



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: **RENEE GIOBBI**
 of Scarborough, Maine
 License #P011553

) **DECISION AND ORDER**
) **OF REVOCATION**
)

INTRODUCTION

On June 1, 2005, the Maine State Board of Nursing (“Board”) met at the Board’s offices located at 24 Stone Street, Augusta, Maine. The Board reviewed the Judgment and Commitment dated June 21, 2004 in the matter of State of Maine v. Renee Giobbi, Cumberland County Superior Court, Docket No. 04-94. A copy of that Judgment and Commitment is attached hereto and marked as Exhibit 1.

FACTS

1. Renee Giobbi has been a practical nurse licensed to practice in Maine since 1997.
2. On June 21, 2004, Renee Giobbi pled guilty to two Counts of Stealing Drugs, a Class C felony (17-A M.R.S.A. § 1109) and one Count of Endangering the Welfare of a Dependent Person, a Class D misdemeanor (17-A M.R.S.A. § 555). Ms. Giobbi was sentenced to 364 days imprisonment for each felony count and 30 days imprisonment for the misdemeanor charge; each of the sentences to be served concurrently. The sentence on the two felony counts was suspended and Ms. Giobbi was placed on probation for a period of two years.

APPLICABLE LAW

1. Pursuant to 32 M.R.S.A. § 2105-A (2), “The Board may suspend or revoke a license pursuant to Title 5, section 10004.”
2. Pursuant to 32 M.R.S.A. § 2105-A (2)(G), the Board may suspend or revoke an individual’s nurse license when the ground for discipline is a “conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or conviction of a crime for which incarceration for one year or more may be imposed.”
3. Pursuant to 5 M.R.S.A. § 10004(1), “an agency may revoke, suspend or refuse to renew any license without proceedings in conformity with subchapters IV or VI, when the decision to take that action rests solely upon a finding or conviction in a court of any violation which by statute is expressly made grounds for revocation.”



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<http://www.maine.gov/boardofnursing/>

CONCLUSIONS OF LAW


The Board has the authority to suspend or revoke Renee Giobbi's practical nurse license pursuant to 5 M.R.S.A. § 10004. The criminal convictions described in the above-stated facts are grounds for discipline because Ms. Giobbi was convicted of a crime that involves dishonesty, and the crimes relate directly to the practice for which she is licensed. In addition, the two felony counts of "Stealing Drugs" are criminal convictions for which incarceration for one year or more could have been imposed.

DECISION AND ORDER

A motion was made and seconded to immediately revoke Renee Giobbi's practical nurse license. By a unanimous vote of the Board, Renee Giobbi's practical nurse license is revoked effective immediately.

RECORD VOTE

THERESE B. SHIPPS	Affirmative
KAREN L. TRIPP	Affirmative
BETTY-A. KENT-CONANT	Affirmative
CHARYL L. DOUGHTY	Affirmative
BRUCE R. O'DONNELL	Affirmative
RICHARD L. SHEEHAN	Affirmative
DIANE L. DALTON	Affirmative
DOROTHY MELANSON	Affirmative

DATED: 6-29-2005 

THERESE B. SHIPPS, Chair
FOR THE MAINE STATE
BOARD OF NURSING

NOTICE OF APPEAL RIGHTS

Renee Giobbi may appeal this Decision and Order summarily revoking her license by filing a petition for review of final agency action in the Superior Court pursuant to 5 M.R.S.A. §§ 11001, *et seq.* within thirty (30) days after receipt of notice of this Decision and Order. Any other person aggrieved by this Decision and Order may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision and Order.

RECEIVED

JUL -7 2005

MAINE STATE
BOARD OF NURSING

STATE OF MAINE
 SUPERIOR COURT

DISTRICT COURT

JUDGMENT AND COMMITMENT

Docket No. <u>04-94</u>	County/Location <u>Rumford</u>	Date <u>6/21/04</u>	DOB
State of Maine v. Defendant's Name <u>Renee Giobbi</u>		Residence	

Offense(s) charged:

cts. 172 - Stealing Drugs, M.C. T17-A8109

ct. 3 - Endangering Welfare of Dependant Person, M.D. T17-A8555

Plea(s): Guilty Nolo Not Guilty

Date of Violation(s): 7/22/03

Charged by:

indictment

information

complaint

Offense(s) convicted:

same as above

Convicted on:

plea

jury verdict

court finding

IT IS ADJUDGED THAT THE DEFENDANT IS GUILTY OF THE OFFENSES AS SHOWN ABOVE AND CONVICTED.

