



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

PAUL R. LEPAGE
 GOVERNOR

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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE)	
R025227 ISSUED TO:)	
LINDA R. KIMBALL)	ORDER TERMINATING
)	PROBATION
To practice registered professional)	
nursing in the State of Maine)	

WHEREAS, on **June 2, 2008**, License #R025227 issued to **Linda R. Kimball** was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on **June 2, 2011**, the Board of Nursing duly considered all evidence presented to it concerning **Linda R. Kimball's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Linda R. Kimball** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **June 2, 2008** is hereby terminated.

DATED this **3rd** day of **June 2011**.

MAINE STATE BOARD OF NURSING

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



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JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: LINDA R. KIMBALL, R.N.) **CONSENT AGREEMENT**
 of Scarborough, Maine) **FOR LICENSE PROBATION**
 License No. R025227) **WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Linda R. Kimball’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) and 10 M.R.S.A. § 8003(5) (B). The parties to this Consent Agreement are Linda R. Kimball (“Ms. Kimball”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on March 12, 2008. The Parties reached this Consent Agreement based upon the below-stated facts.

FACTS

1. Linda R. Kimball has been a registered professional nurse licensed to practice in Maine since January 25, 1982.
2. The Board considered the following information and documentation: 1) Provider Reports submitted to the Board from Maine Medical Center dated March 30, 2006; March 31, 2006; August 16, 2006 and November 2, 2006; 2) Maine Medical Center’s correspondence dated November 29, 2007 with an enclosure consisting of Ms. Kimball’s performance plan detail dated March 24th and 25th of 2006; 3) Ms. Kimball’s response dated July 25, 2007; and 4) documentation dated January 21, 2008, provided by Ms. Kimball at the Board’s request. The documentation includes current documentation from Ms. Kimball’s health care providers and performance evaluations from Ms. Kimball’s nursing employers. All of the above-described information is attached, incorporated herein and marked as Exhibit A.
3. Linda R. Kimball was suspended from Maine Medical Center (“MMC”) pending an investigation on March 30, 2006 because MMC was concerned about Ms. Kimball’s nursing practice as it related to patient safety, medication administration and documentation. Both the findings of the investigation, outlined in MMC’s Provider Report dated August 16, 2006, and the documentation of the investigation are contained in Exhibit A. Ms. Kimball returned to MMC on July 17, 2006 and was again suspended from MMC pending an investigation on November 2, 2006 as a result of further concerns about Ms. Kimball’s nursing practice. Ms. Kimball resigned from MMC in November, 2006.



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

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4. Linda R. Kimball admitted that she has a substance abuse problem with alcohol. She admitted herself to the Recovery Center at Mercy Westbrook Hospital and attended the outpatient Daily Intensive Program beginning April 6, 2006. She completed the program April 22, 2006 and attended aftercare treatment, in which she continues. She has been sober since April 4, 2006. The treatment provider report and other information which detail Ms. Kimball's recovery are contained in Exhibit A.
5. Linda R. Kimball admits that her nursing practice at MMC was affected during her period of insobriety.
6. The Board acknowledges that Ms. Kimball has made substantial progress in her treatment and recovery.
7. Linda R. Kimball wishes to resolve this matter by accepting this Consent Agreement and thereby waiving her rights to an adjudicatory hearing.

AGREEMENT AND CONDITIONS OF PROBATION

8. Linda R. Kimball agrees and understands that this document imposes discipline regarding her license to practice registered professional nursing and her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(B), (2)(F) and (2)(H) and Chapter, 4(1)(A)(2), 4(1)(A)(6), 4(1)(A)(8) and Chapter 4(3)(K), 4(3)(N) and 4(3)(O) of the Rules and Regulations of the Maine State Board of Nursing.
9. Linda R. Kimball's license as a registered professional nurse in the State of Maine is placed on a probationary status with conditions. The period of probation will commence on Ms. Kimball's return to nursing practice, either through employment and/or pursuant to a clinical nursing educational program. The period of probation will be for a period of three years to be effective only while she is employed in nursing practice and/or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Kimball performs nursing services. Ms. Kimball's probationary license will be subject to the following conditions:
 - a. Linda R. Kimball will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a treatment provider who is aware of Ms. Kimball's substance abuse history.
 - b. Linda R. Kimball will continue in her aftercare treatment program to such an extent and for as long as her treatment providers recommend.

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- c. Linda R. Kimball will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers and such reports shall continue until her probation is terminated. If Ms. Kimball's treatment is terminated, she shall notify the Board.
- d. Linda R. Kimball will immediately notify the Board in writing should she return to 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 educational program and any subsequent change in employment or educational programs.
- e. Linda R. Kimball 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. Linda R. Kimball 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. If during the period of probation, Ms. Kimball's employment as a nurse terminates or should her educational program in the field of nursing terminate, she shall notify the Board of this change to ensure that she remains in compliance with her employment and/or educational quarterly reports.
- g. Linda R. Kimball agrees and understands that the Board and the Office 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. Kimball's compliance with the Consent Agreement and her continued recovery. Ms. Kimball 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. Kimball's compliance with the Consent Agreement and her continued recovery.
10. Linda R. Kimball agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the three-year probationary period until and unless the Board, at Ms. Kimball's written request, votes to terminate Ms. Kimball's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Kimball has complied with the provisions of this Agreement.
11. If Ms. Kimball fails to meet any of the obligations of this Consent Agreement, the Board will give written notice to the Licensee regarding her failure to comply. Notice will be sent by certified mail, return receipt requested, to the last known

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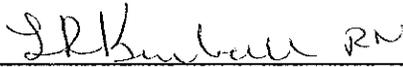
address of the Licensee that is on file with the Board. The Licensee has thirty (30) days from receipt of this notification to respond to the Board in writing regarding the alleged failure to comply. The Board will review the Licensee's timely response to determine what action, if any, the Board determines 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 a hearing, the Board finds that the Licensee has failed to meet 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.

12. 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. Kimball's "home state" of licensure and primary state of residence, which means that Ms. Kimball has declared that the State of Maine is her fixed permanent and principle home for legal purposes; her domicile. Other party states that are in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Kimball understands that this document is a Consent Agreement that is subject to the Compact. Ms. Kimball agrees that during the pendency of this Consent Agreement her nursing practice may be limited to the State of Maine as it pertains to the Compact. If Ms. Kimball 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.
13. This Consent 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.
14. Linda R. Kimball 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.
15. Linda R. Kimball affirms that she executes this Consent Agreement of her own free will.
16. Modification of this Consent Agreement must in writing and signed by all the parties.
17. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

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

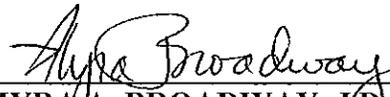
I, LINDA R. KIMBALL, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 5.20.08


LINDA R. KIMBALL, R.N.

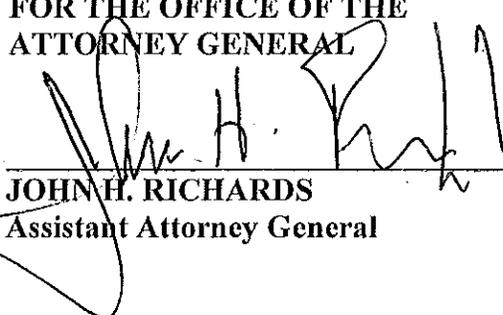
FOR THE MAINE STATE
BOARD OF NURSING

DATED: 5/22/08


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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 5/2/08


JOHN H. RICHARDS
Assistant Attorney General