



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: TREVOR J. KRAUS) **CONSENT AGREEMENT**
 of Durham, Maine) **FOR REINSTATEMENT ON**
 License #R051888) **PROBATION WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement (Agreement”) regarding Trevor J. Kraus’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 Agreement are Trevor J. Kraus (“Licensee” or “Mr. Kraus”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Mr. Kraus on March 18, 2009 regarding his petition for reinstatement of his registered professional nurse license.

FACTS

1. Trevor J. Kraus entered into a Consent Agreement with the Board surrendering his registered professional nurse license on August 14, 2008 [Exhibit 1].
2. Trevor J. Kraus diverted controlled medications from Maine Medical Center for his own personal use. He was placed on medical leave of absence and resigned his position effective July 10, 2007.
3. Trevor J. Kraus has complied with the terms of his August 2008 Consent Agreement with the Board. He has been substance-free since March 11, 2008; continues to see an individual therapist on a weekly basis; and attends AA and Caduceus regularly.
4. In reaching this Agreement, the Board also considered reports from Mr. Kraus’s primary care physician, Heather N. Schwemm, M.D.; Christopher Coose, LADC, CCS, Director of Top of the Hill Counseling; and Mark Publicker, MD FASAM, of Mercy Addiction Medicine [Exhibit 2].

AGREEMENT WITH CONDITIONS OF PROBATION

5. Trevor J. Kraus’s license as a registered professional nurse in the State of Maine is reinstated on probation with conditions. Probation will commence upon Mr. Kraus’s return to nursing practice, either through employment and/or pursuant to a clinical nursing educational program, and will be for a period of five years, effective only while he is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Mr. Kraus performs nursing services. His probationary license will be subject to the following conditions:



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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

- a. Trevor J. Kraus 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 his substance abuse history.
- b. Trevor J. Kraus shall fully cooperate with the representatives of the Board in its monitoring and investigation of the Licensee's compliance with probation. He shall inform the Board in writing within 15 days of any address change.
- c. Trevor J. Kraus will continue in his treatment program to such an extent and for as long as his treatment provider(s) recommend and will arrange for and ensure the submission of quarterly reports to the Board by his treatment provider(s) until his probation is terminated. If Mr. Kraus's treatment is terminated during his probation, he shall notify the Board and provide written documentation.
- d. Trevor J. Kraus will notify the Board in writing within five business days after he obtains any nursing 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 nursing educational program. If during the period of probation, Mr. Kraus's employment as a nurse or his educational program in the field of nursing terminates, he shall notify the Board in writing within five business days after he is terminated or separated, regardless of cause, with a full explanation of the circumstances surrounding the termination or separation.
- e. Trevor J. Kraus will notify any and all of his nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
- f. Trevor J. Kraus will arrange for and ensure the submission to the Board of quarterly reports from his nursing employer and/or clinical faculty regarding his general nursing practice, which is to include clinical competency, ability to follow policies and procedures relative to standards of practice, and clinical documentation.
- g. Trevor J. Kraus understands and agrees that his license will remain on probationary status and subject to the terms of this Agreement beyond the five-year probationary period until and unless the Board, at Mr. Kraus's written request, votes to terminate his probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Kraus has complied with the provisions of this Agreement.
- h. Trevor J. Kraus's employment in clinical nursing care is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health care, school nursing, work as a travel nurse or within the correctional system. Mr. Kraus is permitted to work unsupervised in areas involving non-clinical nursing practice.
- i. Trevor J. Kraus agrees and understands that 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 his treatment for substance abuse which the Board deems necessary to evaluate his compliance with the Agreement and continued recovery. Mr. Kraus 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 his care, counseling and employment as may be requested by the Board.