IT IS ADJUDGED THAT THE DEFENDANT BE HEREBY COMMITTED TO THE SHERIFF OF THE WITHIN NAMED COUNTY OR HIS AUTHORIZED REPRESENTATIVE WHO SHALL WITHOUT NEEDLESS DELAY REMOVE THE DEFENDANT TO:

The custody of the Commissioner of the Department of Corrections, at a facility designated by the Commissioner, to be punished by imprisonment for a term of _____

The County jail to be punished by imprisonment for a term of 364 days cts. 172

30 days ct. 3

#3 This sentence to be served (consecutively to) (concurrently with) cts. 172

Execution stayed to on or before: _____ at _____ (a.m.) (p.m.)

IT IS ORDERED THAT ALL (BUT) all suspended OF THE SENTENCE (AS IT RELATES TO CONFINEMENT) (AS IT RELATES TO THE _____) BE SUSPENDED AND THE DEFENDANT BE PLACED ON A PERIOD OF PROBATION FOR A TERM OF 2 (yrs) (YEARS) (MONTHS) UPON CONDITIONS ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN. SAID PROBATION TO COMMENCE (_____) (UPON COMPLETION OF THE UNSUSPENDED TERM OF IMPRISONMENT). THE DEFENDANT SHALL SERVE THE INITIAL PORTION OF THE FOREGOING SENTENCE AT _____

The final _____ month(s) of the unsuspended portion of the term of imprisonment is to be served with intensive supervision under conditions separately specified and incorporated herein.

IT IS ORDERED THAT THE DEFENDANT, HAVING BEEN CONVICTED AS A SEX OFFENDER or SEXUALLY VIOLENT PREDATOR, SATISFY ALL REQUIREMENTS IN THE SEX OFFENDER REGISTRATION & NOTIFICATION ACT. (34-A M.R.S.A. Ch. 15) THE DEFENDANT MUST SUBMIT TO THE TAKING OF FINGERPRINTS AND A PHOTOGRAPH AS SPECIFIED IN THE NOTICE OF DUTY TO REGISTER.

IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF \$ _____ AS A FINE TO THE CLERK OF THE COURT, PLUS APPLICABLE SURCHARGES AND ASSESSMENTS OF:

10% 12% (Eff. 7/4/96) 14% (Eff. 9/18/99) 15% SURCHARGE (Eff. 08/01/02) (4 M.R.S.A. § 1057)

\$30.00 \$125.00 SURCHARGE (29-A M.R.S.A. § 2411) \$10. (7 M.R.S.A.) 10% (17 M.R.S.A.)

1 \$10 ASSESSMENT(S) plus 2 \$25 ASSESSMENT(S) totalling \$ 60.- (5 M.R.S.A. § 3360-I)

All but \$ _____ suspended.

Execution/payment stayed to pay in full by 6/25/04 or warrant to issue.

To pay \$ _____ per week / month beginning _____ or warrant to issue.

TOTAL DUE: \$ _____ (To be filled in by cashier).

IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF \$ _____ AS RESTITUTION, THROUGH THE (DEPARTMENT OF CORRECTIONS) (DISTRICT ATTORNEY'S OFFICE) FOR THE BENEFIT OF _____ (17-A M.R.S.A. § 1152-2-A)

Execution/payment stayed to pay in full by _____ or warrant to issue.

IT IS ORDERED PURSUANT TO APPLICABLE STATUTES, THAT THE DEFENDANT'S MOTOR VEHICLE OPERATOR'S LICENSE OR PERMIT TO OPERATE, RIGHT TO OPERATE A MOTOR VEHICLE AND RIGHT TO APPLY FOR AND OBTAIN A LICENSE AND/OR THE DEFENDANT'S RIGHT TO REGISTER A MOTOR VEHICLE IS SUSPENDED IN ACCORDANCE WITH NOTICE OF SUSPENSION INCORPORATED HEREIN.

IT IS ORDERED THAT THE DEFENDANT PERFORM _____ HOURS OF COMMUNITY SERVICE WORK WITHIN _____ (WEEKS) (MONTHS) FOR THE BENEFIT OF _____

IT IS ORDERED THAT THE DEFENDANT PAY \$ _____ FOR EACH DAY SERVED IN THE COUNTY JAIL, TO THE TREASURER OF THE ABOVE NAMED COUNTY. (UP TO \$80./DAY) (17-A M.R.S.A. § 1341)
 Execution/payment stayed to pay in full by _____ or warrant to issue.

