



Paul R. LePage
GOVERNOR

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

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

IN RE: **KIMBERLY A. ANDERSON, RN**
of Virginia Beach, VA
License No. RN53135

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**CONSENT AGREEMENT
FOR
SURRENDER**

Complaint #2012-42

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Kimberly A. Anderson's license as a Registered Professional Nurse "(RN)" in the State of Maine. The parties to this Agreement are Kimberly A. Anderson ("Licensee" or "Ms. Anderson"), 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) and 10 M.R.S. § 8003(5) (B) in order to resolve Complaint 2012-42.

FACTS

1. Licensing History. Kimberly A. Anderson has been licensed to practice in Maine as an RN since November 17, 2006. On June 16, 2011, Ms. Anderson entered into a Consent Agreement for Warning with the Board regarding two medical errors deemed to be a threat to patient safety [Exhibit A].
2. On March 12, 2012, the Board issued Complaint 2012-42 regarding: 1) Ms. Anderson's on-line Maine renewal dated January 12, 2012 in which she declared Maine as her legal residence; 2) Ms. Anderson's Virginia application for license dated January 31, 2012 in which she declared Virginia as her legal residence; and 3) report of criminal charges in Virginia concerning negligent patient care, received via e-mail dated February 16, 2012.
3. On May 16, 2012, the Board was notified that Virginia Beach District Court had determined that there was not sufficient cause to move forward with the criminal charges; the case was dismissed May 10, 2012.
4. On January 21, 2013, the Virginia Board of Nursing issued Ms. Anderson its Order approving her licensure by endorsement and placing her on a two-year probationary period.
5. By letter dated August 12, 2013, legal counsel for Ms. Anderson advised the Maine State Board of Nursing that Ms. Anderson is claiming Virginia as her primary state of residence, is licensed as an RN in Virginia, and is no longer requesting a license through the State of Maine.
6. In lieu of the informal conference scheduled for August 21, 2013, Kimberly A. Anderson wishes to resolve this matter by surrendering her Maine RN license and agreeing not to practice in Maine on a multi-state privilege from another Compact state, thereby waiving her rights to an adjudicatory hearing.

AGREEMENT

7. Kimberly A. Anderson understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the information underlying those facts, there is sufficient evidence on which the Board could conclude, by a preponderance of the evidence, that she violated Maine State Board of Nursing statutes and its Rules and Regulations (Board Rules). Further, she understands and agrees that this document imposes discipline against her nursing license in the State of Maine. Specifically, Ms. Anderson agrees that her conduct are violations of:



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

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- a. 32 M.R.S. §2105-A (2) (A), engaging in the practice of fraud or deceit in connection with service rendered within the scope of the license issued. See also: Board Rule Chapter 4, §1.A.1.
 - b. 32 M.R.S. § 2105-A (2) (E) (1), 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. See also: Board Rule Chapter 4.1.A.5.a.
 - c. 32 M.R.S. § 2105-A (2) (E) (2), engaging in conduct that evidences a lack of knowledge, or inability to apply principles or skills to carry out the practice for which she is licensed. See also: Board Rule Chapter 4.1.A.5.b.
 - d. 32 M.R.S. § 2105-A (2) (F), engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which she is licensed. See also: Board Rule Chapter 4.1.A.6.
 - e. 32 M.R.S. § 2105-A(2)(H), engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(B) by assuming duties and responsibilities within the practice of nursing without adequate preparation or when competency has not been maintained.
 - f. 32 M.R.S. § 2105-A(2)(H), engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(F) by failing to take appropriate action or to follow policies and procedures in a practice situation designed to safeguard patients.
 - g. 32 M.R.S. § 2105-A(2)(H), engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(H) by intentionally or negligently causing physical or emotional injury to a patient.
8. Kimberly A. Anderson understands and agrees that her license is surrendered unless the Board, at her written request, votes to reinstate her license. Ms. Anderson understands and agrees that if the Board reinstates her license in the future it may be for a probationary period with practice restrictions.
 9. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. Ms. Anderson's Primary State of Residence is Virginia.
 10. Kimberly A. Anderson understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
 11. While her Maine nursing license is surrendered, Kimberly A. Anderson shall not work or volunteer in any capacity in the State of Maine for a Maine health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position in Maine holding herself out as a Registered Professional Nurse or with the designation "RN."
 12. 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.
 13. 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.
 14. Modification of this Agreement must be in writing and signed by all parties.

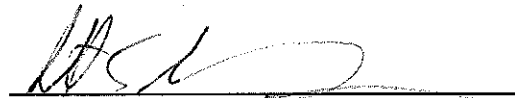
15. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
16. Kimberly A. Anderson affirms that she executes this Agreement of her own free will.
17. This Agreement becomes effective upon the date of the last necessary signature below.

I, KIMBERLY A. ANDERSON, 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(S). 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: 10/9/13



KIMBERLY A. ANDERSON, RN

DATED: 10/16/13


SCOTT E. GURNEY, ESQ.
Attorney for KIMBERLY A. ANDERSON, RN

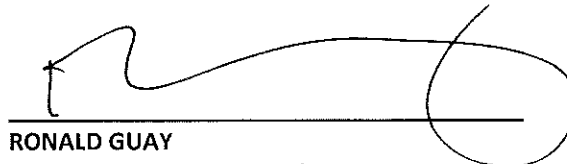
FOR THE MAINE STATE BOARD OF NURSING

DATED: 10/21/13


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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 10/24/13


RONALD GUAY
Assistant Attorney General