



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

JUL 9 1997

ANGUS S. KING, JR.
 GOVERNOR

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

IN RE:)
BARBARA C. BATSON, R.N.) **CONSENT AGREEMENT FOR**
of North Berwick, Maine) **WARNING AND PROBATION**
License #R037946)

INTRODUCTION

This document is a Consent Agreement regarding Barbara C. Batson's license to practice nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. § 2105-A(1-A) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Barbara C. Batson, R.N., the Maine State Board of Nursing ("Board") and the Department of the Attorney General, State of Maine. This Consent Agreement supersedes the Temporary Consent Agreement signed by Ms. Batson on December 19, 1996, and in effect since January 2, 1997. The parties entered into this Consent Agreement following an informal conference held on June 11, 1997. Ms. Batson was present and was represented by Gerard Conley, Jr., Esq.

FINDINGS OF FACT

1. Barbara Batson admits to diverting for her own use three tablets of Tylenol #3. Specifically, she admits that she took one tablet of Tylenol #3 from the same client in the spring of 1995 and two tablets of Tylenol #3 from a client in November of 1995. Thirty-seven tablets of Tylenol #3 remain unaccounted for pertaining to this client's prescription. Barbara Batson denied responsibility for the 37 missing tablets.
2. Following an informal conference held on October 23, 1996, the parties entered into a Temporary Consent Agreement pending the receipt by the Board of additional information pertaining to a substance abuse evaluation.
3. Ms. Batson complied with the terms of the Temporary Consent Agreement.
4. The Board subsequently received additional information, including medical records from Ms. Batson's physician, Daniel Crowe, M.D., and a substance abuse evaluation report dated February 26, 1997 from Barbara S. Waldron, Ph.D, Clinical Psychologist.
5. In her report of February 26, 1997, Dr. Waldron concluded that Ms. Babson does not have a substance abuse problem.

AGREEMENT

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HPC
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7/17/97
7/14/97
7/21/97

1. **Violations:** Ms. Batson's admitted diversion of ~~three~~ *one* tablets of Tylenol #3 in the spring of 1995 and two tablets of Tylenol #3 in November 1995 constitute grounds for discipline pursuant to 32 M.R.S.A. § 2105-A(2)(A) and (F).
2. **Warning:** Ms. Batson is hereby **WARNED**.
3. **Probation:** Ms. Batson's license to practice nursing in the State of Maine is hereby placed on a probationary status with the following conditions for 12 months of nursing employment from the effective date of this agreement:
 - a. **Counseling:** Ms. Batson will attend counseling with a licensed professional therapist or counselor.
 - b. **Counselor's Quarterly Evaluations and Reports:** Ms. Batson will be seen and evaluated quarterly (every three months) by her licensed professional counselor or therapist and will arrange for her counselor or therapist to submit to the Board quarterly reports regarding these evaluations.
 - c. **Notice to Employer:** Ms. Batson will notify any and all of her nursing employers of the terms of this Consent Agreement and shall provide them with a copy of it. For purposes of this Consent Agreement, nursing employment is any employment during which Ms. Batson performs nursing services or holds herself out as a nurse, such as through the designation "R.N."
 - d. **Employer Quarterly Reports:** Ms. Batson will arrange for and ensure the submission to the Board of quarterly reports addressing her job performance from her nursing employer(s).
 - e. **Notice of Employment Status:** Ms. Batson will immediately notify the Board in writing of any employment in the field of nursing, including the place and position of employment, and of any change in nursing employment.
 - f. **Confidentiality and Release of Records:** Ms. Batson agrees that the Board and Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically-privileged information necessary to evaluate Ms. Batson's compliance with this Consent Agreement. Ms. Batson 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 counseling and employment as may be requested by the Board for the purpose of evaluating Ms. Batson's compliance with this Consent Agreement.
4. **Automatic Suspension:** Ms. Batson agrees and understands that if any member of the Board

or the Board's Executive Director receives reasonably reliable information suggesting that Ms. Batson has engaged in conduct that poses an immediate threat to the health or safety of Ms. Batson's clients or patients during the period of this probation, Ms. Batson's license will be immediately and automatically suspended pending further review by the Board. In the event such information is received by any member of the Board or its Executive Director, the information will be forwarded to Ms. Batson for a response. Ms. Batson agrees and understands that her license will remain suspended unless and until the Board is satisfied that Ms. Batson's license may be reinstated consistent with the public health and welfare in the area of nursing service.

5. **Miscellaneous Provisions:** Ms. Batson understands that this document is a Consent Agreement which affects her rights to practice nursing in Maine. This Consent Agreement may be amended only in writing, signed by all the parties. Ms. Batson understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering this Consent Agreement. Ms. Batson affirms that she executes this Consent Agreement of her own free will.
6. **Effective Date:** This Consent Agreement becomes effective upon the last necessary signature below.

DATED: 7/7/97

Barbara C. Batson, R.N.
BARBARA C. BATSON, R.N.

DATED: 7-3-97

Gerard P. Conley
GERARD P. CONLEY, JR., ESQ.
Counsel for Ms. Batson

DATED: 7/14/97

MAINE STATE BOARD OF NURSING:
Jean C. Caron
JEAN C. CARON, M.S., R.N.
Executive Director

DATED: 7/21/97

DEPARTMENT OF ATTORNEY GENERAL:
Susan A. Sparaco
SUSAN A. SPARACO
Assistant Attorney General
Board Counsel