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GOVERNOR

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

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

IN RE: THERESA M. DUFFY, CRNA)
of Eveleth, MN)
License Nos. RN62423 & RNA123026)

CONSENT AGREEMENT
FOR
SURRENDER

Complaint #2013-32

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Theresa M. Duffy's licenses as a Certified Registered Nurse Anesthetist ("CRNA") and Registered Professional Nurse ("RN") in the State of Maine. The parties to this Agreement are Theresa M. Duffy ("Licensee" or "Ms. Duffy"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) and 10 M.R.S. § 8003(5) (B) in order to resolve Complaint 2013-32.

FACTS

1. Theresa M. Duffy has been licensed to practice in Maine as an RN and CRNA since October 1, 2012.
2. On February 7, 2013, the Minnesota Board of Nursing issued Ms. Duffy its Stipulation and Consent Order regarding her substandard anesthesia practice and unsatisfactory documentation. The Minnesota Board imposed a \$3000 civil penalty, probation, and consultation/evaluation with a Board-approved CRNA for additional education. Ms. Duffy admits the incidents cited in the Stipulation are accurate and she is currently meeting the conditions of the Minnesota Order.
3. By letter dated March 8, 2013, Ms. Duffy advised the Maine State Board of Nursing that she did not plan to ever work in Maine as a healthcare provider.
4. Theresa M. Duffy wishes to resolve this matter by surrendering her Maine RN and CRNA licenses, and she waives her right to an adjudicatory hearing.

AGREEMENT

5. Theresa M. Duffy understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the information underlying those facts, there is sufficient evidence on which the Board could conclude, by a preponderance of the evidence, that she violated Maine Board of Nursing statutes and the Rules and Regulations of the Maine State Board of Nursing (Board Rules). Further, she understands and agrees that this document imposes discipline against her nursing licenses in the State of Maine. Specifically, Ms. Duffy agrees that her conduct violates
 - a. 32 M.R.S. § 2105-A (2) (E) (1), engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public. See also: Board Rule Chapter 4.1.A.5.a;
 - b. 32 M.R.S. § 2105-A (2) (E) (2), engaging in conduct that evidences a lack of knowledge, or inability to apply principles or skills to carry out the practice for which she is licensed. See also: Board Rule Chapter 4.1.A.5.b;



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- c. 32 M.R.S. § 2105-A (2) (F), engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which she is licensed. See also: Board Rule Chapter 4.1.A.6;
 - d. 32 M.R.S. § 2105-A(2)(H), engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(B) by assuming duties and responsibilities within the practice of nursing without adequate preparation or when competency has not been maintained;
 - e. 32 M.R.S. § 2105-A(2)(H), engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(F) by failing to take appropriate action or to follow policies and procedures in a practice situation designed to safeguard patients;
 - f. 32 M.R.S. § 2105-A(2)(H), engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(H) by intentionally or negligently causing physical or emotional injury to a patient; and
 - g. 32 M.R.S. § 2105-A(2)(H), engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(K) by inaccurate recording of a patient or health care provider report.
6. Theresa M. Duffy understands and agrees that her licenses will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her licenses. Ms. Duffy understands and agrees that if the Board reinstates her licenses, it may be for a probationary period.
 7. 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. Ms. Duffy's Primary State of Residence is Minnesota.
 8. Theresa M. Duffy understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
 9. Theresa M. Duffy shall not work or volunteer in any capacity for a Maine health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a Registered Professional Nurse or Certified Registered Nurse Anesthetist or with the designations "RN" or "CRNA" while her nursing licenses are surrendered.
 10. This Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
 11. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
 12. Modification of this Agreement must be in writing and signed by all parties.
 13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
 14. Theresa M. Duffy affirms that she executes this Agreement of her own free will.
 15. This Agreement becomes effective upon the date of the last necessary signature below.

I, THERESA M. DUFFY, APRN-CRNA, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE(S). 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.

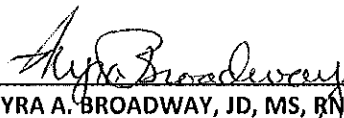
DATED: 08-06-2013



THERESA M. DUFFY, APRN-CRNA

FOR THE MAINE STATE BOARD OF NURSING

DATED: 8/9/13



MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 8-13-13



LAUREN LAROCHELLE
Assistant Attorney General