



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: KATHY G. DAHMS, A.P.R.N.) **CONSENT AGREEMENT**
 of South Portland, Maine) **FOR**
 License #R024800) **WARNING**

INTRODUCTION

This document is a Consent Agreement regarding Kathy G. Dahms's license to practice registered professional nursing and her approval to practice as an advanced practice registered nurse in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and § 8003(5) (B). The parties to this Consent Agreement are Kathy G. Dahms ("Licensee" or "Ms. Dahms"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with the Licensee in an informal conference on April 1, 2008 and the parties reached this Agreement on the basis of a Notice of Complaint from the Board dated September 21, 2007 and Ms. Dahms's self-report of the incident dated September 9, 2007.

FACTS

1. Kathy G. Dahms has been a registered professional nurse licensed to practice in Maine since September 1981. She has been approved by the Board as an advanced practice registered nurse since December 2003.
2. Kathy G. Dahms was terminated from Stanley J. Evans, MD, PA located in Portland, Maine, on September 5, 2007. Stanley J. Evans, MD suspended Ms. Dahms as an advanced practice registered nurse after learning that she improperly prescribed Suboxone, a Schedule III controlled substance, to an individual who was not a patient of Dr. Evans. An investigation disclosed that Ms. Dahms had been telephoning prescriptions to a pharmacy for this individual for approximately 12 months using Dr. Evans as the prescribing health care provider.
3. Kathy G. Dahms self-reported this incident to the Board and admits that she exercised poor judgment.

AGREEMENT

4. Kathy G. Dahms understands that her conduct in the above-stated facts constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A (2) (F), (2) (H) and Chapter 4.1.A.6., 4.1.A.8. and Chapter 4.3.A. and 4.3.F. of the Rules and Regulations of the Maine State Board of Nursing. Kathy G. Dahms is hereby **WARNED** for unprofessional conduct because she failed to follow policies and procedures in a practice situation designed to safeguard the patient. Specifically, the violations are:



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- a. “F. Unprofessional Conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed.” See also Chapter 4, Section 1.A.6.
 - b. “H. A violation of this chapter or a rule adopted by the board.” See also Chapter 4, Section 1.A.6.
 - c. “Unprofessional Conduct” as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, describes: “Nursing Behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:
 - F. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.
 - A. Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.”
5. 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 Ms. Dahms’s “home state” of licensure and primary state of residence, which means that Ms. Dahms has declared the State of Maine as her fixed permanent and principle home for legal purposes; her 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. Ms. Dahms understands that this document is a Consent Agreement that is subject to the Compact.
 6. 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.
 7. Kathy G. Dahms understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
 8. Kathy G. Dahms affirms that she executes this Consent Agreement of her own free will.
 9. Modification of this Consent Agreement must be in writing and signed by all the parties.
 10. This Consent Agreement is not subject to review or appeal by the Licensee.

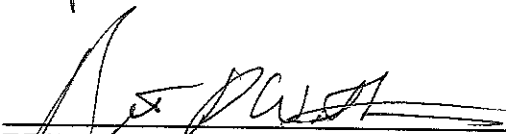
11. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, KATHY G. DAHMS, A.P.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: 8/22/08



KATHY G. DAHMS, A.P.R.N.

DATED: 8/22/08


BRETT D. WHITHAM, ESQ.
Attorney for Kathy G. Dahms, A.P.R.N.

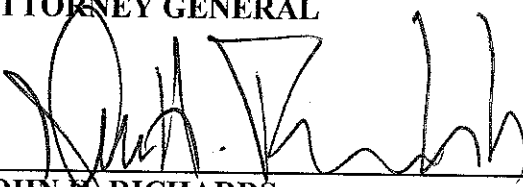
**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Aug 25, 2008


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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: 8/26/08


JOHN H. RICHARDS
Assistant Attorney General