

Maine State Board of Nursing

295 WATER STREET AUGUSTA, MAINE 04330 TEL. 289-5324

In re:) CONSENT AGREEMENT REGARDING SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement regarding Rosemary A. Cole's license to practice practical nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. Section 2105-A(1-A)(B) and (C) and 10 M.R.S.A. Section 8003(5)(A-1)(4)(B). The parties to this Consent Agreement are: Rosemary A. Cole, L.P.N., the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

Rosemary Cole was advised by the Board that it had received a letter from Janet Drouin, R.N., Director of Nursing, Volmer Nursing Home, alleging diversion of drugs. Ms. Cole responded by letter dated April 20, 1990 admitting to the diversion. Subsequently, the Board requested that Ms. Cole attend an informal conference pursuant to 32 M.R.S.A. Section 2105-A(1-A). At the informal conference held on June 7, 1990, Ms. Cole was present without counsel.

FINDINGS OF FACT

As a result of the informal conference, the Board made the following findings of fact:

- 1. Ms. Cole admits to diverting drugs from the facility for her own use.
- 2. Ms. Cole completed a treatment program.
- 3. Ms. Cole is involved in aftercare and self-help.
- 4. Ms. Cole has been chemical free for two months.
- 5. There is no documented harm to patients.
- 6. Ms. Cole has voluntarily surrendered her license.
- 7. Ms. Cole is currently employed as a C.N.A. at the Volmer Nursing Home and her employer is supportive of her.

- 8. Ms. Cole has no access to medications at the nursing home.
- 9. Ms. Cole's home support system is improving.
- 10. Ms. Cole has suffered no physical withdrawal to Xanax.

COVENANTS

Based on the above findings of fact, the Board voted to accept the voluntary surrender of Rosemary Cole's license for one year from May 1, 1990, under the following terms and conditions:

- 1. Ms. Cole shall arrange for quarterly reports on her progress to be sent to the Board by her counselor.
- 2. Ms. Cole shall arrange for quarterly reports on her progress to be sent to the Board by her current employer.
- 3. Ms. Cole may not administer medications.
- 4. Ms. Cole shall inform the Board of any change in her employment.
- 5. Ms. Cole shall continue in her aftercare program.
- 6. Ms. Cole shall remain chemical free.
- 7. Ms. Cole hereby waives all claims of confidentiality and privilege she may have regarding reports to be submitted to the Board in accordance with this Consent Agreement.

DATED: <u>10/29/90</u>	BY: Kosemary Il Che
	ROSEMARY A. COLE
DATED: 7/3/90	FOR THE MAINE STATE BOARD OF NURSING: BY: Aun arou
	JEAN C. CARON, R.N. Executive Director
	TO THE DECAPTEMENT OF

DATED: 7-9-90 BY: 2

JAMÉS D. BIVINS Assistant Attorney General Counsel to the Board

ATTORNEY GENERAL