agreement in determining appropriate discipline in any further complaints against Mr. Curtis.
14. The Board and the Office of the Attorney General may communicate and cooperate regarding Mr. Curtis's practice or any other matter relating to this Agreement.
15. 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-A.
16. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank ("NPDB").
17. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
18. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
19. Mr. Curtis acknowledges by his signature hereto that he has read this Agreement, that he has had an opportunity to consult with an attorney before executing this Agreement, that he has executed this Agreement of his own free will, and that he agrees to abide by all the terms and conditions set forth in this Agreement.

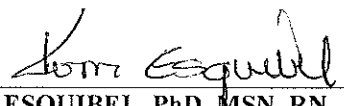
Dated: Aug 28, 2019



LICENSEE GUY A. CURTIS II, RN

FOR THE MAINE STATE BOARD OF NURSING

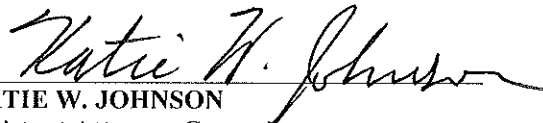
Dated: 8/29/19



KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: 9/3/19



KATIE W. JOHNSON
Assistant Attorney General