



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: PATRICK P. DILLON, L.P.N.**    )  
           of Bangor, Maine                )  
           License # P012561            )

**CONSENT AGREEMENT  
 FOR VOLUNTARY  
 SURRENDER OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement regarding Patrick P. Dillon’s license as a licensed practical nurse in the State of Maine. The parties enter into this Consent Agreement (“Agreement”) pursuant to 32 M.R.S.A. § 2105-A (1-A) (C) and 10 M.R.S.A. § 8003 (5) (B), (5) (D). The parties to this Consent Agreement are Patrick P. Dillon (“Mr. Dillon”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Mr. Dillon in an Informal Conference on October 8, 2008. The parties reached this Agreement on the basis of two complaints from the Board: 1) A Notice of Complaint or Provider Report dated June 30, 2008, which consists of information from Colonial Health Care (“Colonial”) located in Lincoln; and 2) A Notice of Complaint or Provider Report dated July 18, 2008 from Eastside Rehabilitation and Living Center (“Eastside”) located in Bangor. In addition, the Board considered Mr. Dillon’s Maine application for licensure as a licensed practical nurse by endorsement and a disciplinary Consent Agreement for Probation “In the Matter of Patrick P. Dillon” with the Board of Registration in Nursing in the Commonwealth of Massachusetts (“Massachusetts Nursing Board”) (Docket No. LN-06-035), effective May 20, 2008.

**FACTS**

1. Patrick P. Dillon has been licensed as a licensed practical nurse to practice in Maine since January 24, 2007.
2. On January 22, 2007, the Maine State Board of Nursing received an Application for License as a Licensed Practical Nurse by Endorsement from Patrick Paul Dillon dated January 19, 2007. In Section V of the application, Mr. Dillon answered “No” to the question, “Is there any complaint pending against your license in any state or jurisdiction?” The complaint with the Massachusetts Nursing Board addresses violations that occurred in June and July of 2005. Specifically, Mr. Dillon admitted that during that time, while employed as a licensed practical nurse at Cape Cod Nursing and Rehabilitation Center in Buzzard’s Bay, Massachusetts, he repeatedly removed and administered multiple medications to several cognitively impaired residents between 4PM and 6PM, although their prescribed medications were scheduled to be given at 8PM, 9PM and 10PM. In addition, he admitted that he documented giving these medications at 8PM, 9PM, and 10PM as ordered [Massachusetts Nursing Board Consent Agreement, Exhibit A].



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME  
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

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3. On May 28, 2008, Mr. Dillon's employment was terminated at Colonial because of the following adverse actions:
  - a. The MAR documentation revealed Mr. Dillon had signed off early on several residents' 7PM, 8PM, and 9PM medications.
  - b. Mr. Dillon's interactions with residents were inappropriate, e.g., on one occasion, Mr. Dillon became upset with a resident who wanted to know the name of each of the pills that she was going to take and wanted to take them one at a time. Mr. Dillon responded to this patient by setting the pills in front of her and leaving the room.
  - c. On the morning of May 26, 2008, while counting with the day shift med tech, an Ativan count was off. Mr. Dillon stated to the med tech, "Oh well, I must have given her two instead of one," recorded "dropped a pill" in the narcotic book, and corrected the count.
  - d. The Director of Nursing advised Mr. Dillon at the time of his hiring on April 10, 2008 that his Maine nursing license was due to expire on May 18, 2008. Mr. Dillon stated, "I've already renewed it; it takes a while to show as renewed." Mr. Dillon did not, in fact, renew his Maine nursing license until July 8, 2008, well after it had expired.
4. On March 8, 2007, Mr. Dillon was hired at Eastside. His employment was terminated in April 2008 for progressive performance issues. The following are the adverse actions:
  - a. Along with multiple complaints from charge nurses, Mr. Dillon documented that he performed prescribed treatments on residents when they had not been conducted. In one instance, he documented that he performed trach care and suctioned a resident's trach tube when, in fact, both had not been done.
  - b. Mr. Dillon failed to secure a delivery of narcotics and left them unattended.
  - c. Mr. Dillon had multiple complaints that his interactions and communications with staff, residents and residents' families were disrespectful and unprofessional; on one reported occasion, his actions compromised a resident's safety.
5. Patrick P. Dillon wishes to resolve this matter by voluntarily surrendering his practical nurse license and accepting this Agreement, thereby waiving his rights to an adjudicatory hearing.

