



Paul R. LePage
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STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0158

MYRA A. BROADWAY, J.D., M.S., R.N.
EXECUTIVE DIRECTOR

IN RE: KRISTEN M. O'CONNELL)
of Reston, Virginia)
License No. RN57100)

CONSENT AGREEMENT
FOR
PROBATION

Complaint No. 2011-487

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Kristen M. O'Connell's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Kristen M. O'Connell ("Ms. O'Connell"), the Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with the Licensee in an informal conference on July 18, 2012. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A) (B) and 10 M.R.S. §8003 (5) (B) in order to resolve Complaint 2011-487.

FACTS

1. Kristen M. O'Connell was first licensed as an RN in Maine on November 5, 2009. Ms. O'Connell's license has been on inactive status since May 29, 2012. She is currently licensed as an RN in the State of Virginia; Virginia and Maine are members of the Nurse Licensure Compact.
2. On October 24, 2011, Ms. O'Connell was terminated from employment as an RN at Maine Medical Partners ("MMP") for misappropriating blank prescription forms which she subsequently used to forge prescriptions in order to obtain controlled substances for her own personal use. At the time of this incident, the State of Maine was Ms. O'Connell's primary state of residence, which means that she declared Maine as her fixed permanent and principle home for legal purposes.
3. In accordance with 24 M.R.S. §2506, MMP sent a Provider Report dated October 28, 2011 to the Board regarding Ms. O'Connell's termination of employment. On November 10, 2011, Board Complaint No. 2011-487 was issued and sent to Ms. O'Connell's address on record in the Board's files, requesting that she respond to the Complaint within 30 days, or by December 14, 2011. Ms. O'Connell failed to respond by December 14, 2011, which initiated the Board's second Notice, dated December 22, 2011.
4. Ms. O'Connell's response dated May 1, 2012 was received by the Board on May 4, 2012. She admits that she became addicted to Adderall (Amphetamine Salts 120 mg) and diverted Adderall for her own personal use by forging prescriptions to misappropriate the drug from numerous pharmacies over a period of six months.
5. Subsequent to her termination at MMP, Ms. O'Connell went to the Medical Professionals Health Program ("MPHP") in November 2011, which led to evaluation and treatment for a substance abuse disorder. Ms. O'Connell was admitted to Caron Treatment Centers in Pennsylvania and



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

PHONE: (207) 287-1133

FAX: (207) 287-1149

completed a 128-day in-patient program which included daily 12-step meetings, weekly Caduceus meetings, group and individual therapy.

Further aftercare was established for her with MPHP in Maine; however, she has changed her primary residence to Virginia where she is currently practicing as an RN. Her case was fully transferred to Virginia's PHP in August 2012 with no lapse in monitoring.

6. At her informal conference with the Board on July 18, 2012, Ms. O'Connell admitted that she failed to disclose the pending action in Maine on her May 18, 2012 application for nurse licensure in Virginia.
7. Ms. O'Connell wishes to resolve this matter by accepting this Agreement, and thereby waives her rights to an adjudicatory hearing.

