



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: **RUSSELL A. KAHL**)
 of Orono, Maine)
 License # R037410) **CONSENT AGREEMENT**
FOR REINSTATEMENT
AND PROBATION

INTRODUCTION

This document is a Consent Agreement regarding Russell A. Kahl's 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)(4), 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 2105-A(1-A)(B). The parties to this Consent Agreement are Russell A. Kahl, Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

FACTS

1. Russell A. Kahl was licensed as a registered professional nurse on June 14, 1994.
2. Russell A. Kahl voluntarily surrendered his nursing license on May 24, 2001 and entered into a Consent Agreement with the Board on May 24, 2001. A portion of the facts and terms of the former Consent Agreement is restated as follows for historical perspective.
 - a. On February 26, 1999 Mr. Kahl resigned his position as a registered professional nurse at Eastern Maine Medical Center ("Eastern Maine") after Eastern Maine took disciplinary actions against Mr. Kahl for unprofessional behavior, emotional outbursts and inappropriate responses to staff, patients and families.
 - b. Mr. Kahl was terminated from employment as a registered professional nurse at Mayo Regional Hospital ("Mayo") on July 30, 1999. The reason for the termination was Mr. Kahl's inability to perform to the expectations required at Mayo; he failed to consistently chart, document assessments and spent an inappropriate amount of time on initial assessments.
 - c. Mr. Kahl was terminated from his position as a registered professional nurse at Gentiva Health Services on February 22, 2000. The basis of the termination was Mr. Kahl's admission that he falsified documentation and rendered nursing services to a patient's open abdominal wound, which was contrary to the orders issued by the treating physician. The Board found that Mr. Kahl failed to take appropriate action and to follow policies and procedures in a nursing practice situation designed to safeguard the patient.



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- d. At the initial informal conference held on December 8, 1999, the Board became concerned about Mr. Kahl's mental health and his ability to practice professional nursing. The basis of their concern was their direct observations of Mr. Kahl's responses to the Board's questions relative to the information from Eastern Maine and Mayo pertaining to Mr. Kahl's nursing practice. Mr. Kahl's answers were vague, tangential and sometimes rambling. As a result of the Board's expressed concern for Mr. Kahl's mental health, Mr. Kahl agreed to a psychiatric evaluation and the matter was continued pending a psychiatric report.
 - e. On June 7, 2000, the Board reconvened the matter of Russell A. Kahl and after review of the psychiatric report, the Board determined that Mr. Kahl was not currently prepared to return to the practice of nursing.
 - f. Mr. Kahl agreed that he would voluntarily surrender his license for a period of 16 months and not seek any employment involving patient care during the period his license is surrendered. However, Mr. Kahl was given the opportunity to petition the Board for reinstatement of his license to probationary status four months from the effective date of the Consent Agreement, which was dated May 24, 2001.
 - g. Probation may include conditions such as: continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional or occupational supervision; and other conditions as the Board determines appropriate.
 - h. The Board and Mr. Kahl agreed that he would continue in treatment and therapy and follow the treatment recommendations of Judy A. Burk, M.D and/or any succeeding providers. Mr. Kahl also agreed to involve himself in a program designed to provide insight-oriented therapy. In addition, Mr. Kahl arranged for and ensured submission of quarterly reports to the Board by his treatment providers.
3. When considering whether to reinstate Mr. Kahl's license on probationary status, the Board considered Mr. Kahl's compliance with the terms and conditions of the Consent Agreement dated May 24, 2001.
 4. The Board finds that Mr. Kahl has complied with the terms and conditions of the Consent Agreement dated May 24, 2001.

REINSTATEMENT WITH CONDITIONS OF PROBATION

5. Russell A. Kahl's license to practice registered professional nursing in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence on Mr. Kahl's return to nursing practice, either through employment or pursuant to an educational program. The period of probation will be for a period of two years, to be effective only while he is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Mr. Kahl performs nursing services. Mr. Kahl's probationary license will be subject to the following conditions:
 - a. Mr. Kahl will continue in treatment as recommended by his treatment team.
 - b. Mr. Kahl will accept employment in structured setting where the employer provides on site supervision.
 - c. Mr. Kahl will arrange for and ensure the submission to the Board of quarterly reports from his nursing employer or clinical faculty.
 - d. Mr. Kahl will immediately notify the Board in writing should he return to employment or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any change in employment or educational programs.
 - e. Mr. Kahl will notify any and all of his nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
6. Russell A. Kahl agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the two year probationary period, until and unless the Board, at Mr. Kahl's written request, votes to terminate Mr. Kahl's probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Kahl has complied with the provisions of this Agreement.
7. This Consent Agreement modifies and replaces the May 24, 2001 Consent Agreement entered into by and between Mr. Kahl, the Board and the Department of Attorney General. Mr. Kahl understands that this document is a Consent Agreement that affects his rights to practice nursing in Maine. Mr. Kahl understands that he does not have to

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execute this Consent Agreement and that he has the right to consult with an attorney before entering into the Consent Agreement.

8. Russell A. Kahl affirms that he executes this Consent Agreement of his own free will.
9. Modification of this Consent Agreement must be in writing and signed by all parties.
10. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
11. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, RUSSELL A. KAHL 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: 12/28/01

Russell A. Kahl
RUSSELL A. KAHL

FOR THE MAINE STATE
BOARD OF NURSING

DATED: Jan 2, 2002

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

FOR THE DEPARTMENT
OF ATTORNEY GENERAL

DATED: 1/3/02

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General

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STATE BOARD
OF NURSING

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