



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: **TANIA M. MARGATE, R.N.**)
 of South Windham, Maine)
 License No. R049548) **CONSENT AGREEMENT**
FOR LICENSE PROBATION
WITH CONDITIONS

INTRODUCTION

This document is a Consent Agreement regarding Tania M. Margate'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 Tania M. Margate ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on May 15, 2007. The parties reached this Consent Agreement based on Complaint or Provider Report dated January 27, 2006, submitted by Southern Maine Medical Center ("SMMC"), Biddeford, Maine.

FACTS

1. Tania M. Margate has been a registered professional nurse licensed to practice in Maine since February 26, 2004.
2. Tania M. Margate started employment in the Emergency Department at SMMC on December 23, 2003. She was terminated on January 26, 2006, for failing to follow the policies and procedures for wasting controlled medication.
3. Tania M. Margate admits that she has a substance abuse problem and voluntarily stopped practicing as a nurse in June 2006, because she felt she was unsafe to provide patient care.
4. Tania M. Margate has been sober since June 24, 2006. She is currently in counseling and attends Cocaine Anonymous and Narcotics Anonymous. She is currently employed at Brighten Eye Care as a technician.

AGREEMENT WITH CONDITIONS OF PROBATION

5. Tania M. Margate agrees and understands that based upon the above-stated facts this document imposes discipline regarding her license to practice registered professional nursing and the grounds for discipline are under 32 M.R.S.A. § 2105-A(2)(B), (2)(F) and (2)(H) and Chapter, 4(1)(A)(2) and 4(1)(A)(6) of the Rules and Regulations of the Maine State Board of Nursing.
6. Tania M. Margate's license as a registered professional nurse in the State of Maine is placed on a probationary status with conditions. The period of probation



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

a. Tania M. Margate will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a treatment provider who is aware of Ms. Margate's substance abuse history.

b. Tania M. Margate will continue in her aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.

c. Tania M. Margate will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s), and such report shall continue until her probation is terminated. If Ms. Margate's treatment is terminated she shall notify the Board.

d. Tania M. Margate will immediately notify the Board in writing should she return to employment and/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 programs.

e. Tania M. Margate 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. Tania M. Margate will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice. If during the period of probation, Ms. Margate's employment as a nurse terminates or should her educational program in the field of nursing terminate, she shall notify the Board of this change to ensure that she remains in compliance with her employment and/or educational quarterly reports.

g. Tania M. Margate 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. Margate's compliance with the Consent Agreement and her continued recovery. Ms. Margate shall provide such information, shall authorize the release of such

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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. Margate's compliance with the Consent Agreement and her continued recovery.

7. The State of Maine is Tania M. Margate's home state of licensure. Ms. Margate agrees that during the pendency of this Consent Agreement her nursing practice is limited to the State of Maine. If Ms. Margate wishes to practice in any other party state within the Compact she shall petition the Board for written authorization. In addition, Ms. Margate will arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.
8. Tania M. Margate agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the five year probationary period, until and unless the Board, at Ms. Margate's written request, votes to terminate Ms. Margate's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Margate has complied with the provisions of this Agreement.
9. Tania M. Margate understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine and party states in the Nurse Licensure Compact. Ms. Margate 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.
10. If Ms. Margate 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.
11. Tania M. Margate affirms that she executes this Consent Agreement of her own free will.
12. Modification of this Consent Agreement must in writing and signed by all the parties.
13. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, TANIA M. MARGATE, 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: 6-26-07



TANIA M. MARGATE, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: July 6, 2007



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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: July 9, 2007



JOHN H. RICHARDS
Assistant Attorney General