IT IS ORDERED THAT THE DEFENDANT SHALL PARTICIPATE IN ALCOHOL AND OTHER DRUG EDUCATION, EVALUATION AND TREATMENT PROGRAMS FOR MULTIPLE OFFENDERS ADMINISTERED BY THE OFFICE OF SUBSTANCE ABUSE. (29 M.R.S.A. § 1312-B (2)(D-1), 29-A M.R.S.A. § 2411 (5)(F))

IT IS ORDERED THAT THE DEFENDANT FORFEIT TO THE STATE THE FIREARM USED BY THE DEFENDANT DURING THE COMMISSION OF THE OFFENSE(S) SHOWN ABOVE. (17-A M.R.S.A. § 1158)

IT IS ORDERED THAT THE DEFENDANT BE UNCONDITIONALLY DISCHARGED. (17-A M.R.S.A. § 1201)

If defendant has been convicted of an applicable offense listed in 25 MRSA § 1574(4) or (5), then the defendant shall submit to having a DNA sample drawn. The DNA sample may be drawn at any time following the commencement of the straight term or initial unsuspended portion of the term of imprisonment. If there is a period of probation but no immediate imprisonment, the DNA sample may be drawn at any time following commencement of the probation period as directed by the probation officer.

IT IS FURTHER ORDERED THAT THE CLERK DELIVER A CERTIFIED COPY OF THIS JUDGMENT AND COMMITMENT TO THE SHERIFF OF THE ABOVE NAMED COUNTY OR HIS AUTHORIZED REPRESENTATIVE AND THAT THE COPY SERVE AS THE COMMITMENT OF THE DEFENDANT. REASONS FOR IMPOSING CONSECUTIVE SENTENCES ARE CONTAINED IN THE COURT RECORD OR IN ATTACHMENTS HERETO.

A TRUE COPY, ATTEST: Jerry A. Bourget
Clerk

W. Broderick
Judge / Justice

I understand the sentence imposed herein and acknowledge receipt of a copy of this JUDGMENT AND COMMITMENT. I hereby acknowledge that the disclosure of my Social Security number on this form is mandatory under 36 M.R.S.A. § 5276-A. My Social Security number will be used to facilitate the collection of any fine that has been imposed upon me in this action if that fine remains unpaid as of the time I am due a State of Maine income tax refund. My Social Security number also may be used to facilitate the collection of money I may owe the State of Maine as a result of having had an attorney appointed to represent me. Collection of any fine or reimbursement of money which I owe to the State of Maine will be accomplished by offsetting money I owe to the State against my State of Maine income tax refund.

Social Security Number 203 87 947

Date: _____

Defendant Lorei B.
Address 54 Augusta Ave
Portland ME 04103

RETURN

By virtue of the within JUDGMENT AND COMMITMENT I have this day delivered the within-named Defendant to the _____

Date: _____

Deputy _____

By virtue of this warrant, the within-named Defendant has been removed to and received at the _____ on this day.

STATE OF MAINE

CONDITIONS OF PROBATION

COURT: Cumberland, (Superior) (District)

Docket No. 04-94

DEFENDANT Renee Giokobi D.O.B. 1-9-1969 SSN _____

You have been convicted of stealing drugs, endangering welfare dependant person which (is a) (are) Class C, D crime(s). You are placed on probation and committed to supervision by the Department of Corrections for the term of 2 (two) (~~months~~) (years) subject to the conditions listed below.