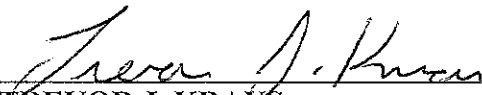
6. If Mr. Kraus violates the conditions of his probation, the Board will give written notice to the Licensee regarding his failure to comply. Notice will be sent by certified mail, return receipt requested, to the last known address of the Licensee that is on file with the Board. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. 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 his failure to comply, his license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, 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.
7. Trevor J. Kraus understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that he has not remained substance-free in accordance with the Consent Agreement, his 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 Mr. Kraus for response. Mr. Kraus agrees and understands that in such an event, his 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, Mr. Kraus's license will be immediately reinstated retroactive to the date of suspension.
8. 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 Mr. Kraus's "home state" of licensure and primary state of residence, which means that he has declared the State of Maine as his fixed permanent and principle home for legal purposes; his 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. Mr. Kraus understands that this document is an Agreement subject to the Compact. He agrees that during the pendency of this Agreement, his nursing practice may be limited to the State of Maine as it pertains to the Compact. If Mr. Kraus wishes to practice in any other party state within the Compact, he

shall arrange to have the party state in which he intends to practice provide the Board with written authorization that he has been approved to practice in that state.

9. This 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.
10. Trevor J. Kraus understands that he does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
11. Trevor J. Kraus affirms that he executes this Consent Agreement of his own free will.
12. Modification of this Consent Agreement must be in writing and signed by all parties.
13. This Consent Agreement is not subject to review or appeal by the Licensee, 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, TREVOR J. KRAUS, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. 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.

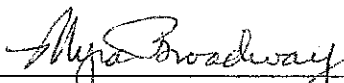
DATED: 5/7/09



TREVOR J. KRAUS

**FOR THE MAINE STATE
BOARD OF NURSING**

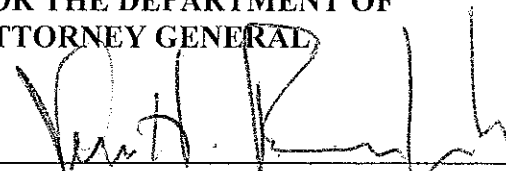
DATED: May 8, 2009



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

**FOR THE DEPARTMENT OF
ATTORNEY GENERAL**

DATED: 5/12/09

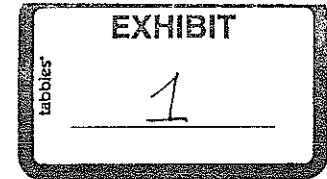


JOHN H. RICHARDS
Assistant Attorney General



JOHN ELIAS BALDACCI
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:)	
TREVOR J. KRAUS, R.N.)	CONSENT AGREEMENT FOR
of Durham, Maine)	VOLUNTARY SURRENDER OF
License # R051888)	LICENSE
)	

PARTIES

This document is a Consent Agreement regarding Trevor J. Kraus's license to practice registered professional nursing in the State of Maine. The parties to this Consent Agreement are Trevor J. Kraus, ("Mr. Kraus"), the Maine State Board of Nursing ("the Board"), and the Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 32 M.R.S.A. § 2105-A (1-A) (C) and 10 M.R.S.A. § 8003(5) (B), (5) (D).

FACTS

1. At the time of the incidents discussed in this Consent Agreement, Mr. Kraus was licensed in Maine as a registered professional nurse.
2. Mr. Kraus was employed by Maine Medical Center in the Special Care Unit from December 2005 to February 2007.
3. In January 2007, the Pharmacy Department of Maine Medical Center conducted a random audit regarding Pyxis access to track possible drug diversions by staff members.
4. The audit revealed that Mr. Kraus had a significantly higher number of medication withdrawals from Pyxis when compared to his peers.
5. Mr. Kraus took Oxycodone, Hydrocodone, and Benzodiazepines from Pyxis for his own personal use.
6. Mr. Kraus was suspended from Maine Medical Center on January 16, 2007.
7. After an investigation based on the audit, Mr. Kraus was placed on a performance plan and returned to work on January 31, 2007.
8. The investigation did not reveal any documented patient harm as a result of Mr. Kraus's actions.

