



STATE OF MAINE  
 BOARD OF NURSING  
 158 STATE HOUSE STATION  
 AUGUSTA, MAINE  
 04333-0158

ANGUS S. KING, JR.  
 GOVERNOR

JEAN C. CARON, M.S., R.N.  
 EXECUTIVE DIRECTOR

**IN RE:** ) **CONSENT AGREEMENT FOR**  
 ) **RENEWAL OF LICENSE**  
 ) **ON PROBATIONARY STATUS**  
**PENELOPE OLSON** )  
**(Formerly Penelope L. York )**  
**of Rumford, Maine )**  
**License #R032425 )**

**INTRODUCTION**

This document is a Consent Agreement regarding Penelope Olson’s license to practice professional nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. § 2105-A(1-A) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Penelope Olson, the Maine State Board of Nursing (“Board”) and the Department of Attorney General.

**FACTS**

The Board of Registered Nursing in California revoked Penelope L. York’s (nee Olson) license to practice professional nursing in California, effective January 10, 1997. The California action arose from Ms. Olson’s conviction for stealing drugs from her employer,<sup>1</sup> and from Ms. Olson’s cocaine addiction. Ms. Olson has sought treatment for her substance abuse and has been substance free since October, 1996.

On February 6, 1997, Ms. Olson appeared before the Board of Nursing requesting that her inactive Maine license be reactivated. However, Ms. Olson’s conduct, as described in the written decision adopted by the Board of Registered Nursing in the State of California, constitutes grounds for discipline in this State pursuant to 32 M.R.S.A. § 2105-A(1-A)(B), (E)(1), and (F) and gives rise for an action by the Board to refuse to issue or renew Ms. Olson’s license. As a result of the February 6, 1997 informal conference, the Board voted to offer Ms. Olson a Consent Agreement as a means to protect the health and welfare of the public while providing Ms. Olson an opportunity to obtain relicensure in the future by satisfying the conditions described therein.

Under the terms of the Consent Agreement offered to Ms. Olson by the Board in February, 1997, Ms. Olson was to arrange for an appointment to return before the Board in June, 1997. Ms. Olson returned before the Board on June 12, 1997, having never signed the Consent Agreement offered to her by the Board in February because of her concerns regarding her ability to meet the

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<sup>1</sup> According to the California Board’s written decision, Ms. York stole the drugs while working as a nurse in the San Mateo Jail. She stole the drugs from the jail pharmacy from stores of drugs left behind by discharged inmates. Inmates were not deprived of needed medication by Ms. York’s conduct. The drugs that Ms. York stole were not scheduled drugs, and she did not use them as recreational drugs.

stated conditions regarding her continued attendance at counseling. Although Ms. Olson never signed the Consent Agreement setting forth the conditions for license renewal, Ms. Olson did present evidence of having met the conditions for reactivation requested by the Board. As a result of the meeting on June 12, 1997, the parties agreed to enter into this Consent Agreement providing for renewal on probation with conditions of Ms. Olson's license.

### **LICENSE RENEWAL WITH CONDITIONS OF PROBATION**

Ms. Olson's license to practice professional nursing in the State of Maine is renewed on a probationary status. The period of probation will continue a minimum of two years from the date that Ms. Olson resumes employment in the field of nursing. Ms. Olson's probationary license is subject to the following conditions:

1. **Substance Free:** Ms. Olson will abstain completely from the use of alcohol or drugs with the exception of substances used in accordance with a valid prescription from a physician who is aware of Ms. Olson's substance abuse history.
2. **Self-Help Program:** Ms. Olson will continue in her 12-step recovery self-help program.
3. **Notice to Employer:** Ms. Olson will notify any and all of her nursing employers of the terms of this Consent Agreement and shall provide them with a copy of it. For purposes of this Consent Agreement, nursing employment is any employment during which Ms. Olson performs nursing services or holds herself out as a nurse such as through the designation "R.N."
4. **Employer Quarterly Reports:** Ms. Olson will arrange for and ensure the submission to the Board of quarterly reports addressing her job performance from her nursing employer(s).
5. **Notice of Employment Status:** Ms. Olson will immediately notify the Board in writing of any employment in the field of nursing, including the place and position of employment and of any change in nursing employment.
6. **Automatic Suspension:** Ms. Olson agrees and understands that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Ms. Olson has not remained substance free in accordance with this Consent Agreement, Ms. Olson's license will be immediately and automatically suspended pending further review by the Board. In the event such information is received by any member of the Board or its Executive Director, the information will be forwarded to Ms. Olson for a response. Ms. Olson agrees and understands that her license will remain suspended unless and until the Board is satisfied that Ms. Olson's license may be reinstated consistent with the public health and welfare in the area of nursing service.
7. **Confidentiality and Release of Records:** Upon request by any member of the Board, the Board's Executive Director, or the Department of Attorney General, for the purpose of evaluating Ms. Olson's compliance with this Consent Agreement and her continued recovery, Ms. Olson shall provide such information, shall authorize the release of such records and


information, and shall authorize any such discussions and communications with any and all persons involved in Ms. Olson's self-help program regarding Ms. Olson's recovery from substance abuse.

8. **Employment Restricted to a Structured Setting:** Ms. Olson shall limit her practice of nursing to employment in a supervised structured health care setting. For purposes of this agreement, a supervised structured health care setting shall not include employment in a temporary agency or an agency providing home health care or visiting nurses.
9. **Further Action on Probationary Status:** Ms. Olson agrees and understands that her license will remain on probationary status and subject to the terms of this agreement indefinitely beyond a minimum two-year probationary period, until and unless the Board, at Ms. Olson's request, votes to terminate Ms. Olson's probation. When considering whether to terminate the probation, the Board will consider the degree to which Ms. Olson has complied with the provisions of this agreement.
10. **Miscellaneous Provisions:** Ms. Olson understands that this document is a Consent Agreement which affects her license to practice nursing in the State of Maine. This Consent Agreement may be amended only in writing, signed by all the parties. Ms. Olson understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering this Consent Agreement. Ms. Olson affirms that she executes this Consent Agreement of her own free will.
11. **Effective Date:** This Consent Agreement becomes effective upon the last necessary signature below.

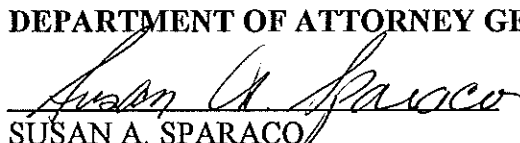
DATED: 6/24/97

  
PENELOPE OLSON

DATED: 6/24/97

**MAINE STATE BOARD OF NURSING:**  
  
JEAN C. CARON, M.S., R.N.  
Executive Director

DATED: 6/24/97

**DEPARTMENT OF ATTORNEY GENERAL:**  
  
SUSAN A. SPARACO  
Assistant Attorney General  
Board Counsel