



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

ANGUS S. KING, JR.
 GOVERNOR

JEAN C. CARON, M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE:) **CONSENT AGREEMENT FOR**
THERESA A. DAY) **VOLUNTARY SURRENDER**
of Portland, Maine) **OF LICENSE**
License #P007986)

INTRODUCTION

This document is a Consent Agreement regarding Theresa A. Day's license to practice practical nursing in the State of Maine. This Consent Agreement is pursuant to 32 M.R.S.A. § 2105-A(1-A)(C) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Theresa A. Day, Maine State Board of Nursing ("Board") and the Department of the Attorney General, State of Maine. The parties reached this agreement following an informal conference held on June 11, 1997 regarding information received on October 31, 1996 from Jeanne Delicata, R.N.C., Director of Nursing, The Barron Center.

FACTS

1. Ms. Day has a history of substance abuse.
2. On October 17, 1996, while on duty as the medication nurse in the Alzheimer's Unit at The Barron Center, Ms. Day made 67 errors in medication documentation during a 4-hour period.
3. In addition, Ms. Day administered controlled substances without first signing them out in the narcotics book.
4. On four occasions, Ms. Day did not follow the facility's policies regarding the administration, use and disposal of controlled substances, specifically, the Duragesic patch.
5. Ms. Day is currently being treated for depression.
6. Ms. Day stated that she is not currently working in nursing and has no foreseeable plans to return to nursing.
7. Ms. Day's conduct evidences incompetence in the nursing practice for which she is licensed.
8. The Board finds that Ms. Day's conduct, in light of her substance abuse history, suggests that Ms. Day may again have a substance abuse problem, although the Board notes that Ms. Day denies that she is abusing substances.

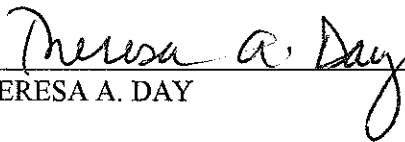
AGREEMENT

1. **Violation:** Theresa Day's conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(E)(1)(incompetence). Notwithstanding the Board's concern that Ms. Day's

incompetence may relate to substance abuse, the Board and the Department of Attorney General, in reliance upon and in consideration of Ms. Day's execution of this Consent Agreement, will agree to allow Ms. Day to voluntarily surrender her license without admitting to a finding of habitual substance abuse.

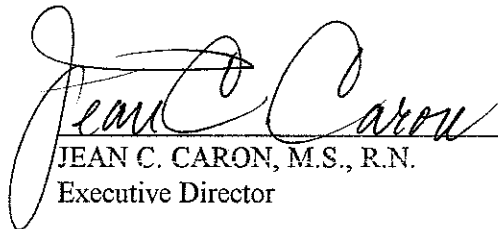
2. **Further Action:** The Board agrees to take no further action upon these facts so long as Ms. Day voluntarily surrenders her license in accordance with this Consent Agreement.
3. **Reinstatement:** Ms. Day agrees and understands that her license to practice practical nursing will not be reinstated until and unless Ms. Day demonstrates to the Board's satisfaction that she is competent to return to practice. Ms. Day further agrees and understands that should Ms. Day request reinstatement the Board may require Ms. Day to submit to a mental health evaluation and a substance abuse evaluation by evaluators of the Board's choice. Should the Board deem such evaluations necessary, Ms. Day shall authorize the release of any and all medical records and all otherwise confidential or medically-privileged information that the Board deems necessary to evaluate Ms. Day's mental health and use of alcohol and drugs.
4. **Miscellaneous Provisions:** Ms. Day understands that this document is a Consent Agreement which affects her rights to practice practical nursing in Maine. This Consent Agreement may be amended only in writing, signed by all the parties. Ms. Day 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 this agreement. Ms. Day affirms that she executes this Consent Agreement of her own free will.
5. **Effective Date:** This Consent Agreement becomes effective upon the last necessary signature below.

DATED: 8/15/97


THERESA A. DAY

MAINE STATE BOARD OF NURSING:

DATED: 9/2/97


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

DEPARTMENT OF ATTORNEY GENERAL:

DATED: 9/4/97


SUSAN A. SPARACO
Assistant Attorney General
Counsel to the Board