In re: Trevor J. Kraus



Consent Agreement

9. In February 2007, Mr. Kraus was placed on a medical leave of absence. Mr. Kraus later resigned his position, which became effective July 10, 2007.
10. In March 2007, Mr. Kraus entered a 90-day residential substance abuse treatment program, which he successfully completed in June 2007.
11. Since June 2007, Mr. Kraus has continued with substance abuse treatment, which includes seeing his treatment providers on a weekly basis and attending daily AA meetings.
12. Mr. Kraus did have two relapses, in December 2007 and February 2008, during which he used controlled substances that had been prescribed for someone else.
13. On May 14, 2008, following an informal conference, the Board voted to set this matter for hearing and to offer this Consent Agreement to Mr. Kraus in order to resolve the complaint against him.
14. Absent Mr. Kraus's acceptance of this Consent Agreement by signing, dating, and mailing it to Myra Broadway, Executive Director, 158 State House Station, Augusta, Maine 04333-0158 **by August 15, 2008**, the Board will resolve this matter by holding an adjudicatory hearing.

AGREEMENT

15. Trevor J. Kraus neither admits nor denies the facts contained herein regarding the diversion of narcotics or other controlled substances from Maine Medical Center, but acknowledges that if this matter went to a hearing before the Board, the Board could find that such conduct constitutes grounds for disciplining him as follows: Pursuant to 32 M.R.S.A. § 2105-A(2)(F) and Board Rule 02-380 ch. 4 § (3)(P), engaging in unprofessional conduct by diverting drugs that were the property of a health care provider.
16. Mr. Kraus agrees to voluntarily surrender his registered professional nurse license, R051888.
17. Mr. Kraus agrees and understands that his license will remain on surrender status and subject to the terms of this Consent Agreement. No earlier than January 1, 2009, Mr. Kraus may request, in writing, that he come before the Board for the purpose of discussing reinstatement of his license. Mr. Kraus's license will remain on voluntary surrender status unless and until the Board votes to reinstate his license, which will occur no earlier than February 1, 2009. Mr. Kraus agrees and understands that if the Board reinstates his license, it will be for a probationary period.
18. During the time that his license is on surrender status, Mr. Kraus shall continue treatment with all treatment providers and provide reports from those providers prior to coming before the Board for the purpose of reinstatement of his license.

19. Mr. Kraus understands that this document is a Consent Agreement that affects his rights to practice professional nursing in Maine. Mr. Kraus understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering the Consent Agreement.
20. Mr. Kraus shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S.A. § 2502(2) or in any position holding himself out as a registered professional nurse or with the designation "R.N.," including in a veterinarian's office, while his nursing license is surrendered. In addition, Mr. Kraus is not to seek employment where the handling or dispensing of drugs is part of the job responsibility. Mr. Kraus may work in an administrative position that does not require a professional nursing license as long as that position does not violate any part of this Consent Agreement.
21. The Board and Mr. Kraus agree that any violation of any of the terms or conditions of this Consent Agreement by Mr. Kraus shall constitute grounds for discipline and the Board has the authority to issue an order modifying, suspending, or revoking his license in the event that he fails to comply with any of the terms of this Consent Agreement.
22. Pursuant to 10 M.R.S.A. § 8003(5) (B), this Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.
23. 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.
24. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
25. Mr. Kraus acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will, that no promises have been made to him outside of the written terms and conditions of this Consent Agreement, and that he agrees to abide by all terms and conditions set forth herein.

I, TREVOR J. KRAUS, 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: 8/12/08



TREVOR J. KRAUS, R.N.

DATED:

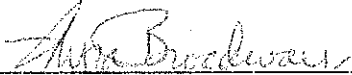
Aug 12, 2008 

KENNETH W. LEHMAN, ESQ.
Attorney for Trevor J. Kraus, R.N.

FOR THE MAINE STATE BOARD OF NURSING

DATED:


8/13/08


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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED:

8-14-08


CARRIE L. CARNEY
Assistant Attorney General