

3. Ms. Turner did write or call in false prescriptions for Valium three times, writing the prescriptions in Katrina Muwin's name but not for Ms. Muwin's use.
4. These events occurred in early 1997; on or about September 9, 1997 [State's Exhibit 8]; and in early November, 1997.
5. Ms. Turner obtained Valium illegally three times by writing such false prescriptions and by keeping the drugs for her own use.
6. Ms. Turner asked Ms. Muwin to assist her in obtaining quantities of Valium on two occasions, the first in early 1997 and the second time in November, 1997.
7. Ms. Muwin did cooperate, paid for the Valium with Ms. Turner's money, and turned the Valium over to Ms. Turner for her own use.
8. With regard to the September 9, 1997 Valium prescription, Ms. Turner signed that prescription form and caused Valium to be dispensed to her without informing Ms. Muwin of that act.
9. Ms. Muwin has not suffered from "travel anxiety," and she did not ask Ms. Turner to prescribe Valium on or about September 9, 1997, for that condition or any other condition.
10. Ms. Turner has habitually although not continuously abused alcohol and Valium throughout the time period at issue in this case.
11. When Ms. Turner did not go in to work at the clinic because she was drinking alcohol, her patients were either referred to another provider or their appointments were rescheduled.

Conclusions of Law

Based on the above findings of fact, the Board reaches the following conclusions of law:

1. Ms. Turner violated 32 M.R.S.A. §2105-A(2)(A) by engaging in fraud and deceit in connection with a nursing service, namely, by writing or calling in a false prescription for Valium on three occasions for Katrina Muwin, intending to keep the drugs for Ms. Turner's own use and knowing Ms. Muwin had no need for such drugs.
2. Ms. Turner violated 32 M.R.S.A. §2105-A(2)(A) by engaging in fraud and deceit in connection with a nursing service by keeping for her own use the Valium obtained on the three occasions noted above.

3. Ms. Turner violated 32 M.R.S.A. §2105-A(2)(B) by engaging in the habitual abuse of alcohol that has resulted and is foreseeably likely to result in her performing services in a manner that endangers the health or safety of patients, namely, by her failure to keep patient appointments when she was drinking alcohol, thereby requiring them to be seen by another provider less familiar with their conditions or requiring them to reschedule and thereby delay treatment.

4. Ms. Turner violated 32 M.R.S.A. §2105-A(2)(F) by engaging in unprofessional conduct, as defined in the Board's rules at Chapter 4, section 3:

a. In prescribing Valium for Ms. Muwin three times, Ms. Turner caused a medical record and profile to be created for Ms. Muwin indicating that Valium had been prescribed for her on three occasions, although Ms. Muwin did not need or receive such medication, in violation of Chapter 4(3)(K); and

b. Ms. Turner aided and abetted Ms. Muwin to violate the law when she wrote or called in two prescriptions for Valium for Ms. Muwin and thereafter obtained the prescribed drugs, knowing that the drugs were for her own illegal use, in violation of Chapter 4(3)(M).

5. Ms. Turner violated 32 M.R.S.A. §2105-A(2)(H) by violating 32 M.R.S.A. Chapter 31 and the Board's rules in connection to her conduct as set out above in the Findings of Facts and Conclusions of Law.

6. Ms. Turner's conduct constitutes eight separate violations of the Board's statute and rules, consisting of three violations when she wrote or called in prescriptions for Valium for Ms. Muwin which Ms. Muwin did not need, three additional violations when Ms. Turner kept for her own use the drugs dispensed pursuant to those prescriptions; and two violations due to her aiding and abetting Ms. Muwin to obtain Valium illegally in early 1997 and in November, 1997.

A motion was made and seconded for the Board to find the facts and draw the conclusions of law as set out above. That motion passed with a vote of five in favor and none opposed.

Discipline

The Board determined, upon voting on a motion and passing the motion with a vote of five in favor and none opposed, to impose the following discipline on Ms. Turner in connection to this case:

1. Ms. Turner's license shall be suspended for a period of one (1) year beginning on the date of this written decision.

2. At the end of the one-year suspension, the following conditions of probation shall be imposed upon Ms. Turner for a period of five (5) additional years:

a. Ms. Turner shall meet with the Board at its first business meeting following the expiration of her suspension, in order to report to the Board about the status of her alcohol abuse and for the Board to inquire about her fitness to practice;

b. throughout her probation, Ms. Turner shall actively participate in a formal aftercare program and shall permit that program's staff to communicate freely with the Board or the Board's staff about her participation in such program;

c. Ms. Turner's aftercare counselor shall submit written reports to the Board no less than quarterly on the issues of Ms. Turner's treatment, her status, and her participation and progress in treatment;

d. if Ms. Turner becomes employed as a nurse during her probation, she shall inform her employer fully about her probationary status and the contents of the Board's decision. The nurse employer shall submit written reports to the Board no less than quarterly on the issue of Ms. Turner's work performance;

e. throughout her probation, Ms. Turner shall actively participate in a self-help recovery program;

f. Ms. Turner shall nominate an addictionologist for the Board's prior approval, with whom she agrees to enter into treatment for her substance abuse. Upon receiving the Board's approval, Ms. Turner will participate in treatment recommended by the addictionologist fully and successfully. The nominee must agree to communicate freely with the Board about Ms. Turner's treatment, her status, and her participation and progress, reporting to the Board no less than quarterly;

g. throughout her probation, Ms. Turner shall provide to the Board the results of any drug screen tests performed on her; and

h. throughout her probation, Ms. Turner shall remain substance free except that she may take any medications prescribed for her by a physician familiar with her diagnosis of substance abuse.

DATED: 11/17/98



MONICA COLLINS, R. N.
Chair, Board of Nursing

cc: Sue Sparaco, AAG
Peter G. Carey, Esq.
Elizabeth L. Turner
Myra Broadway, Esq
Marina E. Thibeau, Hearing Officer

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

In re: Elizabeth L. Turner) Attachment A to
) Decision of the Board

State's Exhibits Admitted Into the Record

1. Letter dated November 18, 1997 from Jean C. Caron to Elizabeth L. Turner, enclosing copy of a letter dated November 10, 1997 from Elizabeth Martin to Jane Caron;
2. Letter dated December 30, 1997 from Edward W. Gould, Esq., to Jean C. Caron, regarding Elizabeth L. Turner;
3. Letter dated July 2, 1998 from Dawn M. Pelletier, Esq., to Myra A. Broadway;
4. Three page copy of a renewal application concerning Elizabeth L. Turner, noting an application deadline of October 10, 1998;
5. Letter dated October 1, 1998 from Myra A. Broadway to Elizabeth L. Turner, acknowledging application for renewal;
6. Notice of hearing dated October 2, 1998 from Myra A. Broadway to Peter G. Cary, Esq., concerning Elizabeth L. Turner;
7. Chapter 4 of the rules of the Board of Nursing; and
8. Copy of a prescription form dated September 9, 1997 to dispense Valium for Katrina Muwin.

Ms. Turner's Exhibits

1. Affidavit of Nancy Coyne dated November 5, 1998 with no redaction; and
2. Affidavit of Jan Carter dated November 5, 1998 as edited by making redactions on page one.

REC'D NOV 18 1998

