



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: **ALANA D. NICOLAS, R.N.**)
 of Portland, Maine) **CONSENT AGREEMENT**
 License #R039633) **FOR WARNING**

INTRODUCTION

This document is a Consent Agreement regarding Alana D. Nicolas' license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(1), § 8003(5)(B) and 32 M.R.S.A. § 2105A(1A)(A). The parties to this Consent Agreement are Alana D. Nicolas ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. An informal conference was held on November 13, 2002. The parties reached this Agreement on the basis of information submitted anonymously by letter dated June 1, 2002, Kennebunk Nursing and Rehabilitation Center in a letter dated June 17, 2002 and information from the State of Maine, Department of Human Services, Bureau of Medical Services, Division of Licensing & Certification in Complaint Narrative #02-PNF-581.

FACTS

1. Alana D. Nicolas has been a registered professional nurse licensed to practice in Maine since 1996.
2. Alana D. Nicolas admits that she misappropriated 13 tabs of the drug "Zyprexa." She took the drugs for the purpose of medicating her husband whose prescription of Zyprexa had run out. When confronted by her supervisor regarding the incident Ms. Nicolas admitted that she took the drugs. Ms. Nicolas returned 12 tabs of Zyprexa to the facility and reimbursed the facility \$139.00 for the medication.

AGREEMENT

3. Alana D. Nicolas agrees and understands that her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(F), (2)(H) and Chapter 4, sections 1.A.6. and Chapter 4.3.P. of the Rules and Regulations of the Maine State Board of Nursing. Alana D. Nicolas is hereby **WARNED** because she diverted drugs from a health care provider.
4. Alana D. Nicolas understands that this Consent Agreement imposes discipline regarding her license to practice registered professional nursing in the State of Maine. Ms. Nicolas 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.



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OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME

5. Alana D. Nicolas affirms that she executes this Consent Agreement of her own free will.
6. Modification of this Consent Agreement must be in writing and signed by all the parties.
7. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
8. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, ALANA D. NICOLAS, 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: 1-10-03

Alana D. Nicolas RN.
ALANA D. NICOLAS, R.N.

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Jan 16, 2003

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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: Jan. 22, 2003

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General