### AGREEMENT

6. The Maine State Board of Nursing will accept Patrick P. Dillon's offer to voluntarily surrender his licensed practical nurse license. Mr. Dillon understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the

underlying information to support those facts, it is more likely than not the facts would support the Board's findings in this Agreement.

7. Patrick P. Dillon understands and agrees that based upon the above-stated facts, this document imposes discipline regarding his licensed practical nurse license in the State of Maine. The grounds for discipline for violations under 32 M.R.S.A. § 2105-A(2)(A), 2(E)(1), (2)(E)(2), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(5)(a), 1(A)(5)(b), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(F), 3(H) and 3(K) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:

Title 32 M.R.S.A. §§:

- a. 2105-A (2) (A). The practice of fraud or deceit in obtaining a nursing license in the State of Maine by failing to disclose on his application that he had a pending discipline matter with the Massachusetts Board of Nursing. See also Chapter 4, Section 1.A.1.
- b. 2105-A (2) (E) (1). Incompetence in the practice for which Mr. Dillon is licensed by engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a patient and the general public. See also Chapter 4, Section 1.A.5.a.
- c. 2105-A (2) (E) (2). Incompetence in the practice for which Mr. Dillon is licensed by engaging in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed. See also Chapter 4, Section 1.A.5.b.
- d. 2105-A (2) (F). Unprofessional Conduct. Mr. Dillon has engaged in unprofessional conduct by violating standards of professional behavior regarding patient care that have been established in the practice for which the licensee is licensed. See also Chapter 4, Section 1.A.6.
- e. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. See also Chapter 4, Section 1.A.6.

Chapter 4, Section 3. "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. Section 3(F). Mr. Dillon failed to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard residents.

- g. Section 3(K). Mr. Dillon falsified a resident and health care provider record.”
8. Patrick P. Dillon understands and agrees that his license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at Mr. Dillon’s written request, votes to reinstate his license. Mr. Dillon agrees and understands that if the Board reinstates his license, it will be for a probationary period.
  9. 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. Dillon’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. Dillon understands that this document is a Consent Agreement subject to the Compact.
  10. Patrick P. Dillon understands that he does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
  11. Patrick P. Dillon 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 licensed practical nurse or with the designation “L.P.N.”
  12. 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.
  13. Modification of this Agreement must be in writing and signed by all parties.
  14. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
  15. Patrick P. Dillon affirms that he executes this Agreement of his own free will.
  16. This Agreement becomes effective upon the date of the last necessary signature below.

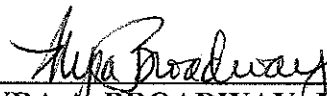
**I, PATRICK P. DILLON, L.P.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 11/28/08

  
\_\_\_\_\_  
PATRICK P. DILLON, L.P.N.


**FOR THE MAINE STATE BOARD OF NURSING**


DATED: Dec 18, 2008

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

**FOR THE OFFICE OF THE ATTORNEY GENERAL**

DATED: 12/19/08

  
\_\_\_\_\_  
JOHN B. RICHARDS  
Assistant Attorney General

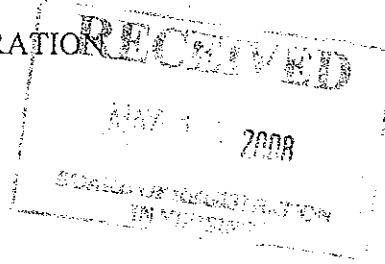




COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN NURSING



In the Matter of )  
PATRICK P. DILLON )  
LN License No. 64807 )  
License expiration 5/18/07 )

Docket No. LN-06-035

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Nursing ("Board") and Patrick P. Dillon ("Licensee") a Licensed Practical Nurse (LN) licensed by the Board, License No. 64807, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board.

