



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: **DEBRA A. POOLER**) **CONSENT AGREEMENT**
 of Moscow, Maine) **FOR TEMPORARY VOLUNTARY**
 License #R047860) **SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Debra A. Pooler's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(C) and 10 M.R.S.A. § 8003(5)(B), (5)(D). The parties to this Consent Agreement are Debra A. Pooler ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the Basis of the Licensee's offer to voluntarily surrender her registered professional nurse license.

FACTS

1. Debra A. Pooler is a registered professional nurse licensed by endorsement by the Board to practice as a registered professional nurse in the State of Maine on August 30, 2002. Ms. Pooler's was originally licensed in the State of Hawaii in 1986 under license No. 29574.
2. Debra A. Pooler attended an informal conference with the Board on December 8, 2004. The informal conference was scheduled to address Ms. Pooler's criminal convictions for Criminal Threatening and Reckless Conduct in Somerset County, Maine; each charge/count being a Class C felony. Ms. Pooler pled guilty to both felony counts in Somerset County Court, Docket No. Cr-03-285, on February 20, 2004, and was sentenced to 3 years incarceration on each count with all but 15 months incarceration suspended, and 4 years probation with conditions; each count to be served concurrently with the other. The Board determined that more information is needed from Ms. Pooler to decide what discipline it may take on Ms. Pooler's license, and as pertains to her renewal application, whether she is sufficiently rehabilitated to warrant the public trust to provide professional nursing services.
3. The informal conference was continued to a later date, which the parties agree will be established when Ms. Pooler decides she has sufficient information to present to the Board to address the issue of her rehabilitation. The Board did provide certain items they expect Ms. Pooler to provide the Board, which are outlined below in the Agreement section of this document.



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Debra A. Pooler

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4. The parties agree that pending final resolution, Ms. Pooler will surrender her registered professional nurse license.

AGREEMENT

5. Debra A. Pooler agrees and understands that her license will remain on surrender status and subject to the terms of this Consent Agreement indefinitely until and unless the Board, at Ms. Pooler's written request, votes to reinstate Ms. Pooler's license. Ms. Pooler understands that the Board reserves the authority to discipline Ms. Pooler's license based upon the above stated criminal convictions. Ms. Pooler further understands that she has the burden pursuant to 5 M.R.S.A. § 5301 et seq., to prove that she is sufficiently rehabilitated to warrant the public trust to be re-licensed as a registered professional nurse. Pooler agrees and understands that if the Board reinstates her license, it will be for a probationary period.
6. Debra A. Pooler agrees to provide the Board with the following information;
 - a. an independent psychological evaluation and a treatment plan, if any;
 - b. documentation from Dr. Fine regarding her counseling sessions;
 - c. past and any present medical evaluations regarding Ms. Pooler's closed head injury;
 - d. letters of recommendation from past employers and any present employers; and,
 - e. a statement from her probation officer regarding her compliance with her probationary conditions.

This list of items requested by the board is not to be considered as determinative on which the Board will make its decision on Ms. Pooler rehabilitation, being mindful that Ms. Pooler bears the burden to demonstrate her rehabilitation. She should provide the Board with any other relevant information she wants the Board to consider.

7. Debra A. Pooler agrees and understands that the Board and the Office of the Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her medical and mental health treatment, which the Board deems necessary to evaluate Ms. Pooler's ability to practice as a registered professional nurse. Ms. Pooler 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 her care, counseling and employment as may

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be requested by the Board for the purpose of evaluating Ms. Pooler's compliance with the Consent Agreement.

8. Debra A. Pooler understands that this document is a Consent Agreement that affects her rights to practice registered professional nursing in Maine. Ms. Pooler understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering the Consent Agreement.
9. Debra A. Pooler shall not work or volunteer, in any capacity, for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation, R.N., including, in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Pooler is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
10. If Ms. Pooler 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. 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. Debra A. Pooler affirms that she executes this Consent Agreement of her own free will.
14. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, DEBRA A. POOLER, 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: 2-1-05

Debra A. Pooler
DEBRA A. POOLER


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DATED:

2/3/85



JOHN ALSOP, ESQ.
Attorney for Debra A. Pooler
FOR THE MAINE STATE
BOARD OF NURSING

DATED:

2/11/05

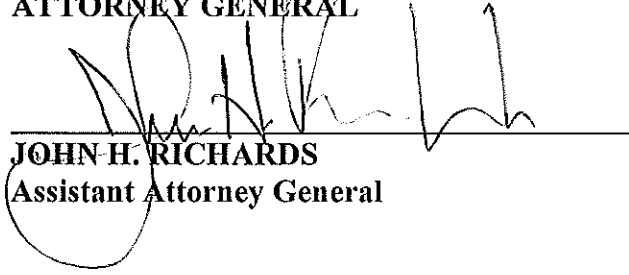


MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED:

2/3/05



JOHN H. RICHARDS
Assistant Attorney General