AGREEMENT

8. Ms. O'Connell acknowledges that the Board has evidence from which it could conclude there is a violation of Title 32 M.R.S. §§2105-A (2) (A), (2) (B), (2) (F), (2) (H) and Chapter 4 §§1.A.1., 1.A.2., 1.A.6. and 1.A.8. of the Rules and Regulations of the Maine State Board of Nursing ("Board Rules"). Ms. O'Connell acknowledges that her conduct in the above-stated facts constitutes grounds for discipline. Ms. O'Connell's RN license is hereby placed on **PROBATION** for a term of five (5) years of nursing practice as defined by 32 M.R.S. §2102(2). Specifically, the violations are:
 - a. 32 M.R.S. §2105-A (2) (A). Ms. O'Connell engaged in the practice of fraud or deceit in connection with service rendered within the scope of her license. See also: Board Rule Chapter 4 §1.A.1.
 - b. 32 M.R.S. §2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. See also: Board Rule Chapter 4 §1.A.2.
 - c. 32 M.R.S. §2105-A (2) (F). Ms. O'Connell engaged in unprofessional conduct that violates standards of professional behavior in medication administration that have been established in the practice for which she is licensed. See also: Board Rule Chapter 4 §1.A.6.
 - d. 32 M.R.S. §2105-A (2) (H). Ms. O'Connell violated a Maine Revised Statute in Title 32, Chapter 31 and rules adopted by the Board. See also: Board Rule Chapter 4 §1.A.8.
 - e. Board Rule Chapter 4 §3 defines "Unprofessional Conduct" as nursing behavior which fails to conform to legal standards and accepted standards of the nursing profession, and which could reflect adversely on the health and welfare of the public, which includes:
 - f. Chapter 4 §3(K). Ms. O'Connell falsified a health care provider record.
 - g. Chapter 4 §3(P). Ms. O'Connell diverted drugs, supplies or property of a health care provider.

9. Ms. O'Connell's RN license is placed on probationary status with conditions for a period of five (5) years, effective only while she is employed in nursing practice. Her probationary license will be subject to the following conditions:
 - a. Ms. O'Connell shall fully comply with the conditions of the probation in this Agreement. Ms. O'Connell shall inform the Board in writing within 15 days of any address change.
 - b. The State of Virginia is Ms. O'Connell's "Home state" of licensure and primary state of residence, which means that she has declared the State of Virginia as her fixed permanent and principle home for legal purposes; her domicile. Ms. O'Connell shall notify and provide the Virginia Board of Nursing of the terms of this Agreement within 10 days of its effective date. Ms. O'Connell understands and agrees that this Agreement is applicable to the Nurse Licensure Compact.
 - c. Ms. O'Connell will notify any and all of her nursing employers of the terms of this Agreement and must provide them with a copy of it.
 - d. Ms. O'Connell will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer(s) regarding her general nursing practice, in particular medication administration and documentation.
 - e. Ms. O'Connell will notify the Board in writing within five (5) business days after she obtains any nursing employment and/or enrolls in a nursing education program. Notice under this section shall include the place and position of employment and/or the nursing educational program. If during the period of probation, Ms. O'Connell's employment as a nurse or her educational program terminates, she shall notify the Board in writing within five (5) business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
10. Ms. O'Connell agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the above-referenced probationary period until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. O'Connell has complied with the provisions of this Agreement.
11. This Agreement is a public record within the meaning of 1 M.R.S. §402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. §408.
12. This Agreement constitutes a final adverse licensing action that is reportable to the national Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
13. Ms. O'Connell understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
14. Ms. O'Connell affirms that she executes this Agreement of her own free will.
15. Modification of this Agreement must be in writing and signed by all parties.

16. This Agreement is not subject to review or appeal by the Licensee.

17. This Agreement becomes effective upon the date of the last necessary signature below.

I, KRISTEN M. O'CONNELL, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.


DATED: 1/18/13



KRISTEN M. O'CONNELL

FOR THE MAINE STATE BOARD OF NURSING

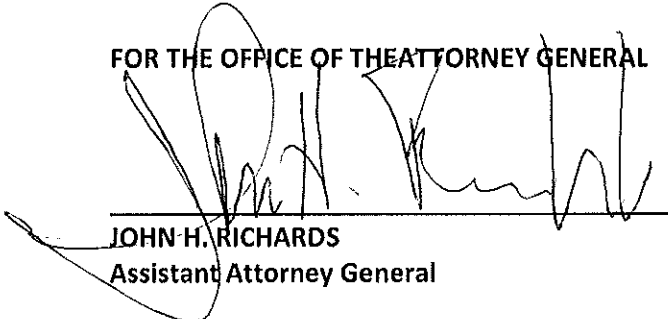
DATED: Jan 22, 2013



MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 1/23/13



JOHN H. RICHARDS
Assistant Attorney General