



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: KIMBERLY TOWLE)
 a/k/a Kimberly Hunt Towle) **CONSENT AGREEMENT FOR**
 of Smithfield, Maine) **VOLUNTARY SURRENDER OF**
 License No. R032913) **LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Kimberly Towle's ("Licensee") 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)(C), 10 M.R.S.A. § 8003(5)(B) & (5)(D). The parties to this Consent Agreement are Kimberly Towle, the Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. This Consent Agreement arises from information submitted by Robinson's Health Care Facility in a letter dated June 17, 2003 and a subsequently initiated investigation by the State of Maine Department of Human Services, Bureau of Medical Services, Division of Licensing & Certification in Complaint # CU-030ANF-548 (518) and completed on October 22, 2003.

FACTS

1. Kimberly Towle has been a registered professional nurse licensed to practice in Maine since 1989.
2. On January 17, 2003, Ms. Towle, entered into a Consent Agreement with the Board placing her license on probation with conditions for a period of two years. Consent Agreement, Exhibit 1.
3. From June 16, 2003 to June 20, 2003, the State of Maine Department of Human Services, Bureau of Medical Services, Division of Licensing & Certification conducted an investigation on a complaint of an alleged drug diversion (Complaint # CU-030ANF-548 (518)).
4. On October 22, 2003, the Board was notified that the investigation conducted by the Division of Licensing & Certification concluded that the complaint was substantiated for drug diversion by Kimberly Towle. Complaint Narrative CU-03-ANF-548 (518), Exhibit 2.



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME.

TDD: (207) 287-1151

PHONE: (207) 287-1133

FAX: (207) 287-1149

<http://www.maine.gov/boardofnursing/>

5. The Complaint Narrative also concluded:
 - a. There are multiple instances involving Kimberly Towle where resident's Individual Narcotic Records show document narcotics were removed from the narcotic box, however, the residents' Medical Administration Records (MAR) were not documented to indicate whether the residents' were administered the narcotics.
 - b. Kimberly Towle's peers, who are RNs that are assigned the same residents as Ms. Towle on different shifts, stated that they frequently assessed the residents who were receiving narcotics for pain based on entries made by Ms. Towle because in their assessments these same residents did not show a need for narcotics. Several of the residents were not previously known to be in pain or to have discomfort.
 - c. A physician at the facility, Dr. Linda Hermans confirmed, after an assessment, that two residents that had been documented as receiving narcotics, that day for pain by Ms. Towle, did not appear to have been medicated as the MAR had documented. The two residents also denied receiving any narcotics.
 - d. Kimberly Towle administered narcotics to patients which did not follow the physician's orders.
 - e. Kimberly Towle failed to document any post assessment for medication administrations effectiveness.
 - f. Kimberly Towle failed to properly waste medications in the presence of a witness.
6. Kimberly Towle does not admit the above facts, however, in the interest of resolving this complaint or investigation without further proceedings before the Maine State Board of Nursing, Kimberly Towle offers to a voluntarily surrender her registered professional nursing license.

AGREEMENT

7. Kimberly Towle understands that the above facts constitute grounds for discipline under 32 M.R.S.A. § 2105-A(2)(A), (2)(E)(1), (2)(F), (2)(H) and Chapter 4.1.A.1, 1.A.5., 1.A.6., 1.A.8., 3.F., 3.K. and 3.P. of the Rules and Regulation of the Maine State Board of Nursing. Chapter 4, Exhibit 3.

8. Kimberly Towle understands and agrees that this Consent Agreement is entered into for the voluntary surrender of her registered professional nursing license in the State of Maine.
9. This Consent Agreement supersedes and replaces all prior consent agreements and is entered into by the parties in lieu of a proceeding before the Maine State Board of Nursing regarding the above stated facts.
10. Kimberly Towle understands and agrees that this document is a Consent Agreement that affects her rights to practice registered professional nursing in the State of Maine. Ms. Towle 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. Kimberly Towle affirms that she executes this Consent Agreement of her own free will.
12. Modification of this Consent Agreement must be in writing and signed by all the parties.
13. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, KIMBERLY TOWLE 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: 6/15/04

Kimberly T. Towle
KIMBERLY TOWLE

Consent Agreement for Voluntary Surrender
Kimberly Towle, R.N.
Page 4

**FOR THE MAINE STATE
BOARD OF NURSING**

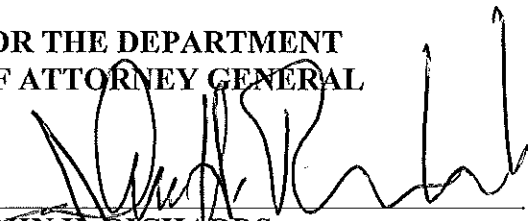
DATED: August 9, 2004



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

**FOR THE DEPARTMENT
OF ATTORNEY GENERAL**

DATED: Aug, 16, 2004



JOHN H. RICHARDS
Assistant Attorney General

RECEIVED

RECEIVED

AUG 16 2004

AUG 16 2004

STATE OF MAINE
DEPARTMENT OF ATTORNEY GENERAL

STATE OF MAINE
DEPARTMENT OF ATTORNEY GENERAL