



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: KATHY L. SMITH, R.N. )  
 of Saco, Maine )  
 License #R029521 ) **CONSENT AGREEMENT  
 FOR REINSTATEMENT  
 AND PROBATION**

**INTRODUCTION**

This document is a Consent Agreement regarding Kathy L. Smith's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(B), 10 M.R.S.A. § 8003(5)(A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Kathy L. Smith ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with Ms. Smith on October 7, 2004, regarding her petition for reinstatement of her registered professional nurse license.

**FACTS**

1. Kathy L. Smith voluntarily surrendered her registered professional nurse license and entered a Consent Agreement with the Board on October 2, 2002, attached and marked as Exhibit A.
2. Kathy L. Smith states that she has been substance free since November, 2001.
3. Kathy L. Smith continues to see her therapist as aftercare treatment for substance abuse.
4. Kathy L. Smith has complied with the terms and conditions of the October 2, 2002, Consent Agreement.

**REINSTATEMENT WITH CONDITIONS OF PROBATION**

5. Kathy L. Smith's license to practice registered professional nursing in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence on Ms. Smith's return to nursing practice, either through employment or pursuant to an educational program. The period of probation will be for a period of two years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Smith performs nursing services. Ms. Smith's probationary license will be subject to the following conditions:

a. Ms. Smith will remain substance free with the exception of prescribed medications by her physician who is aware of Ms. Smith's substance abuse history.



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- b. Ms. Smith will continue in an aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
  - c. Ms. Smith will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) for as long as she remains in treatment or until her probationary period terminates, whichever occurs first.
  - d. Ms. Smith will immediately notify the Board in writing should she return to employment or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change in employment or educational program.
  - e. Ms. Smith 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.
  - f. Ms. Smith will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer(s) regarding her nursing practice.
  - g. Ms. Smith's employment is restricted during the period of probation to structured settings, which shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.
6. Kathy L. Smith shall not be entitled to utilize her multistate nursing privileges under her Maine registered professional nurse license during the period of probation.
  7. Kathy L. Smith agrees and understands that the Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate Ms. Smith's compliance with the Consent Agreement and her continued recovery. Ms. Smith shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board for the purpose of evaluating Ms. Smith's compliance with the Consent Agreement and her continued recovery.
  8. Kathy L. Smith agrees and understands that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Ms. Smith has not remained substance free in accordance with the Consent Agreement, Ms. Smith's license will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such

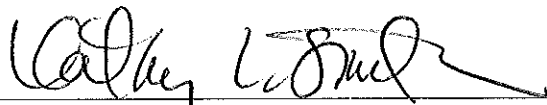
information, the information will be immediately forwarded to Ms. Smith for a response. Ms. Smith agrees and understands that in such event, her license shall remain suspended pending a hearing. The Board shall hold a hearing within 60 days of the automatic suspension unless both the Licensee and the Board agree to hold the hearing later, or the Executive Director and/or the Department of the Attorney General earlier determine that such information is without merit. If the information received is proven to be inaccurate or incorrect, either through hearing or determination by the Executive Director and/or the Department of the Attorney General, Ms. Smith's license will be immediately reinstated retroactive to the date of suspension.

9. Kathy L. Smith agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the two year probationary period, until and unless the Board, at Ms. Smith's written request, votes to terminate Ms. Smith's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Smith has complied with the provisions of this Agreement.
10. Kathy L. Smith understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Smith 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.
11. If Ms. Smith 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.
12. Kathy L. Smith affirms that she executes this Consent Agreement of her own free will.
13. Modification of this Consent Agreement must be in writing and signed by all parties.
14. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

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


I, KATHY L. SMITH, R.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: October 29, 2004

  
KATHY L. SMITH, R.N.