THE CONDITIONS OF YOUR PROBATION ARE AS FOLLOWS: YOU SHALL

- 1. refrain from all criminal conduct and violation of federal, state and local laws.
- 2. report to the probation officer immediately and thereafter as directed and within 48 hours of your release from jail.
- 3. answer all questions by your probation officer and permit the officer to visit you at your home or elsewhere.
- 4. obtain permission from your probation officer before changing your address or employment.
- 5. not leave the State of Maine without written permission of your probation officer.
- 6. maintain employment and devote yourself to an approved employment or education program.
- 7. not possess or use any unlawful drugs and ~~not possess or use alcohol (excessively)~~.
- 8. identify yourself as a probationer to any law enforcement officer if you are arrested, detained or questioned for any reason and notify your probation officer of that contact within 24 hours.
- 9. waive extradition back to the State of Maine from any other place.
- 10. not own, possess or use any firearm or dangerous weapon if you have ever been convicted of a crime in any jurisdiction with a potential penalty of one year or more or any crime involving domestic violence or the use of a firearm or dangerous weapon.
- 11. pay to the Department of Corrections a supervision fee of \$ _____ per month.
- 12a. provide a DNA sample as required. 12b. Fully comply with the Sex Offender Registration and Notification Act.
- 13. pay to the Department of Corrections an (electronic monitoring fee) (substance testing fee) of \$ _____.
- 14. not own, possess or use any firearm or dangerous weapons.
- 15. submit to random search and testing for (~~alcohol~~) (~~drugs~~) (~~firearms~~) (~~dangerous weapons~~) (~~sexually oriented material~~) (_____) at the direction of a probation or law enforcement officer.
- 16. complete (evaluation and) counselling and treatment as an (out-patient / in-patient) (at _____ or a similar facility) as directed by your probation officer for (substance abuse) (sexual offender) (psychological) (domestic abuse) (certified batterer's intervention) (anger management) (medical) (_____) issues and sign any releases requested by your probation officer.
- 17. pay restitution in the [maximum] amount of \$ _____ through the (Department of Corrections) (Office of District Attorney) by _____ on a schedule set by the court or your probation officer for the benefit of _____ (joint and several with _____).
- 18. pay all fines, fees, surcharges and assessments in full (and counsel fees as ordered) to the clerk of this court not later than _____ (date), on a schedule set by the court or your probation officer.
- 19. not operate or attempt to operate any motor vehicle (including ATV, snowmobile, motorboat, powerboat or aircraft) (until properly licensed by the Secretary of State).
- 20. not associate with any other person who is on probation or parole without written permission of your probation officer.
- 21. have no contact with (male) (female) children under the age of _____. Have no direct or indirect contact or enter the residence, place of work, or educational location of _____ (and their family) except with the written permission of your probation officer and pursuant to a court order.
- 22. not be present in an establishment that serves liquor for on-premises consumption (after _____ AM / PM).
- 23. support your dependents and meet family responsibilities.
- 24. not view or possess any sexually oriented material or utilize access to the internet.
- 25. not have any possessory interest in any bank account except as authorized in writing by your probation officer.
- 26. appear for periodic judicial review as directed by the court or your probation officer.
- 27. perform _____ hours of public service work within _____ months as directed by your probation officer.
- 28. Other: see attached special conditions re: pharmacy cards.

If you violate or fail to fulfill any of the above conditions you may be arrested, your probation may be revoked and you may be required to serve the rest of your sentence in jail or prison.

ORDERED: All conditions of probation are incorporated into the judgment and docket by reference.

Date: 6/21/04 Justice / Judge W. Brodus

I acknowledge receipt of these conditions and accept them as written.

Witness: _____ Probationer: Renee Giokobi

FILE COPY
Clerk of Courts

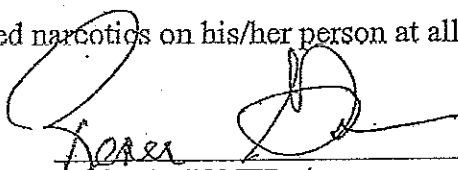
JUN 21 2004

PHARMACY CONDITIONS

RECEIVED

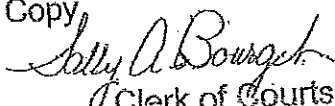
- If prescribed any medication by a physician, the medication must be taken in the manner and quantities directed by the physician and/or pharmacist and must be only possessed in the bottle they were dispensed in.
- All medications prescribed must be made known to the probation officer the same day the medications are prescribed.
- Must designate to the probation officer a primary physician. No other physician, PA or FNP may be seen without a written referral from the primary physician.
- Must execute medical release forms to allow the probation officer to have an open line of communication with the primary physician and professionals to whom they may be referred.
- Must designate one (1) pharmacy that will be used to dispense all medications. No other pharmacy may be used without PRIOR approval of probation officer.
- Must personally retrieve all medications from the pharmacy. May not retrieve medications of another person without PRIOR approval of probation officer.
- Must maintain a drug log in which shall be recorded the date, time, place and amount of any prescription medication ingested.
- Must keep proof of all properly prescribed narcotics on his/her person at all times.

DATED: 6/21/04



PROBATIONER

*These pharmacy conditions are incorporated in the probation conditions and are made a part thereof.

A True Copy
Attest: 
Clerk of Courts