



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: CHERI C. CASTELLANO, RN) **CONSENT AGREEMENT**
 of Northport, ME) **FOR**
 License #R043059) **PROBATION**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Cheri C. Castellano’s (“Ms. Castellano” or “Licensee”) license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Ms. Castellano, 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 10 M.R.S. § 8003(5), (A-1) (4) and 10 M.R.S. § 8003(5) (B). On June 20, 2010, the Board received Ms. Castellano’s Registered Nurse License Renewal Application (“Application”) and subsequently met with her on July 7, 2010.

FACTS

1. Cheri C. Castellano has been licensed as a registered professional nurse to practice in Maine since November 10, 1998.
2. Cheri C. Castellano disclosed on her Application that she had a criminal conviction in the State of Maine for Operating Under the Influence (“OUI”) on January 19, 2010. On March 24, 2010, she successfully completed the Maine Driver Education and Evaluation Program (“DEEP”) provided by the Office of Substance Abuse, Department of Health and Human Services, which administers the Impaired Driving Programs in the State of Maine. The goals of the program are to provide effective, efficient and meaningful interventions for impaired drivers according to Maine Law so that public safety is maintained.
3. Cheri C. Castellano admits that she has a substance abuse (alcohol) problem and has made appropriate steps to address this issue. Ms. Castellano represented that she has been sober since January 19, 2010; she is currently in therapy for substance abuse and attends Alcoholics Anonymous.
4. Cheri C. Castellano enters into this Consent Agreement voluntarily with the Board and waives her right to a hearing in this matter.

AGREEMENT

5. The Board voted to approve Ms. Castellano’s Renewal Application with conditional probation. Ms. Castellano understands and agrees that her license to practice registered professional nursing in the State of Maine will be placed on probation with conditions for a period of five years.
6. Cheri C. Castellano understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice professional nursing in the State of Maine. Grounds for discipline for violations are under 32 M.R.S. § 2105-A (2) (F), (2) (H) and Chapter 4, sections 1(A) (6) and 1(A) (8) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:



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- a. M.R.S.A. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2.)
 - b. M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Castellano engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - c. M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)
7. The period of probation will be for a period of five years, effective only while Ms. Castellano is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Castellano performs nursing services. Her probationary license will be subject to the following conditions:
- a. Cheri C. Castellano shall fully cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. Ms. Castellano shall inform the Board in writing within 15 days of any address change.
 - b. Cheri C. Castellano will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a health care provider who is aware of her substance abuse history.
 - c. Cheri C. Castellano will enroll in the Medical Professional Health Program and continue her aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
 - d. Cheri C. Castellano will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) and such reports shall continue until her probation is terminated. If her treatment is terminated during her probation, she shall notify the Board and provide written documentation.
 - e. Cheri C. Castellano will notify the Board in writing within five business days of any change in nursing 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 nursing educational program. If during the period of probation, Ms. Castellano's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
 - f. Cheri C. Castellano will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
 - g. Cheri C. Castellano will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice, to include documentation, clinical competence, and adherence to policies/procedures.
 - h. Cheri C. Castellano agrees and understands that the Board and the Office of the 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 her compliance with the Agreement and her continued recovery. Ms. Castellano shall provide such information, authorize the release of such records and information, and 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.

8. Cheri C. Castellano agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the five-year probationary period until and unless the Board, at Ms. Castellano's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Castellano has complied with the provisions of this Agreement.
9. Cheri C. Castellano understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that she has not remained substance-free in accordance with this Agreement, her license will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such information, it will be immediately forwarded to Ms. Castellano for response. Ms. Castellano understands and agrees that in such an event, her license shall remain suspended pending a hearing. The Board shall hold a hearing within 60 days of the automatic suspension unless both the Licensee and the Board agree to hold the hearing later, or the Executive Director and/or the Office of the Attorney General earlier determine that such information is without merit. If the information received is proven to be inaccurate or incorrect, either through hearing or determination by the Executive Director and/or the Office of the Attorney General, Ms. Castellano's license will be immediately reinstated retroactive to the date of suspension.
10. If Ms. Castellano violates any other condition of her probation, the Board will give written notice to the Licensee regarding her failure to comply. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's response to determine what action, if any, it determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, the Board may take any disciplinary action which it deems appropriate and impose any of the sanctions including, but not limited to, that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
11. 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. The State of Maine is Ms. Castellano's "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Castellano understands this Agreement is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice will be limited to the State of Maine as it pertains to the Compact. If Ms. Castellano wishes to practice in any other party state within the Compact, she shall 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; the Board will then make a determination.
12. This 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.

13. Cheri C. Castellano 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.
14. Cheri C. Castellano affirms that she executes this Agreement of her own free will.
15. Modification of this Agreement must in writing and signed by all parties.
16. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
17. This Agreement becomes effective upon the date of the last necessary signature below.

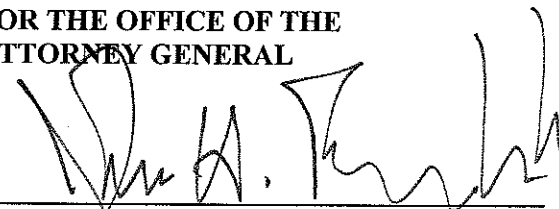
I, CHERI C. CASTELLANO, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 9-9-10 
CHERI C. CASTELLANO, RN

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: 9/14/10 
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: 9/27/10 
JOHN H. RICHARDS
Assistant Attorney General