



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: )  
 KRISTINA Z. BLUMENTHAL, R.N. ) **CONSENT AGREEMENT FOR**  
 of Portland, Maine ) **LICENSE CONDITIONS WITH**  
 License # R027103 ) **PROBATION**  
 )

**PARTIES**

This document is a Consent Agreement regarding Kristina Z. Blumenthal's license to practice registered professional nursing in the State of Maine. The parties to this Consent Agreement are Kristina Z. Blumenthal, ("Ms. Blumenthal"), the Maine State Board of Nursing ("the Board"), and the Maine Office of the Attorney General ("the Attorney General"). This Agreement is entered into pursuant to 32 M.R.S.A. § 2105-A (1-A) (C) and 10 M.R.S.A. § 8003(5) (B), (5) (D).

**FACTS**

1. At the time of the incidents discussed in this Consent Agreement, Ms. Blumenthal was licensed in Maine as a registered professional nurse.
2. Ms. Blumenthal has been employed by Maine Medical Center since 1983 and has worked in the labor and delivery department since 1985.
3. In August 2006, the Pharmacy Department of Maine Medical Center prepared Anomalous Usage Reports.
4. The Anomalous Usage Reports revealed that Ms. Blumenthal had a higher number of withdrawals of Nubain when compared to her peers.
5. Nubain is not a controlled substance, but is available only with a prescription.
6. Ms. Blumenthal took addictive medications from Pyxis, namely Nubain, for her own personal use to try to treat the pain she suffers from Gardner's Syndrome, desmoid tumors and bowel obstructions.
7. On August 11, 2006, Ms. Blumenthal was placed on a medical leave of absence and indicated that she would seek treatment.
8. Ms. Blumenthal did seek and continues to participate in treatment, which includes working with a psychiatric nurse practitioner and a psychologist.

In re: Kristina Z. Blumenthal



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9. In addition, as part of her treatment, Ms. Blumenthal is a regular participant in AA and actively participates in a 12-step program and an AA home group. Ms. Blumenthal has a sponsor who is also a registered professional nurse with whom she meets at least once a week and speaks with on the telephone at least once a day.
10. Ms. Blumenthal has been successful with all aspects of treatment and recovery and has not abused any addictive medications since August 2006.
11. On May 14, 2008, following an informal conference, the Board voted to set this matter for hearing and to offer this Consent Agreement to Ms. Blumenthal in order to resolve the complaint against her.
12. Absent Ms. Blumenthal's acceptance of this Consent Agreement by signing, dating, and mailing it to Myra Broadway, Executive Director, 158 State House Station, Augusta, Maine 04333-0158 **by August 15, 2008**, the Board will resolve this matter by holding an adjudicatory hearing.

#### **AGREEMENT WITH CONDITIONS OF PROBATION**

13. Kristina Z. Blumenthal neither admits nor denies the facts contained herein regarding the diversion of Nubain from Maine Medical Center, but acknowledges that if this matter went to a hearing before the Board the Board could find that such conduct constitutes grounds for disciplining her as follows: Pursuant to 32 M.R.S.A. § 2105-A (2) (F) and Board Rule 02-380 ch. 4 § (3) (P), engaging in unprofessional conduct by diverting drugs that were the property of a health care provider.
14. Ms. Blumenthal's license as a registered professional nurse in the State of Maine is placed on a probationary status with conditions. The period of probation will be for three (3) years and will be subject to the following conditions:
  - a. Ms. Blumenthal will continue in her aftercare treatment program to such an extent and for as long as her treatment providers recommend;
  - b. Ms. Blumenthal will arrange for and ensure submission of quarterly reports to the Board by her treatment providers, including her primary care provider, her primary oncologist, her psychologist, her psychiatric nurse practitioner, and any substance abuse treatment provider, the first reports being due September 1, 2008; such reports shall continue until her probation is terminated. If Ms. Blumenthal's treatment is terminated, she shall notify the Board and provide final reports from her treatment providers;
  - c. Ms. Blumenthal will immediately notify the Board in writing should she return to employment and/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 programs;

d. If during the period of probation, Ms. Blumenthal's employment as a nurse terminates or her educational program in the field of nursing terminates, she shall notify the Board of this change;

e. Ms. Blumenthal's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, school nursing, work as a traveling nurse or within the correctional system;

f. Ms. Blumenthal 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. Blumenthal's compliance with the Consent Agreement and her continued recovery. Ms. Blumenthal 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. Blumenthal's compliance with the Consent Agreement and her continued recovery;

g. The State of Maine is Kristina Z. Blumenthal's home state of licensure. Ms. Blumenthal agrees that during the pendency of this Consent Agreement, she may not exercise her multistate privilege without authorization from the other party state and notification to the Maine State Board of Nursing. In addition, Ms. Blumenthal will arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.

15. The Board and Ms. Blumenthal agree that any violation of any of the terms or conditions of this Consent Agreement by Ms. Blumenthal shall constitute grounds for discipline and the Board has the authority to issue an order modifying, suspending, or revoking her license in the event that she fails to comply with any of the terms of this Consent Agreement.
16. Pursuant to 10 M.R.S.A. § 8003(5) (B), this Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.
17. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
18. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
19. Ms. Blumenthal acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will, that no

promises have been made to her outside of the written terms and conditions of this Consent Agreement, and that she agrees to abide by all terms and conditions set forth herein.

**I, KRISTINA Z. BLUMENTHAL, 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: 8/8/08 *Kristina Z. Blumenthal RN*  
KRISTINA Z. BLUMENTHAL, R.N.

DATED: Aug 11, 2008 *Kull*  
KENNETH W. LEHMAN, ESQ.  
Attorney for Kristina Z. Blumenthal, R.N.

**FOR THE MAINE STATE BOARD OF NURSING**

DATED: 8/13/08 *Myra Broadway*  
MYRA A. BROADWAY, J.D., M.S., R.N.  
Executive Director

**FOR THE OFFICE OF THE ATTORNEY GENERAL**

DATED: 8-14-08 *Carrie L. Carney*  
CARRIE L. CARNEY  
Assistant Attorney General