

2001



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: **JUDITH L. NEWMAN**)
of Warren, Maine)
License #R036693) **CONSENT AGREEMENT FOR**
VOLUNTARY SURRENDER
OF LICENSE

INTRODUCTION

This document is a Consent Agreement regarding Judith L. Newman's license to practice professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 2105-A(1-A)(C). The parties to this Consent Agreement are Judith L. Newman ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. An informal conference was held on October 17, 2001. The parties reached this Agreement on the basis of information submitted by Windward Gardens, Camden, Maine by letters dated November 4, 11 and 17, 1999, information submitted by Maine Department of Human Services, Bureau of Medical Services, Division of Licensing and Certification from Complaint Investigation No. ANF-353 and information submitted by the Department of Attorney General from an investigative memorandum dated April 11, 2000.

FACTS

1. Judith L. Newman has been a registered professional nurse licensed by the Board to practice in Maine since 1993.
2. Judith L. Newman admits that she diverted drugs (Vicodin and Percocet) from both Windward Gardens and Shore Village Nursing Home between the years 1998 to 2000. She admits that she falsified nursing documentation to obtain the drugs that indicate patients had received the medication.
3. Judith L. Newman admits that she has a history of substance abuse. Ms. Newman stated that she diverted the drugs for pain from a back injury. She is currently employed by a nursing agency that is aware of her history of substance abuse and the Board's pending action on the above information and her admissions of drug diversion. Her employment with the nursing agency requires that she be subject to random drug testing.
4. The Board remains concerned that Ms. Newman has not fully addressed her issues of substance abuse.



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AGREEMENT

5. The Maine State Board of Nursing will accept Judith L. Newman's voluntary surrender of her registered professional nursing license. The period of surrender is for of six months, which will allow Ms. Newman the opportunity to submit to an evaluation and report from an addictionologist selected by and paid for by the Board. Ms. Newman may request another informal conference after the Board receives the addictionologist's evaluation and report at which time she will be scheduled to meet with the Board at its next regularly scheduled meeting. The purpose of the second informal conference will be to determine what further action the Board may take.
6. Judith L. Newman shall not work, in any capacity, in the health care field, including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Newman is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
7. Judith L. Newman understands that this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine for violations under Title 32 M.R.S.A. § 2105-A(2)(A), A(2)(F) and (A)(2)(H) and Chapter 4.1.A.1., 4.1.A.6., 4.3.F, K, P, and Q. of the Board's rules and regulations.
8. Judith L. Newman 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.
10. Judith L. Newman affirms that she executes this Consent Agreement of her own free will.
11. Modification of this Consent Agreement must be in writing and signed by all parties.
12. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

**I, JUDITH L. NEWMAN 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: 11/20/01

J. Newman RN
JUDITH L. NEWMAN

DATED: 11/28/01

Howard F. O'Brien
HOWARD F. O'BRIEN III, ESQ.
Attorney for Ms. Newman

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 11/30/01

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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 10/30/01

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General