



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

ANGUS S. KING, JR.
 GOVERNOR

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

IN RE: DONNA I. PENNEY-SMITH)
 of Portland, Maine)
 License # P007510)
) CONSENT AGREEMENT FOR
) VOLUNTARY SURRENDER
) OF LICENSE

INTRODUCTION

This document is a Consent Agreement regarding Donna I. Penney-Smith'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) and 32 M.R.S.A. § 2105-A(1-A)(C). The parties to this Consent Agreement are Donna I. Penney-Smith ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of information submitted by City of Portland, Barron Center ("Barron Center") by letter dated July 10, 2000 regarding Ms. Penney-Smith suspension and related medication incident reports dated June 27, 2000 and July 2, 2000 and related documentary information from the Barron Center dated May 25, 2000, June 22, 2000 and August 14, 2000, attached and incorporated herein as Exhibit 1 and consisting of 11 pages. The parties also reached this agreement based on additional information regarding Ms. Penney-Smith present ability to discharge the practice of practical nursing described in the Statement of Facts below.

STATEMENT OF FACTS

1. Donna I. Penney-Smith is a licensed practical nurse and has been licensed by the Board to practice in Maine since 1982.
2. *The Board finds that*
 Donna I. Penney-Smith's professional behavior and overall job performance while she was employed at the Barron Center consisted of an unacceptable high rate of medication errors and omissions, the inability to account for missing controlled substances that she had responsibility to safeguard, failing to perform glucoscans on residents, failing to document nursing information on skilled care residents, failing to follow through on clinical issues requiring monitoring of skilled care residents and failing to communicate to the oncoming nursing shift through verbal reports which provide for the continuity of resident care.
3. Donna I. Penney-Smith denies that she diverted any controlled substance, *and she neither admits nor denies any of the findings of Paragraph 2.*
4. Donna I. Penney-Smith has been diagnosed with bipolar disorder and admits that she is currently unable to competently provide nursing services as a licensed practical nurse. Ms. Penney-Smith is currently under the care of and being treated by Dr. Walter Christie at Maine Medical Center.

*JPC
 CC
 JHR
 MB*

*JPC
 MB
 JHR*



RECYCLED PAPER

5. Donna I. Penney-Smith has offered to voluntarily surrender her license as a licensed practical nurse.

AGREEMENT

6. The Maine State Board of Nursing has considered the above-recited facts and in the interest of protecting the public, the Board accepts Donna I. Penney-Smith's voluntary surrender of her practical nurse license, License #P007510.
7. Donna I. Penney-Smith understands that this document imposes discipline regarding her license to practice practical nursing in the State of Maine for violations under 32 M.R.S.A. § 2105-A(2)(E)(1), (2)(F), (2)(H) and Chapter 4.1.A.(5)(a), 1.A.(6) and Chapter 4.3.F of the Maine State Board of Nursing Rules and Regulations. Ms. Penney-Smith understands that this document is a Consent Agreement that affects her rights to practice nursing. Ms. Penney-Smith 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 this Consent Agreement.
8. Donna I. Penney-Smith shall not work or volunteer, in any capacity, for a health care provider as defined by Title 24 M.R.S.A. §2505(2) or in any position holding herself out as a licensed practical nurse or with the designation, L.P.N., while her nursing license is surrendered.
9. Donna I. Penney-Smith may petition the Board for reinstatement of her license to probationary status. Probation may run for such time period as the Board determines appropriate. Probation may include conditions such as: continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional or occupational supervision; and other conditions as the Board determines appropriate. Costs incurred in the performance of the terms of probation are borne by Ms. Penney-Smith.

Donna I. Penney-Smith agrees and understands that her license will not be reinstated until and unless the Board, upon Ms. Penney-Smith's written request, votes to reinstate Ms. Penney-Smith's license. When considering whether to reinstate Ms. Penney-Smith's license on probationary status, the Board will consider Ms. Penney-Smith's fitness and ability to resume practical nursing and her compliance with the terms and conditions of this Consent Agreement.

10. Donna I. Penney-Smith agrees and understands that if her license is reinstated by the Board for a period of probation, 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 and therapy which the Board deems necessary to evaluate Ms. Penney-Smith's continued recovery and her fitness and ability to resume the practice of nursing. Ms. Penney-Smith 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 as may be requested by the Board for the purpose of evaluating Ms. Penney-Smith's continued recovery and her fitness and ability to resume the practice of nursing.

11. Donna I. Penney-Smith affirms that she executes this Consent Agreement of her own free will.
12. Modification of this Consent Agreement must be in writing and signed by all the parties.
13. This Consent Agreement is not subject to review or appeal by Ms. Penney-Smith, but may be enforced by an action in the Superior Court.
14. This Consent Agreement becomes effective upon the date of the last necessary signature below.


I, DONNA I. PENNEY-SMITH 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: 7/19/02




DONNA I. PENNEY-SMITH

DATED: 7/19/02



CARRIE LEIGHTON
Student Attorney for Donna I. Penney-Smith


DATED: 7/18/02



DAVID CLUCHEY, ESQ.
Faculty Supervisor for Carrie Leighton

**FOR THE MAINE STATE
BOARD OF NURSING**

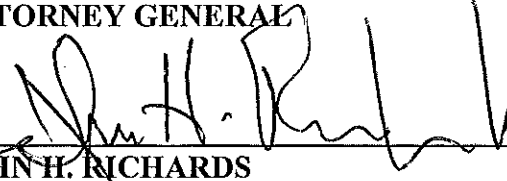
DATED: 7/22/02



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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 7/22/02



JOHN H. RICHARDS
Assistant Attorney General