1. The Licensee agrees that this Consent Agreement for Probation ("Probation Agreement") is entered into in resolution of the Board's investigation of a complaint filed against his Massachusetts nursing license, Docket No. LN-06-035. For the purposes of this Agreement, the words "nursing license" or "license" shall refer to both a license if the license is current, and to the right to renew such license if the license has expired.
2. The Licensee acknowledges that his conduct, as documented in Docket No. LN-06-035, constitutes a failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03 (5), (15), (31), (38), (39), (44) and (47), and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions. Specifically, the Licensee admits that in June and July of 2005, while employed as a Licensed Practical Nurse at Cape Cod Nursing and Rehabilitation Center in Buzzard's Bay, Massachusetts, he repeatedly removed and administered multiple medications to several cognitively impaired residents that were scheduled to be given at 8:00 p.m., 9:00 p.m., and 10:00 p.m. at the same time that he gave these residents their medications scheduled between 4:00 p.m. and 6:00 p.m. In addition, the licensee admits that he documented that he gave these medications at 8:00 p.m., 9:00 p.m., and 10:00 p.m. as ordered.

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3. The Licensee hereby agrees that his nursing license shall be placed on PROBATION for no less than One (1) Year (Probationary Period), commencing with the date on which the Board signs this Probation Agreement (Effective Date).
4. During the Probationary Period, the Licensee further agrees that he shall comply with all of the following requirements to the Board's satisfaction:
  - a. Within thirty (30) days of the Effective Date of the Probation Agreement, the Licensee shall notify the Board's Probation Monitor in writing if the Licensee is not employed in a nursing position.
  - b. Comply with all laws and regulations governing the practice of nursing, and not engage in any continued or further conduct as he acknowledged above in Paragraph 2.
  - c. Maintain active employment in a position that requires a nursing license for a minimum average of twenty (20) hours per week throughout the Probationary Period (active practice requirement).
  - d. Not accept any home care, travel or temporary staffing assignment, or practice in any setting where consistent, on-site supervision of the Licensee by a qualified licensed nurse is not in place.
  - e. While practicing as a nurse, receive direct supervision from a licensed nurse who must have at least one (1) year of clinical nursing practice experience, no open complaints, no past discipline of the nurse's license, and who is physically located at all times in each facility in which the Licensee practices nursing.
  - f. Within thirty (30) days of the Effective Date of this Agreement *and* within thirty (30) days of any subsequent employment commenced during the Probationary Period the Licensee shall:
    - i. review this Probation Agreement with each of the Licensee's nursing supervisors, and
    - ii. arrange for each nursing supervisor to submit directly to the Board within the thirty (30) day time period a completed and signed "Supervisor Verification Form" (Form 1) provided by the Board verifying that the supervisor has read this Agreement, has the requisite qualifications to supervise the Licensee as set forth above in subparagraph 4.e, understands the supervision expectations set forth in this Agreement, and will submit all required performance evaluation reports and information to the Board as designated below in subparagraph 4.g..

- g. Arrange for each nursing supervisor to submit directly to the Board *quarterly* written reports using the "Supervision Report Form" (Form 2) provided by the Board attesting to:
  - i. the Licensee's satisfactory nursing practice, reliability and attendance and specifically addressing the Licensee's medication administration practices, including any errors and incidents, and
  - ii. the Licensee's completion of an average of at least twenty (20) hours of work in a nursing position per week during the quarter, specifying the beginning and end date of the report period.

The Licensee is responsible for ensuring that these reports on the required form are received by the Board commencing ninety (90) days after the Effective Date of this Probation Agreement and on the first day of every third month thereafter.

- h. Notify the Board in writing within ten (10) days of any change in the Licensee's employment status, including each change in Employer, each resignation or termination, and the name, address and telephone number of each new Employer.
  - i. Notify the Board in writing within ten (10) days of each change in the Licensee's name and/or address.
  - j. Timely renew his license to practice nursing.
5. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Probation Agreement, the Board will not pursue further disciplinary action against his nursing license in connection with Docket No. Ln-06-035
  6. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Probation Agreement, the Probationary Period will terminate one (1) year from the Effective Date of this Agreement upon written notification to the Licensee from the Board.
  7. If the Licensee does not comply with each requirement of this Probation Agreement, or if the Board opens a complaint after the Effective Date of this Agreement alleging that the Licensee has engaged in conduct that violates Board statutes or regulations, and the complaint investigation (during which the Licensee shall have an opportunity to respond before the Board takes any of the



actions set forth in Paragraph 7(a), below) produces evidence substantiating the allegations, the Licensee agrees to the following:

