

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

ANGUS S. KING, JR.

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

IN RE: JANET L. TOMARCHIO	)	CONSENT AGREEMENT
of South Portland, Maine	)	FOR VOLUNTARY
License #P011469	)	SURRENDER OF LICENSE

#### INTRODUCTION

This document is a Consent Agreement regarding Janet L. Tomarchio's license to practice practical 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 Janet L. Tomarchio, 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 April 11, 2001 based on information submitted by Seaside Rehabilitation & Health Care Center (Seaside) in a letter dated January 12, 2001.

#### **FACTS**

- 1. Janet L. Tomarchio has been a licensed practical nurse licensed by the Board to practice in Maine since 1996.
- 2. Janet L. Tomarchio admits that she diverted drugs for her own use at Seaside for a period of six months.
- 3. Janet L. Tomarchio admits that she has a drug addiction problem.
- 4. Janet L. Tomarchio admits that she inappropriately disposed of controlled substances on or about April 9, 2001 while employed at Seaside.
- 5. Janet L. Tomarchio offered to voluntarily surrender her practical nursing license to the Board on April 11, 2001 as a result of these incidences.

#### **AGREEMENT**

6. The Maine State Board of Nursing will accept Janet L. Tomarchio's voluntary surrender of her license, license #P011469, and Ms. Tomarchio agrees and understands that the voluntary surrender of her license will be for a period of two years.



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- 7. Janet L. Tomarchio understands that this document imposes discipline regarding her license to practice practical 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)(5), (A)(6) and 3(P) of the Rules and Regulations of the Maine State Board of Nursing. Ms. Tomarchio 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.
- 8. Janet L. Tomarchio may petition the Board for reinstatement of her license two-2 years from the effective date of this Agreement. Ms. Tomarchio understands and agrees that her license will not be reinstated until and unless the Board, upon Ms. Tomarchio's written request, votes to reinstate Ms. Tomarchio's license.
- 9. Janet L. Tomarchio understands and agrees that as a condition of reinstatement of her practical nursing license she will receive treatment and counseling for drug abuse and addiction. In addition, Ms. Tomarchio 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. Tomarchio's compliance with this Consent Agreement and her continued recovery.

Ms. Tomarchio 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. Tomarchio's compliance with this Consent Agreement.

- 10. Janet L. Tomarchio 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. Tomarchio is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
- 11. Modification of this Consent Agreement must be in writing and signed by all parties.
- 12. Janet L. Tomarchio 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: 5/2/01

- HUNCA () - MITKUU IANET L. TOMARCHIO

FOR THE MAINE STATE BOARD OF NURSING

DATED:  $\frac{5/3}{0!}$ 

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

**Executive Director** 

FOR THE DEPARTMENT OF ATTORNEY GENERAL

DATED:

JOHN H. RICHARDS

Assistant Attorney General

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