



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: **JUDY D. RUSZCZYK, L.P.N.**) **CONSENT AGREEMENT**
 of Rockland, Maine) **FOR LICENSE PROBATION**
 License #P012077) **WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Judy D. Ruszczyk’s license to practice practical nursing in the State of Maine. The parties enter into this Consent 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 Judy D. Ruszczyk (“Licensee”), Maine State Board of Nursing (“Board”) and the Office of Attorney General, State of Maine. The Board met with the Licensee in an informal conference on June 9, 2004 to discuss a Colorado Board of Nursing Order dated January 21st, 2003, regarding the Licensee’s revocation of her Colorado practical nursing license and nursing performance issues reported to the Board by Knox Center in a letter dated May 20, 2004.

FACTS

1. Judy D. Ruszczyk has been a licensed practical nurse since 1980 and was licensed to practice in Maine in November 2002.
2. Judy D. Ruszczyk’s LPN license in Colorado was revoked by Colorado State Board of Nursing by default on December 31, 2002 because she failed to appear at a hearing on a complaint regarding substance use (Cocaine) and substandard nursing practice. Ms. Ruszczyk denies that she knew that the facts, which were the basis for the license revocation, were formalized as a complaint before the Colorado Board of Nursing because she states she did not receive notice of the hearing. She claims that she did not receive notice of the hearing because her mail that was forwarded to a friend’s address was never given to her. State of Colorado, State Board of Nursing Order, Exhibit A.
3. Judy D. Ruszczyk admits that she had a substance abuse problem while she was in Colorado and moved to Maine to remove herself from a life style in Colorado that was conducive to her substance use.
4. Judy D. Ruszczyk started work at Knox Center (“Knox”) located in Rockland, Maine on February 2003 and was placed on unpaid administrative leave on May 6, 2004 because of performance issues and the Director of Nursing at Knox discovery of the Colorado order.



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Ms. Ruszczyk admits she had nursing performance issues while she was employed at Knox. The details of these performance issues are more fully explained in a letter from Knox dated May 20, 2004, which is attached as Exhibit B.

5. On March 25, 2004 the Board attempted to notify Ms. Ruszczyk in writing of the Colorado Board Order; however, both attempts (certified and first class mail) were unsuccessful because Ms. Ruszczyk failed to notify the Board of her change of address. The Board ultimately found Ms. Ruszczyk after her name was posted in the periodic Board newsletter requesting her whereabouts.
6. Judy D. Ruszczyk states that she has been sober for two years.
7. Judy D. Ruszczyk current substance abuse treatment consists of attending A.A. 3-5 times a week and seeing a counselor once a week.

AGREEMENT WITH CONDITIONS OF PROBATION

8. Judy D. Ruszczyk agrees and understands that this document imposes discipline regarding her license to practice practical nursing and the above-described conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(B), (2)(F), (2)(H) and Chapter, 4(1)(A)(2) and 4(1)(A)(6) of the Rules and Regulations of the Maine State Board of Nursing.
9. Judy D. Ruszczyk 's license to practice practical nursing in the State of Maine will be placed on a probationary status with conditions. 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 Consent Agreement, nursing employment is any employment during which Ms. Ruszczyk performs nursing services. Ms. Ruszczyk's probationary license will be subject to the following conditions:
 - a. Judy D. Ruszczyk will abstain completely from the use of alcohol, with the exception of prescribed medications by her physician who is aware of Ms. Ruszczyk's substance abuse history.
 - b. Judy D. Ruszczyk will continue in A.A. and an aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
 - c. Judy D. Ruszczyk will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) during the probationary period.
 - d. Judy D. Ruszczyk 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. Judy D. Ruszczyk 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. Judy D. Ruszczyk will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her nursing practice.
 - g. Judy D. Ruszczyk'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.
 - h. Judy D. Ruszczyk will notify the board in writing of any change of address.
10. Judy D. Ruszczyk 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. Ruszczyk's compliance with the Consent Agreement and her continued recovery. Ms. Ruszczyk 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. Ruszczyk's compliance with the Consent Agreement and her continued recovery.
11. Judy D. Ruszczyk agrees and understands that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Ms. Judy D. Ruszczyk has not remained substance free in accordance with the Consent Agreement, Ms. Ruszczyk'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. Ruszczyk for a response. Ms. Ruszczyk 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. Ruszczyk's license will be immediately reinstated retroactive to the date of suspension.
12. Judy D. Ruszczyk agrees and understands that her license will remain on probationary status and subject to the terms of this Consent Agreement indefinitely beyond the two 2-year probationary period, until and unless the Board, at Ms. Ruszczyk's written request, votes to terminate Ms. Ruszczyk's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Ruszczyk has complied with the provisions of this Consent Agreement.

13. Judy D. Ruszczyk understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Ruszczyk 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.
14. If Judy D. Ruszczyk 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.
15. Judy D. Ruszczyk 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 appeal or review 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, JUDY D. RUSZCZYK, L.P.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: 6/25/04



JUDY D. RUSZCZYK, L.P.N.


DATED: 6/25/04



BARRY L. PRETZEL, ESQ.
Attorney for Judy D. Ruszczyk

FOR THE MAINE STATE
BOARD OF NURSING

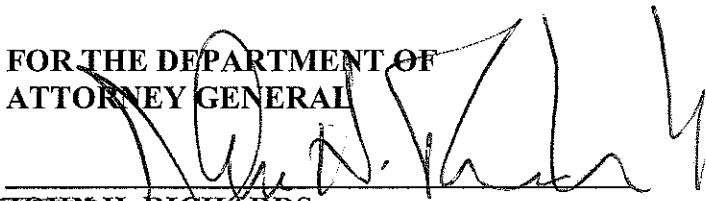
DATED: June 28, 2004



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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: June 30, 2004



JOHN H. RICHARDS
Assistant Attorney General