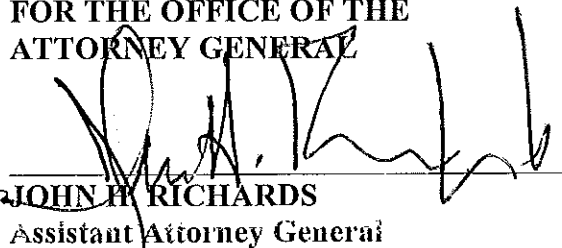
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 11/2/04

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

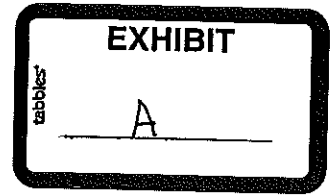
FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 11/10/04

  
JOHN H. RICHARDS  
Assistant Attorney General



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



ANGUS S. KING, JR.  
 GOVERNOR

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

IN RE: Kathy L. Smith, R.N. )  
 of Saco, Maine )  
 License #R029521 )

CONSENT AGREEMENT  
 FOR VOLUNTARY  
 SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement regarding Kathy L. Smith's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(B), (5)(D) and 32 M.R.S.A. § 2105-A(1-A)(C). The parties to this Consent Agreement are Kathy L. Smith, Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reached this Agreement following an informal conference held on March 15, 2002, based on information submitted by Southern Maine Medical Center ("SMMC") in a letter dated December 11, 2002.

FACTS

1. Kathy L. Smith has been a registered professional nurse licensed by the Board to practice in Maine since 1986.
2. Kathy L. Smith admits that she diverted drugs (MS contin) from SMMC over the last two years and that the drugs were diverted for her own use.
3. There is no documented patient harm.
4. Kathy L. Smith admits that she has abused substances for a period of two years.
5. Kathy L. Smith sought help for substance abuse and on November 28, 2001 she entered into a methadone program prior to being confronted for drug diversion by SMMC.
6. SMMC stated that Ms. Smith's nursing practice for the past 15 years was exemplary.

AGREEMENT

7. The Maine State Board of Nursing will accept Kathy L. Smith's voluntary surrender of her license, license # R029521, and Ms. Smith agrees and understands that the voluntary surrender of her license will be for a period of two years, the two year period to begin on November 1, 2001.



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**Consent Agreement for Voluntary Surrender of License**

**Kathy L. Smith**

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8. Kathy L. Smith understands that this document imposes discipline regarding her license to practice professional nursing in the State of Maine under 32 M.R.S.A. § 2105-A(2)(A), (2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), (A)(2), (A)(6) and Chapter 4, sections 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Mr. Smith understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering the Consent Agreement.
9. Kathy L. Smith may petition the Board no earlier than November 1, 2003 for reinstatement of her license, for a probation. Ms. Smith understands and agrees that her license will not be reinstated until and unless the Board, upon Ms. Smith's written request, votes to reinstate Ms. Smith's license.
10. Kathy L. Smith understands and agrees that as a condition of reinstatement of her registered professional nursing license she will continue treatment and counseling for drug abuse and addiction to such an extent and for as long as recommended by her treatment providers. Ms. Smith will arrange for and ensure the submission to the Board of quarterly reports from her treatment providers. In addition, Ms. Smith agrees and understands that the Board shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment and therapy which the Board deems necessary to evaluate Ms. Smith's compliance with this Consent Agreement and her continued recovery.

Kathy L. Smith shall provide such information, shall authorize any release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care as may be requested by the Board for the purpose of evaluating Ms. Smith's compliance with this Consent Agreement.

11. Kathy L. Smith shall not work or volunteer, in any capacity, for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation, R.N. including, in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Smith is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
12. Modification of this Consent Agreement must be in writing and signed by all parties.
12. Kathy L. Smith affirms that she executes this Consent Agreement of her own free will.

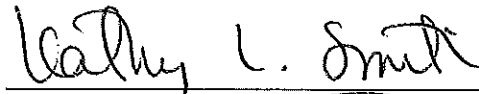
Consent Agreement for Voluntary Surrender of License

Kathy L. Smith

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

DATED: 5-31-02



KATHY L. SMITH

DATED: 5/31/02

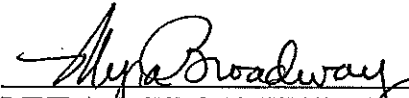


WILLIAM C. NUGENT, ESQ.

Attorney for Kathy L. Smith

FOR THE MAINE STATE  
BOARD OF NURSING

DATED: Sept. Oct 2, 2002



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

Executive Director

FOR THE DEPARTMENT  
OF ATTORNEY GENERAL

DATED: 10/2/02



JOHN H. RICHARDS

Assistant Attorney General