



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: **TRACEY L. FISH, R.N.**) **CONSENT AGREEMENT**
 of Farmingdale, Maine) **FOR REINSTATEMENT**
 License #R039154) **AND PROBATION**

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 32 M.R.S.A. § 2105-A(1-A)(B), 10 M.R.S.A. § 8003(5)(A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Tracey L. Fish ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with Ms. Fish on October 7, 2004, regarding her petition for reinstatement of her registered professional nurse license.

FACTS

1. Tracey L. Fish voluntarily surrendered her registered professional nurse license and entered a Consent Agreement with the Board executed on November 6, 2002, attached and marked as Exhibit A.
2. Tracey L. Fish states that she has been substance free since November, 2001.
3. Tracey L. Fish continues in aftercare treatment for substance abuse. The current treatment plan is outlined in a letter from Janelle Bechard MHRT-C A.A. dated October 5, 2004, which is attached and marked as Exhibit B.
4. Tracey L. Fish has complied with the terms and conditions of the November 6, 2002, Consent Agreement.
5. Tracey L. Fish pled guilty to one misdemeanor count and three felony counts of Stealing Drugs in the Kennebec County Superior Court in Docket No. CR-03-52 on July 31, 2003.

REINSTATEMENT WITH CONDITIONS OF PROBATION

6. Tracey L. Fish's license to practice registered professional nursing in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence on Ms. Fish's return to nursing practice, either through employment or



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Consent Agreement for Reinstatement and Probation

pursuant to an educational program. The period of probation will be for a period of three years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Fish performs nursing services. Ms. Fish's probationary license will be subject to the following conditions:

- a. Ms. Fish will remain substance free with the exception of prescribed medications by her physician who is aware of Ms. Fish's substance abuse history.
 - b. Ms. Fish will continue in an aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
 - c. Ms. Fish will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) for as long as she remains in treatment or until her probationary period terminates, whichever occurs first.
 - d. Ms. Fish will immediately notify the Board in writing should she return to employment or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change in employment or educational program.
 - e. Ms. Fish will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - f. Ms. Fish will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer(s) regarding her nursing practice.
 - g. Ms. Fish's employment is restricted during the period of probation to structured settings, which shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.
 - h. Ms. Fish shall comply with the conditions of her criminal probation.
7. Tracey L. Fish shall not be entitled to utilize her multistate nursing privileges under her Maine registered professional nurse license during the period of probation imposed by this Consent Agreement.
 8. Tracey L. Fish agrees and understands that the Board and the Department of 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 Ms. Fish's compliance with the Consent

Agreement and her continued recovery. Ms. Fish shall provide such information, shall authorize the release of such records and information, and shall 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 for the purpose of evaluating Ms. Fish's compliance with the Consent Agreement and her continued recovery.

9. Tracey L. Fish agrees and understands that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Ms. Fish has not remained substance free in accordance with the Consent Agreement, Ms. Fish's 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, the information will be immediately forwarded to Ms. Fish for a response. Ms. Fish agrees and understands that in such 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 Department 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 Department of the Attorney General, Ms. Fish's license will be immediately reinstated retroactive to the date of suspension.
10. Tracey L. Fish agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the three year probationary period, until and unless the Board, at Ms. Fish's written request, votes to terminate Ms. Fish's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Fish has complied with the provisions of this Agreement.
11. Tracey L. Fish understands that this document is a Consent Agreement that affects her rights to practice nursing in 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 the Consent Agreement.
12. If Ms. Fish fails to meet any of the obligations of this Consent Agreement, 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.
13. Tracey L. Fish affirms that she executes this Consent Agreement of her own free will.

14. Modification of this Consent Agreement must be in writing and signed by all parties.
15. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
16. This Consent Agreement becomes effective upon the date of the last necessary signature below.

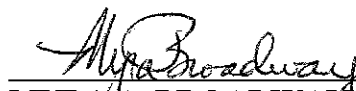
I, TRACEY L. FISH, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 10-22-04


TRACEY L. FISH, R.N.

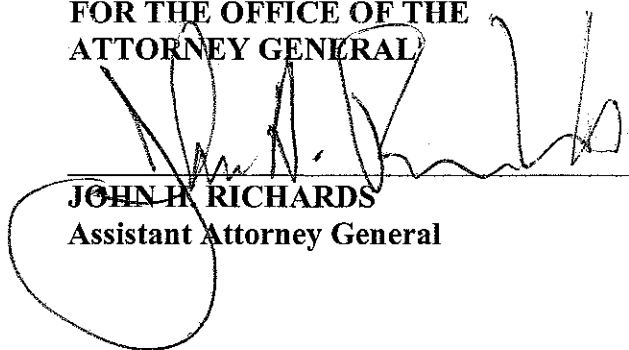
**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Oct. 22, 2004


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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: Oct. 26, 2004


JOHN H. RICHARDS
Assistant Attorney General