

IN RE: **KRYSTAL A. CARRIER, RN**  
of Windham, Maine  
License No. RN58520

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**CONSENT AGREEMENT  
FOR  
WARNING & CIVIL PENALTY**

**Complaint Nos. 2018-17 & 2018-114**

**INTRODUCTION**

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. § 8008, the Legislature provided that the sole purpose of the Board is to “protect the public health and welfare” and that “other goals or objectives may not supersede this purpose.”

This document is a Consent Agreement (“Agreement”) regarding Krystal Carrier’s license to practice nursing in the State of Maine. The parties to this Agreement are Krystal Carrier (“Ms. Carrier”), the 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 and 10 M.R.S. § 8003(5) to resolve Complaint Nos. 2018-17 & 2018-114.

**FACTS**

1. Ms. Carrier was first licensed to practice in Maine as an RN on September 29, 2010.
2. Disciplinary History. On February 25, 2015, Ms. Carrier entered into a Non-Disciplinary Consent Agreement for License Renewal with the Board (“February 25, 2015 Consent Agreement”). Ms. Carrier agreed to provide the Board with a substance abuse evaluation, to remain substance-free, and to enter into a monitoring contract, which would include random drug and alcohol testing for three years. On July 22, 2015, Ms. Carrier was dismissed from her monitoring program for a pattern of non-compliance. On July 23, 2015, pursuant to the terms of her February 24, 2015 Consent Agreement, the Board suspended Ms. Carrier’s license for non-compliance.

Following a hearing, the Board reinstated Ms. Carrier’s license effective September 28, 2015, and placed her license on probation for a period of three years (“September 28, 2015 Decision and Order”). The conditions of her probation required, among other things, her to remain substance-free, participate in monitoring that included random drug and alcohol tests, and ensure that quarterly reports from her counselor were provided to the Board.

On June 8, 2016, Ms. Carrier reported to her monitoring program that she had consumed alcohol earlier that week. On June 10, 2016, the Board again suspended Ms. Carrier’s license pursuant to the terms of the February 24, 2015 Consent Agreement.

On July 26, 2016, the Board issued a Decision and Order wherein it found that Ms. Carrier had misused alcohol, drugs or other substances, which had resulted or may have resulted in Ms. Carrier performing services in a manner that endangered the health or safety of patients when she relapsed in June 2016. The Board also found that Ms. Carrier violated the February 25, 2015 Consent Agreement and the September 28, 2015 Decision and Order when she relapsed and used alcohol. The Board, among other things, placed Ms. Carrier’s license on probation for five years. Ms. Carrier was ordered to, among other things, remain substance-free, remain in her monitoring contract, ensure that quarterly reports from her counselor and employer are submitted to the Board, and notify the Board of any changes to her employment.

3. On October 31, 2016, Ms. Carrier began working as an RN in the intensive care unit at St. Mary’s Regional Medical Center in Lewiston, Maine. Ms. Carrier did not notify the Board of her change in employment.

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4. On August 21, 2017, Amanda Garland, Board Probation Compliance Officer and Professional Licensing Supervisor sent Ms. Carrier a letter inquiring about Ms. Carrier's employment status. At that time, Board records indicated that Ms. Carrier was not employed as a nurse and the Board had never received reports from Ms. Carrier's supervisor or her treatment providers.
5. On September 13, 2017, Ms. Carrier's manager at St. Mary's Regional Medical Center notified Ms. Garland that Ms. Carrier had been successfully working at St. Mary's since October 2016.
6. Board staff initiated Complaint Nos. 2018-17 and 2018-114 for failing to comply with the terms and conditions of her probation.
7. At its May 30-31, 2018 meeting, the Board reviewed these complaints and voted to offer Ms. Carrier this Agreement.
8. Absent Ms. Carrier's acceptance of this Agreement by signing, dating, and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 **on or before September 7, 2018**, the Board may take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action on this matter including fines or the suspension or revocation of Ms. Carrier's license.

#### AGREEMENT

9. Ms. Carrier admits to the Facts as stated above and admits that her conduct constitutes grounds for the Board to impose discipline against her Maine nursing license pursuant to:

32 M.R.S. § 2105-A(2)(F) for violating a standard of professional behavior that has been established for the practice for which the licensee is licensed by failing to comply the terms of a consent agreement with the Board.
10. As discipline for the violation admitted to in paragraph 8 above, Ms. Carrier agrees she will receive a **WARNING and pay a CIVIL PENALTY of \$550**. Payment must be by certified check or money order, made payable to "Treasurer, State of Maine," and must be remitted to the Board, attention Amanda Garland, Probation/Compliance Officer, 158 State House Station, Augusta, Maine 04333-0158 within six (6) months of the execution of this Agreement.
11. Violation of any of the terms or conditions of this Agreement by Ms. Carrier shall constitute unprofessional conduct and shall be grounds for discipline.
12. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. This Agreement cannot be modified orally. It can be modified only in writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Ms. Carrier may file a written request, together with any supporting documentation, to modify the terms and conditions of this Agreement. The Board retains the sole discretion to: (a) deny Ms. Carrier's request; (b) grant Ms. Carrier's request; and/or (c) grant Ms. Carrier's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Ms. Carrier's request to modify this Agreement need not be made pursuant to a hearing and is not appealable to any court.
13. The Board and Ms. Carrier agree that no further agency action will be initiated against her license by the Board based upon the specific violations admitted to herein, except or unless she fails to comply with the terms and conditions of this Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Ms. Carrier, and this Consent Agreement may be introduced as evidence in any future adjudicatory hearing involving Ms. Carrier. The Board may also consider the fact that discipline was imposed by this Agreement in determining appropriate discipline in any further complaints against Ms. Carrier.

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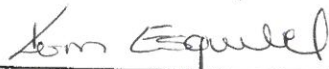
- 14. The Board and the Attorney General may communicate and cooperate regarding Ms. Carrier’s practice or any other matter relating to this Agreement.
- 15. This Agreement is a public record within the meaning of M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.
- 16. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB).
- 17. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
- 18. For the purposes of this Agreement, the term “execution” means that date on which the final signature is affixed to this Agreement.
- 19. Ms. Carrier acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement.
- 20. Ms. Carrier further acknowledges that she has executed this Agreement of her own free will, and that she agrees to abide by all the terms and conditions set forth in this Agreement.

DATED: 9/4/18

  
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KRYSTAL A. CARRIER, RN


FOR THE MAINE STATE BOARD OF NURSING

DATED: 9/6/2018

  
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KIM ESQUIBEL, PhD, MSN, RN  
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 9/11/18

  
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MEGAN M. HUDSON, ESQ.