

MAINE STATE BOARD OF NURSING

35 ANTHONY AVENUE STATE HOUSE STATION 158 AUGUSTA, MAINE 04333 (207) 289-5324

In re:)	CONSENT AGREEMENT REGARDING
Theresa A. Day, L.P.N.)	VOLUNTARY SURRENDER OF
of Portland, ME)	LICENSE

INTRODUCTION

This document is a Consent Agreement regarding Theresa A. Day's license to practice practical nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. Section 2105-A(1-A)(B) and (C) (1988). The parties to this Consent Agreement are: Theresa A. Day, L.P.N., the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

By letter dated November 20, 1990, Theresa A. Day was advised by the Board that it had received a letter from Nursing Network alleging the theft of prescription forms from a Dr. Schuler's office and the filling of false prescriptions for percocet. The allegations also included Ms. Day's admission that she was addicted to percocet. Ms. Day responded to the Board's letter on October 24, 1990. Subsequently, the Board requested that Ms. Day attend an informal conference pursuant to 32 M.R.S.A. Section 2105-A(1-A). At the informal conference held on January 22, 1991, Ms. Day was present and not represented by an attorney.

FINDINGS OF FACT

As a result of the informal conference, the Board made the following findings of fact:

- 1. Licensee admitted to diverting drugs from Southern Maine Medical Center, St. Joseph's Hospital and Dr. Schuler's office.
- Licensee stated she did not divert drugs from patients.
- 3. There is no documented evidence of harm to patients.
- 4. Licensee admits to 18 months of substance abuse.
- 5. Licensee states that she has been drug free for 1 1/2 months.
- 6. Licensee has not been through a treatment program as recommended by her evaluator.

- 7. Licensee is not sure if she has a substance abuse problem.
- 8. Licensee attends self-help groups sporadically.

COVENANTS

Based on the above findings of fact, the Board voted to accept Ms. Day's voluntary surrender of her practical nurse license for an indefinite period of time, under the following terms and conditions:

- 1. Licensee shall complete a formal substance abuse program for chemical dependency.
- 2. Licensee shall not be employed in health care, including employment as a nursing assistant.
- 3. Licensee shall remain alcohol and drug free.
- 4. Licensee shall submit proof of completion of a formal substance abuse program to the Board.
- 5. Any time after licensee has submitted proof of completion of a substance abuse program, she will be responsible to set up a meeting with the Board regarding possible reinstatement.
- 6. Licensee hereby waives all claims of confidentiality and privilege she may have regarding reports to be submitted to the Board in accordance with this Consent Agreement.
- 7. Failure to comply with any term or condition of this Consent Agreement shall result in the automatic, immediate and permanent revocation of Ms. Day's license.

DATED: 2/6/9/	BY: Theresa A. Day THERESA A. DAY
DATED: 2/7/91	FOR THE MAINE STATE BOARD OF NURSING: BY: each caron JEAN C. CARON, R.N. Executive Director
DATED: 2-/1-9/	FOR THE DEPARTMENT OF ATTORNEY GENERAL BY: JAMES D. BIVINS Assistant Attorney General

Counsel to the Board