



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

ANGUS S. KING, JR.
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: TRACEY L. FISH, R.N.)
 of Farmingdale, Maine)
 License #R039154)

**CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Tracey L. Fish's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(4), 10 M.R.S.A. § 8003(5)(B), and 32 M.R.S.A. § 2105-A(1-A)(B). The parties to this Consent Agreement are Tracey L. Fish ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. An informal conference was held on August 22, 2001. The parties reached this Agreement on the basis of information submitted by MaineGeneral Medical Center by letters dated December 22, 2000 and January 2, 2001.

FACTS

1. Tracey L. Fish admits that she diverted the drug, Percocet for her own use and that prior to December, 2000 she had a substance abuse problem with alcohol for the past six years.
2. Ms. Fish has been substance free since December, 2000. Ms. Fish attends AA two times per week, sees a psychologist once per week and is presently in out-patient care.

AGREEMENT

3. Tracey L. Fish agrees and understands that the conduct alleged constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(A), (2)(B), (2)(F) and (2)(H) and Chapter 4(1)(A)(1), 4(1)(A)(2), 4(1)(A)(6), (4)(3)(P) and (4)(Q) of the RULES AND REGULATIONS OF THE MAINE STATE BOARD OF NURSING.
4. Tracey L. Fish's license to practice registered professional nursing is placed on a probationary status with conditions for a period of three years of nursing employment. The conditions of probation are as follows:
 - a. Tracey L. Fish will notify any and all of her nursing employers of the terms of this Consent Agreement and shall provide them with a copy of it. For purposes of this Consent Agreement, nursing employment is any employment during which Ms. Fish performs nursing services or holds herself out as a nurse such as through the designation "R.N."



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- b. Tracey L. Fish will immediately notify the Board in writing of any employment in the field of nursing, including the place and position of employment and of any change in nursing employment.
 - c. Tracey L. Fish will arrange for and ensure the submission to the Board of quarterly reports addressing her job performance from her nursing employer(s).
 - d. Tracey L. Fish shall remain substance free with the exception of medication prescribed by her physician who is aware of her substance abuse history.
 - e. Tracey L. Fish shall continue in treatment for substance abuse for as long as her treatment provider recommends it is necessary.
5. Tracey L. Fish understands and agrees that her license will remain on probationary status and subject to the terms of this Agreement until and unless the Board, at Ms. Fish's request, votes to terminate Ms. Fish's probation.

If, at the conclusion of the three year period of probation, Ms. Fish demonstrates that she has complied with the terms and conditions of this Consent Agreement, the Board will vote to terminate the period of probation. If the Board concludes that the terms and conditions of this Consent Agreement have not been fulfilled, the Board may continue the probationary period or take disciplinary action as authorized by law.

6. The Board agrees to take no further disciplinary action upon these facts so long as Ms. Fish fully complies with the terms and conditions of this Consent Agreement.
7. Tracey L. Fish understands and agrees that this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine. Ms. Fish understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into this Consent Agreement.
8. Tracey L. Fish affirms that she executes this Consent Agreement of her own free will.
9. Modification of this Consent Agreement must in writing and signed by all the parties.
10. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.

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11. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, TRACEY L. FISH, 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: 9-25-01

Tracey L. Fish R.N.
TRACEY L. FISH, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 9/26/01

Myra A. Broadway
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 10/1/01

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General