



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: ANGELA M. (THIBAULT) GIBERTI, R.N.)
 of South Berwick, Maine)
 License #R055502)** **CONSENT AGREEMENT
 FOR
 PROBATION**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Angela M. (Thibault) Giberti’s (“Ms. Giberti” or “Licensee”) license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Ms. Giberti, the Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine; they enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5), (A-1) (4) and 10 M.R.S.A. § 8003(5) (B). On August 18, 2010, the Board met with Ms. Giberti in an informal conference. The parties reached this Agreement on the basis of 1) a Board Notice of Provider Report dated December 31, 2009 with information from Southern Maine Medical Center (“SMMC”) dated December 30, 2009; and 2) Ms. Giberti’s response dated January 26, 2010.

FACTS

1. Angela M. (Thibault) Giberti has been a registered professional nurse licensed to practice in Maine since July 2008.
2. Angela M. (Thibault) Giberti was employed as a registered professional nurse on the Medical/Surgical unit at SMMC from August 18, 2008 until her termination on December 18, 2009 for failing to follow SMMC policies and procedures regarding administering controlled medications.
3. Angela M. (Thibault) Giberti admits that she diverted controlled drugs from SMMC.
4. Angela M. (Thibault) Giberti successfully completed the medical and psychosocial treatment goals at Milestone Foundation while an in-patient in the detoxification program from December 18 – December 23, 2009. She was then admitted to The Cottage Program (“Program”), an Intensive Out-patient Program for addiction recovery at York Hospital, on December 29, 2009. On January 11, 2010, she entered Phase I, which is a six-week, eighteen consecutive session segment of intensive treatment and education for chemical dependence. Ms. Giberti completed Phase I on February 22, 2010 and entered Phase II, which is an eighteen-week aftercare group providing continued treatment and support during early recovery. As of August 18, 2010, Ms. Giberti states that she has been substance-free for eight months. She attends AA three times a week and on September 15, 2010, signed a five-year contract with the Medical Professionals Health Program.
5. Angela M. (Thibault) Giberti wishes to resolve this matter by entering into this Agreement and therefore waives her right to a hearing before the Board.



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AGREEMENT

6. Angela M. (Thibault) Giberti understands and agrees that based upon the above-stated facts, this document imposes discipline regarding her license to practice nursing in the State of Maine. The grounds for discipline for violations are under 32 M.R.S.A. § 2105-A(2)(A), (2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. M.R.S.A. § 2105-A (2) (A). The practice of fraud and deceit in connection with service rendered within the scope of the license issued to Ms. Giberti by diverting scheduled drugs for her own personal use. (See also Rule Chapter 4, Section 1.A.1)
 - b. M.R.S.A. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2)
 - c. M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Ms. Giberti engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6)
 - d. M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6)
 - e. Rule Chapter 4, Section 3. Unprofessional Conduct: *Nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*
 - Chapter 4, Section 3(K). Ms. Giberti inaccurately recorded, falsified or altered a health care provider record.
 - Chapter 4, Section 3(P). Ms. Giberti diverted drugs from patients and a health care provider.
 - Chapter 4, Section Q. Ms. Giberti possessed, obtained and administered prescription drugs to herself, except as directed by a person authorized by law to prescribe drugs.
7. Angela M. (Thibault) Giberti's license as a registered professional nurse is placed on probation with conditions. The period of probation will commence upon her return to nursing practice and will be for a period of five years, effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Giberti performs nursing services. Her probationary license will be subject to the following conditions:
 - a. Angela M. (Thibault) Giberti shall fully cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. She shall inform the Board in writing within 15 days of any address change.
 - b. Angela M. (Thibault) Giberti will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a health care provider who is aware of her substance abuse history.

- c. Angela M. (Thibault) Giberti must remain enrolled and participate in the Maine Professionals Health Program and continue her aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
- d. Angela M. (Thibault) Giberti will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) and such reports shall continue until her probation is terminated. If Ms. Giberti's treatment is terminated during her probation, she shall notify the Board and provide written documentation.
- e. Angela M. (Thibault) Giberti will notify the Board in writing within five business days after she obtains any nursing employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, Ms. Giberti's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
- f. Angela M. (Thibault) Giberti will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
- g. Angela M. (Thibault) Giberti will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice, which must include clinical competency, adherence to policies and procedures relative to standards of practice, and in particular, medication administration and documentation.
- h. Angela M. (Thibault) Giberti's employment is restricted during the period of probation to structured settings with on-site supervision by a registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse, or within the correctional system.
- i. Angela M. (Thibault) Giberti 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 treatment for substance abuse which the Board deems necessary to evaluate her compliance with the Agreement and her continued recovery. She shall provide such information, authorize the release of such records and information, and authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board.
8. Angela M. (Thibault) Giberti agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the five-year probationary period until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Giberti has complied with the provisions of this Agreement.
9. Angela M. (Thibault) Giberti understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that she has not remained substance-free in accordance with this Agreement, her license will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such information, it will be immediately forwarded to Ms. Giberti for response. She understands and agrees that in such an event, her license shall

remain suspended pending a hearing. The Board shall hold a hearing within 60 days of the automatic suspension unless both the Licensee and the Board agree to hold the hearing later, or the Executive Director and/or the Office of the Attorney General earlier determine that such information is without merit. If the information received is proven to be inaccurate or incorrect, either through hearing or determination by the Executive Director and/or the Office of the Attorney General, Ms. Giberti's license will be immediately reinstated retroactive to the date of suspension.

10. If Ms. Giberti violates any other condition of her probation, the Board will give written notice to the Licensee regarding her failure to comply. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's response to determine what action, if any, it determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, 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. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Giberti's "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Giberti understands this Agreement is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice will be limited to the State of Maine as it pertains to the Compact. If she wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state; the Board will then make a determination.
12. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
13. Angela M. (Thibault) Giberti understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
14. Angela M. (Thibault) Giberti affirms that she executes this Agreement of her own free will.
15. Modification of this Agreement must in writing and signed by all parties.
16. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
17. This Agreement becomes effective upon the date of the last necessary signature below.

I, ANGELA M. (THIBAUT) GIBERTI, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I

WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.


DATED: Recvd
12/8/10 *ju*



ANGELA M. (THIBAUT) GIBERTI, R.N.

**FOR THE MAINE STATE
BOARD OF NURSING**

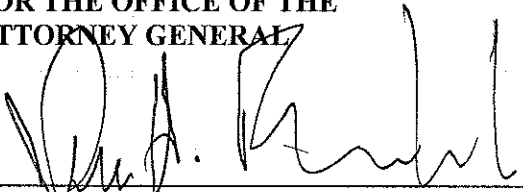
DATED: Dec 13, 2010



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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: 12/15/10



JOHN H. RICHARDS
Assistant Attorney General