



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: **Kathy L. Smith, R.N.**) **CONSENT AGREEMENT**
 of Saco, Maine) **FOR VOLUNTARY**
 License #R029521) **SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Kathy L. Smith'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), (5)(D) and 32 M.R.S.A. § 2105-A(1-A)(C). The parties to this Consent Agreement are Kathy L. Smith, Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reached this Agreement following an informal conference held on March 15, 2002, based on information submitted by Southern Maine Medical Center ("SMMC") in a letter dated December 11, 2002.

FACTS

1. Kathy L. Smith has been a registered professional nurse licensed by the Board to practice in Maine since 1986.
2. Kathy L. Smith admits that she diverted drugs (MS contin) from SMMC over the last two years and that the drugs were diverted for her own use.
3. There is no documented patient harm.
4. Kathy L. Smith admits that she has abused substances for a period of two years.
5. Kathy L. Smith sought help for substance abuse and on November 28, 2001 she entered into a methadone program prior to being confronted for drug diversion by SMMC.
6. SMMC stated that Ms. Smith's nursing practice for the past 15 years was exemplary.

AGREEMENT

7. The Maine State Board of Nursing will accept Kathy L. Smith's voluntary surrender of her license, license # R029521, and Ms. Smith agrees and understands that the voluntary surrender of her license will be for a period of two years, the two year period to begin on November 1, 2001.



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OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME

TDD: (207) 287-1151

PHONE: (207) 287-1133

FAX: (207) 287-1149

Consent Agreement for Voluntary Surrender of License

Kathy L. Smith

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8. Kathy L. Smith understands that this document imposes discipline regarding her license to practice professional nursing in the State of Maine under 32 M.R.S.A. § 2105-A(2)(A), (2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), (A)(2), (A)(6) and Chapter 4, sections 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Mr. Smith 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. Kathy L. Smith may petition the Board no earlier than November 1, 2003 for reinstatement of her license, for a probation. Ms. Smith understands and agrees that her license will not be reinstated until and unless the Board, upon Ms. Smith's written request, votes to reinstate Ms. Smith's license.
10. Kathy L. Smith understands and agrees that as a condition of reinstatement of her registered professional nursing license she will continue treatment and counseling for drug abuse and addiction to such an extent and for as long as recommended by her treatment providers. Ms. Smith will arrange for and ensure the submission to the Board of quarterly reports from her treatment providers. In addition, Ms. Smith agrees and understands that the Board shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment and therapy which the Board deems necessary to evaluate Ms. Smith's compliance with this Consent Agreement and her continued recovery.

Kathy L. Smith shall provide such information, shall authorize any release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care as may be requested by the Board for the purpose of evaluating Ms. Smith's compliance with this Consent Agreement.

11. Kathy L. Smith 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. Smith is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
12. Modification of this Consent Agreement must be in writing and signed by all parties.
12. Kathy L. Smith affirms that she executes this Consent Agreement of her own free will.


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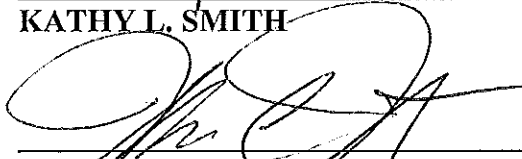
13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

DATED: 5-31-02



KATHY L. SMITH

DATED: 5/31/02

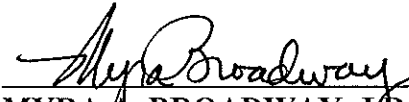


WILLIAM C. NUGENT, ESQ.
Attorney for Kathy L. Smith

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Sept.

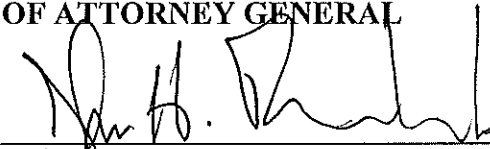
Oct 2, 2002



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

**FOR THE DEPARTMENT
OF ATTORNEY GENERAL**

DATED: 10/2/02



JOHN H. RICHARDS
Assistant Attorney General