



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

JANET T. MILLS
 GOVERNOR

KIM ESQUIBEL, PHD, M.S.N., R.N.
 EXECUTIVE DIRECTOR

IN RE: AMBER R. CURIT, RN)
 of Freeport, ME)
 License No. RN68163)

CONSENT AGREEMENT
 FOR WARNING & FINE

Complaint 2019-77

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 Amber R. Curit’s license as a registered nurse (“RN”) in the State of Maine. The parties to this Agreement are Amber R. Curit (“Ms. Curit”), the Maine State Board of Nursing (“the 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) in order to resolve Complaint 2019-77.

FACTS

1. At all times pertinent to this matter, Ms. Curit was licensed to practice as an RN (license no. RN68163) in Maine.
2. Until on or about February 6, 2019, Ms. Curit was employed at New England Rehabilitation Hospital of Portland (“NERHP”).
3. In December 2018, NERHP noted that there were discrepancies in the number of dexamethasone tablets in the Pyxis medication dispensing machines. On January 1-2, 2019, NERHP physically counted the dexamethasone tablets prior to Ms. Curit accessing the Pyxis cubby for that medication and after she accessed the Pyxis cubby. On two occasions, there were eight fewer tablets than there should have been based on the patient dose and the quantity physically counted prior to her access to the Pyxis cubby. In one case, Ms. Curit documented that she canceled the transaction, but there were still eight tablets missing. No other staff accessed the cubby between the first and second physical counts.
4. On or about February 21, 2019, NERHP reported to the Board that it had terminated Ms. Curit’s employment on February 6, 2019 for medication diversion. After receiving this information, the Board initiated a complaint against Ms. Curit’s nursing license; Board staff docketed it as Complaint 2019-77.
5. In a response to Complaint 2019-77, Ms. Curit admitted to taking the missing dexamethasone. She said she became sick and did not have access to a medical provider at that time.
6. Following review at its June 5-6, 2019 meeting, the Board voted to offer Ms. Curit a consent agreement.
7. Absent Ms. Curit’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 July 19, 2019**, the Board may take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action in this matter.

AGREEMENT

8. Amber R. Curit admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her Maine nursing license under the following laws and regulations:



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32 M.R.S. § 2105-A(2)(F) & (H), for engaging in unprofessional conduct as defined by the Board and violating a rule of the Board by diverting drugs, supplies, or property of patients or a health care provider (Board Rules Ch. 4, § 3(P)).

9. As discipline for the violation admitted to above, Ms. Curit agrees:
 - a. To accept a **WARNING**; and
 - b. To pay a **CIVIL PENALTY of \$250.00** within six (6) months of the execution of this Agreement. Ms. Curit shall remit payment to the Maine State Board of Nursing, 158 State House Station, Augusta ME 04330-0158. The fine shall be paid by bank check or money order and made payable to “Treasurer State of Maine.”
10. Violation of any of the terms or conditions of this Agreement by Ms. Curit shall constitute unprofessional conduct and shall be grounds for discipline including, but not limited to, modification, suspension, or revocation of licensure or the denial of licensure renewal.
11. Ms. Curit waives her right to an adjudicatory hearing before the Board or any court regarding all facts, terms, and conditions of this Agreement. Ms. Curit agrees that this Agreement is a final order resolving Complaint 2019-77.
12. The Board and Ms. Curit agree that no further agency or legal action will be initiated against her 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. Curit. The Board may also consider the fact that discipline was imposed by this Agreement in determining appropriate discipline in any further complaints against Ms. Curit.
13. 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 only be modified by writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General.
14. The Board and the Office of the Attorney General may communicate and cooperate regarding Ms. Curit’s practice or any other matter relating to this Agreement.
15. 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-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. Curit 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, 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.

[Signature page to follow]

Dated: 6/22/19

Amber Curit

LICENSEE AMBER R. CURIT, RN

FOR THE MAINE STATE BOARD OF NURSING

Dated: 6/26/2019

Kim Esquibel

KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: 7/1/19

Katie W. Johnson

KATIE W. JOHNSON
Assistant Attorney General