- a. The Board may, as warranted to protect the public health, safety, or welfare and upon written notice to the Licensee at the Licensee's address of record with the Board,
  - i. EXTEND the Probationary Period; or
  - ii. MODIFY the Probation Agreement requirements; or
  - iii. EXTEND the Probationary Period AND MODIFY the Probation Agreement requirements; or
  - iv. IMMEDIATELY SUSPEND the Licensee's nursing license, or right to renew such license, prior to an adjudication of the allegations of the Licensee's noncompliance with the Probation Agreement or of the allegations contained in the subsequent complaint, and such suspension shall remain in effect until final disposition of the matter in accordance with Paragraph 7(b), below.
  
- b. If the Board suspends the Licensee's nursing license, or right to renew such license, pursuant to Paragraph 7(a)(iv), above, the suspension shall remain in effect and the Probationary Period and Probation Agreement requirements shall be tolled (suspended) until:
  - i. the Board gives the Licensee written notice that the Probationary Period and Probation Agreement requirements as written herein are to be resumed based on its review of documentation showing the Licensee's compliance to the Board's satisfaction with such Probation Agreement requirements; or
  - ii. the Board gives the Licensee written notice that the Probationary Period and Probation Agreement requirements as either are modified are to be resumed based on its review of documentation showing the Licensee's compliance to the Board's satisfaction with the Probation Agreement requirements; or
  - iii. the Board and the Licensee sign a subsequent consent agreement in resolution of the Licensee's noncompliance with the Probation Agreement or of any subsequent complaint, and any such subsequent agreement shall supersede this Probation Agreement; or
  - iv. the Board issues a written final decision and order following adjudication of the allegations of the Licensee's noncompliance or

of any subsequent complaint, and any such order shall supersede this Probation Agreement.

8. The Licensee understands and agrees that if his nursing license is suspended by the Board in accordance with Paragraph 7, above, he will immediately return to the Board, by hand or certified mail, his current Massachusetts license to practice as a Licensed Practical Nurse. Upon said suspension, the Licensee agrees that he will no longer be authorized to engage in the practice of nursing in the Commonwealth of Massachusetts and shall not in any way represent himself as a Licensed Practical Nurse until such time as the Board reinstates his nursing license or right to renew such license. Any evidence of unlicensed practice or misrepresentation as a Licensed Practical Nurse after the Board has notified the Licensee of his license suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution, as set forth in G.L. c. 112, §§ 65 and 80A.
9. The Licensee understands that entering into this Probation Agreement is a final act and not subject to reconsideration or judicial review.
10. The Licensee states that he has used legal counsel in connection with his decision to enter into this Probation Agreement or, if he has not used legal counsel, that the decision not to do so has been one taken of his own free will.
11. The Licensee understands that after its Effective Date, the Board is authorized to forward a copy of this Agreement to other licensing boards, law enforcement entities, or to any other individual or entity as required or permitted by law.
12. The Licensee agrees to return to the Board, either by hand or certified mail, two (2) duplicate originals of this Probation Agreement signed, witnessed and dated, within fifteen (15) days of his receipt of the unsigned, proposed Probation Agreement from the Board.
13. The Licensee understands that he has a right to formal adjudication concerning the allegations against him and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further states that he understands that in executing this document entitled "Consent Agreement for Probation," he is knowingly and voluntarily waiving his right to a formal adjudication and to the rights listed above.

*Arielle Sickler*  
Witness (sign and date) 5/2/08

*Patrick P. Dillon* 5/2/08  
Patrick P. Dillon  
Licensee (sign and date)

Arielle Sickler  
Witness (print name)

*Rula Harb*  
Rula Harb, MSN, RN  
Executive Director  
Board of Registration in Nursing

May 20, 2008  
Effective Date of Probation Agreement

**Fully Signed Agreement with Required Probation Related Forms**

(Form 1 and Form 2) sent to Licensee on May 20, 2008  
by Certified Mail No. 7007-3020-0000-4345-5924