



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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE)	
#R038718 ISSUED TO:)	
)	ORDER TERMINATING
CAROL E. HOLTZMAN)	PROBATION
)	
To practice registered professional)	
nursing in the State of Maine)	

WHEREAS, on **June 10, 2004**, License #R038718 issued to **Carol E. Holtzman** was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on **March 18, 2009**, the Board of Nursing duly considered all evidence presented to it concerning **Carol E. Holtzman's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Carol E. Holtzman** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **July 8, 2004** is hereby terminated.

DATED this **24th day of March 2009**.

MAINE STATE BOARD OF NURSING

BY: *Myra Broadway*
 Myra A. Broadway, J.D., M.S., R.N.
 Executive Director



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149



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 EXECUTIVE DIRECTOR

IN RE: **CAROL E. HOLTZMAN**)
 of Andover, Maine)
 License #R038718) **CONSENT AGREEMENT**
FOR REINSTATEMENT
AND PROBATION

INTRODUCTION

This document is a Consent Agreement regarding Carol E. Holtzman'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)(B), 10 M.R.S.A. § 8003(5)(A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Carol E. Holtzman ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with Ms. Holtzman on June 10, 2004, regarding her petition for reinstatement of her registered professional nursing license.

FACTS

1. Carol E. Holtzman voluntarily surrendered her registered professional nursing license and entered a Consent Agreement with the Board on September 4, 2003, attached and marked as Exhibit A.
2. Carol E. Holtzman has been substance free since August 13, 2003.
3. Carol E. Holtzman's aftercare treatment for substance abuse consists of attending A.A. two to three times a week, and seeing a therapist once a week.

REINSTATEMENT WITH CONDITIONS OF PROBATION

4. Carol E. Holtzman's license to practice registered professional nursing in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence on Ms. Holtzman's return to nursing practice, either through employment or pursuant to an educational program. The period of probation will be for a period of two years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Holtzman performs nursing services. Ms. Holtzman's probationary license will be subject to the following conditions:
 - a. Ms. Holtzman will remain substance free with the exception of prescribed medications by her physician and other health care providers who are aware of Ms. Holtzman's substance abuse history.



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

TDD: (207) 287-1151

PHONE: (207) 287-1133

FAX: (207) 287-1149

<http://www.maine.gov/boardofnursing/>

- b. Ms. Holtzman will continue in A.A., N.A. and an aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
 - c. Ms. Holtzman will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) during the probationary period.
 - d. Ms. Holtzman will immediately notify the Board in writing should she return to employment or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change in employment or educational program.
 - e. Ms. Holtzman will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - f. Ms. Holtzman will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her nursing practice.
 - g. Ms. Holtzman's employment is restricted during the period of probation to structured settings, which shall not include assignments from temporary employment agencies, school nursing or working within the correctional system.
5. Carol E. Holtzman agrees and understands that the Board and the Department of 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 Ms. Holtzman's compliance with the Consent Agreement and her continued recovery. Ms. Holtzman 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 be requested by the Board for the purpose of evaluating Ms. Holtzman's compliance with the Consent Agreement and her continued recovery.
 6. Carol E. Holtzman agrees and understands that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Ms. Holtzman has not remained substance free in accordance with the Consent Agreement, Ms. Holtzman's 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, the information will be immediately forwarded to Ms. Holtzman for a response. Ms. Holtzman agrees and understands that in such 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 Department 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 Department of the Attorney General, Ms. Holtzman's license will be immediately reinstated retroactive to the date of suspension.

7. Carol E. Holtzman agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the two year probationary period, until and unless the Board, at Ms. Holtzman's written request, votes to terminate Ms. Holtzman's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Holtzman has complied with the provisions of this Agreement.
8. Carol E. Holtzman understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Holtzman understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
9. If Ms. Holtzman 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.
10. Carol E. Holtzman affirms that she executes this Consent Agreement of her own free will.
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. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, CAROL E. HOLTZMAN, 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: July 1, 2004

Carol E. Holtzman
CAROL E. HOLTZMAN

FOR THE MAINE STATE
BOARD OF NURSING

DATED: July 2, 2004

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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: July 8, 2004

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General