

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Kristen Colley, P.A.-C)	AGREEMENT
Complaint No. CR14-23)	

This document is a Consent Agreement, effective when signed by all parties, regarding discipline imposed upon the license to practice as a physician assistant in the State of Maine held by Kristen Colley, P.A.-C. The parties to the Consent Agreement are: Kristen Colley, P.A.-C (“Ms. Colley”), the State of Maine Board of Licensure in Medicine (“the Board”) and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. The Board first issued Ms. Colley a license to practice as a physician assistant in the State of Maine on June 18, 2010. At all times relevant to this complaint, Ms. Colley was licensed as a physician assistant by the Board.
2. On February 6, 2014, the Board received a complaint from an individual who alleged that Ms. Colley had inappropriately accessed her medical records at Penobscot Community Health Center (“PCHC”). According to the individual, PCHC confirmed that Ms. Colley had accessed the individual’s electronic medical records without the individual’s permission and without having a legitimate medical reason for doing so. The Board docketed the complaint as Complaint CR14-23 and sent it to Ms. Colley for a written response.
3. On or about March 24, 2014, the Board received a response from Ms. Colley to complaint CR14-23. In her response, Ms. Colley admitted that she was employed at PCHC and that she had checked to see if she was a patient of PCHC so she could “avoid contact with her if possible.” Ms. Colley did not explain how accessing the individual’s electronic medical record

was necessary in order to avoid her. As a result of this incident, Ms. Colley reported that she was disciplined by PCHC, which included a two-week suspension and additional training regarding medical record confidentiality and privacy. In addition, Ms. Colley also admitted that she worked on electronic medical records from her home six to ten hours per week, and that the individual with whom she was living accessed his children's electronic medical records at PCHC using her laptop computer when she had left it for a few minutes. Ms. Colley admitted that she should have taken steps to limit the accessibility of the electronic medical records of PCHC on her laptop computer.

4. On May 13, 2014, the Board reviewed complaint CR14-23, including Ms. Colley's response to the complaint and the relevant medical records and voted to offer Ms. Colley this Consent Agreement in order to resolve complaint CR14-23 without further proceedings.

5. This Consent Agreement has been negotiated by Ms. Colley and legal counsel for the Board in order to resolve complaint CR14-23 without further proceedings, including an adjudicatory hearing. Absent Ms. Colley's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before July 11, 2014, the matter will be presented to the Board for further action.

6. By signing this Consent Agreement, Ms. Colley waives any and all objections to, and hereby consents to allow the legal counsel to the Board to present this Consent Agreement to the Board for possible ratification.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Ms. Colley and the Board

agree to the following :

7. Ms. Colley admits that with regard to complaint CR14-23 the Board has sufficient evidence from which it could reasonably conclude that she accessed confidential electronic medical records without having a legitimate medical reason for doing so, and failed to ensure the confidentiality of confidential patient information on her laptop computer. Ms. Colley admits that such conduct constitutes unprofessional conduct and grounds for discipline pursuant to 32 M.R.S. § 3286(2)(F).

8. As discipline for the conduct described in paragraphs 1-7 above pertaining to complaint CR14-23, Ms. Colley agrees to accept, and the Board agrees to issue, the following discipline:

a. A REPRIMAND. As a medical professional Ms. Colley is required to maintain the confidentiality of patient medical information. By failing to maintain the confidentiality of patient information, Ms. Colley breached a duty owed towards the patients. Although Ms. Colley acknowledged her mistakes and the importance of maintaining confidentiality of patient information, the Board urges her to ensure that this type of incident does not occur again.

b. A MONETARY FINE of Five Hundred Dollars and Zero Cents (\$500.00). Ms. Colley shall ensure that she pays the monetary penalty within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

c. Reimburse the Board Ninety-Two Dollars and Seventy-Two Cents (\$92.72) as the actual costs of the investigation of this matter. Ms. Colley shall ensure that she makes full

payment of reimbursement to the Board within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Maine Board of Licensure in Medicine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

9. Violation by Ms. Colley of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

10. Pursuant to 10 M.R.S. § 8003(5) the Board and Ms. Colley agree that the Board has the authority to issue an order, following notice and hearing, imposing further discipline, including revocation or suspension of her license, in the event that she fails to comply with any of the terms or conditions of this Consent Agreement.

11. Ms. Colley waives her right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Ms. Colley agrees that this Consent Agreement is a final, non-appealable action resolving complaint CR14-23. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by agreement of all of the parties hereto.

12. The Board and the Office of the Attorney General may communicate and cooperate regarding Ms. Colley or any other matter relating to this Consent Agreement.

13. This Consent 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.

14. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Federation of State Medical Boards (FSMB).


15. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

16. The Board and Ms. Colley agree that no further agency or legal action will be initiated against her by the Board based upon the facts described herein except or unless she fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that similar true allegations are brought against Ms. Colley in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Ms. Colley's Maine physician assistant license.


17. For the purposes of this Consent Agreement, "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

18. Ms. Colley acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

I, KRISTEN COLLEY, P.A.-C, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT 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, VERBAL, WRITTEN OR OTHERWISE.

DATED: 6/16/2014  P.A.-C.
KRISTEN COLLEY, P.A.-C
STATE OF Maine
Penobscot, S.S. (County)

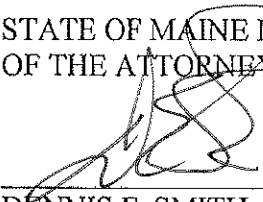
Personally appeared before me the above-named Kristen Colley, P.A.-C, and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

DATED: 6/16/14 
NOTARY PUBLIC/ATTORNEY
AMBER S. DAVIS
Notary Public • State of Maine
My Commission Expires June 4, 2015
MY COMMISSION ENDS: _____

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 7/8/14 
MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 7/08/14 
DENNIS E. SMITH
Assistant Attorney General

Effective Date: 7/8/14