

2002



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**
) **CONTINUATION OF**
) **VOLUNTARY SURRENDER**
) **OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Judith L. Newman'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)(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 initially held on October 17, 2001 and the matter was continued pending a report from an addictionologist. A subsequent informal conference was held on February 6, 2002. 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 and the confidential report from Dr. George Dreher received February 4, 2002.

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.
4. Judith L. Newman states that she has been free of narcotics for two years; however, she admits that she currently uses alcohol which she denies is a problem.
5. Judith L. Newman is not currently involved in a program for substance abuse treatment.



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6. George K. Dreher, M.D. conducted a psychiatric evaluation of Ms. Newman and provided a report to the Licensee and the Board regarding his examination. The report is dated January 23, 2002. The Board and Ms. Newman adopts Dr. Dreher's Axis I diagnosis and his suggested course of action for remediation stated on Page 1 and continued on Page 2, paragraph no. 1., sections A. through F. of the report.
7. The Board remains concerned that Ms. Newman has not fully addressed her issues of substance abuse.

AGREEMENT

8. The Maine State Board of Nursing will accept the continuation of Judith L. Newman's voluntary surrender of her registered professional nursing license. The additional period of surrender is for 12 months, beginning February 6, 2002. Ms. Newman may petition the Board for reinstatement of her license 12 months from February 6, 2002.
9. The Board agrees that if Ms. Newman submits a request for reinstatement she will be afforded an opportunity to appear before the Board for reinstatement of her license to probationary status. Ms. Newman agrees and understands that her license will not be reinstated to probationary status until and unless the Board, upon Ms. Newman's written request, votes to reinstate Ms. Newman's license. When considering whether to reinstate Ms. Newman's license to probationary status, the Board will consider the extent to which Ms. Newman has complied with the terms and conditions on this Agreement.
10. Judith L. Newman understands that this document imposes discipline regarding her license to practice practical 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.
11. The Board has the following expectations of Ms. Newman which are stated here in an edited version of Dr. Dreher's report (refer to paragraph no. 1., and pertinent sections of the report).

There is a concern regarding Ms. Newman's awareness of the degree of her boundary violations by the use of medications belonging to patients, and the fact that her counseling with Choice/Skyward seemed to dwindle out rather than reach some conclusion. Ongoing counseling and monitoring is necessary to provide Ms. Newman the best opportunity to maintain long-term sobriety and be emotionally prepared for further difficulties with pain control and other life stressors. For these reasons the following conditions will be required:

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**Consent Agreement for
Continuation of Voluntary
Surrender of License**

- A. Absolute abstinence from all mood-altering substances at this time, including alcohol.
 - B. Ongoing counseling regarding her substance abuse issues, as well as dealing with pain and the awareness of professional boundaries/ethical issues.
 - C. Consider with her counselor whether the involvement in AA/NA might be beneficial.
 - D. Once Ms. Newman's becomes reemployed as a practicing nurse, an ongoing process of monitoring her function in the workplace by someone who is aware of this Consent Agreement or subsequent consent agreements with terms of probation, specifically, process relative to an early warning system for any behavior concerns.
12. Judith L. Newman will ensure that the Board receives quarterly reports from treatment providers.
 13. 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.
 14. Judith L. Newman will notify any health care practitioner providing medication and treatment for her back pain of her prior addiction to narcotics.
 15. 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.
 16. Judith L. Newman affirms that she executes this Consent Agreement of her own free will.
 17. Modification of this Consent Agreement must be in writing and signed by all parties.
 18. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

19. 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: 3/10/02



JUDITH L. NEWMAN


DATED: 3/20/02



HOWARD F. O'BRIEN III, ESQ.
Attorney for Judith L. Newman

**FOR THE MAINE STATE
BOARD OF NURSING**

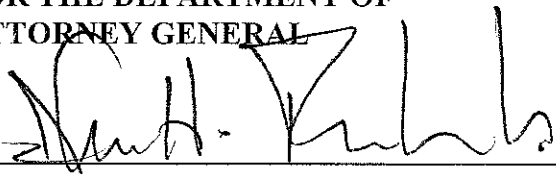
DATED: 3/25/02



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

**FOR THE DEPARTMENT OF
ATTORNEY GENERAL**

DATED: 3/27/02



JOHN H. RICHARDS
Assistant Attorney General

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