



Paul R. LePage
GOVERNOR

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

MYRA A. BROADWAY, J.D., M.S., R.N.
EXECUTIVE DIRECTOR

IN RE: ADAM R. NUTE, RN
of Hermon, Maine
License No. RN56003

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CONSENT AGREEMENT
FOR
WARNING & PROBATION

Complaint No. 2012-204

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Adam R. Nute's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Adam R. Nute ("Licensee" or "Mr. Nute"), 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 3, 2013. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A)(B) and 10 M.R.S. §8003 (5)(B) in order to resolve Complaint No. 2012-204.

FACTS

1. Adam R. Nute was first licensed to practice as an RN in Maine on January 30, 2009.
2. On October 22, 2012, Board Complaint 2012-204 was initiated based upon a Provider Report from Eastern Maine Medical Center ("EMMC") dated September 26, 2012 and supplemental information received October 22, 2012 concerning an incident which occurred on August 30, 2012 in which Mr. Nute administered medication [Haldol] without a physician's order and falsified documentation to cover up his error.
3. Adam R. Nute admits that he administered Haldol without a physician's order and falsified documentation to cover up his error; he agrees and understands that he was practicing outside the scope of his nursing license. He stated his reason for administering an additional dose of Haldol was because the patient became combative and his intent was to protect the patient and hospital staff.
4. Adam R. Nute wishes to resolve this matter by accepting this Agreement, thereby waiving his rights to an adjudicatory hearing.

AGREEMENT

5. Adam R. Nute understands that his conduct in the above-stated facts constitutes grounds for discipline under Title 32 M.R.S. §2105-A(2)(A), (2)(F), (2)(H) and Chapter 4.1.A.1, 4.1.A.6., 4.1.A.8., and 4.3.A., 4.3.F. and 4.3.K of the Rules and Regulations of the Maine State Board of Nursing ("Board Rules"). Mr. Nute is hereby formally **WARNED**. In addition, Mr. Nute's RN license is hereby placed on **PROBATION** of his nursing practice as defined by 32 M.R.S. §2102 (2). Based upon the above-described conduct, the specific violations are:
 - a. Pursuant to 32 M.R.S. §2105-A (2)(A) for engaging in the practice of fraud or deceit in connection with service rendered within the scope of the license issued. See also: Board Rule Chapter 4.1.A.1.
 - b. Pursuant to 32 M.R.S. §2105-A(2)(F) for engaging in unprofessional conduct that violates standards of professional behavior that has been established in the practice for which he is licensed. See also: Board Rule Chapter 4.1.A.6.



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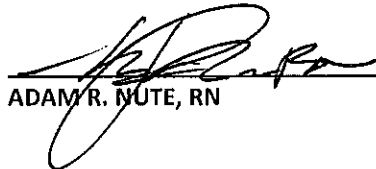
- c. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(A) by performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.
 - d. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(F) by failing to take appropriate action or to follow policies and procedures in a practice situation designed to safeguard the patient.
 - e. Pursuant to 32 M.R.S. §2105-A (2) (H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(K) by inaccurate recording, falsifying or altering a patient or health care provider record.
6. Adam R. Nute’s RN license is placed on probationary status with conditions, effective only while he is employed in nursing practice and/or enrolled in a clinical nursing educational program. His probationary license will be subject to the following conditions:
 - a. Mr. Nute shall fully comply with the conditions of the probation in this Agreement. He shall inform the Board in writing within 15 days of any address change.
 - b. Mr. Nute must notify any and all of his nursing employers and/or clinical faculty of the terms of this Agreement and provide them with a copy of it.
 - c. Mr. Nute must notify the Board in writing within five (5) business days after any change in his nursing employment and/or enrollment in a nursing education program. Notice under this section shall include the place and position of employment and/or the nursing educational program.
 - d. If during the period of probation, Mr. Nute’s employment as a nurse or his educational program terminates, he shall notify the Board in writing within five (5) business days, regardless of cause, with a full explanation of the circumstances surrounding the termination or separation.
 - e. Mr. Nute must successfully complete an educational course regarding ethics and professional boundaries in nursing practice, to be pre-approved by the Executive Director of the Board, within six (6) months from the effective date of this Agreement. The probationary period will automatically terminate upon the Board’s receipt of written documentation that Mr. Nute has successfully completed the educational requirements.
7. 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 Board Rules. The State of Maine is Mr. Nute’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 principal home for legal purposes; his domicile. Other Party states in the Compact are referred to as “Remote states,” which means Party states other than the Home state that have adopted the Compact. Mr. Nute understands and agrees that this Agreement is applicable to his multi-state licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Mr. Nute’s license is subject to this Agreement, he may not work outside the State of Maine pursuant to a multi-state privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state in which he wishes to work.
8. This 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.

9. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
10. Adam R. Nute 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. Adam R. Nute affirms that he executes this Agreement of his own free will.
12. Modification of this Agreement must be in writing and signed by all parties.
13. This Agreement is not subject to review or appeal by the Licensee.
14. This Agreement becomes effective upon the date of the last necessary signature below.

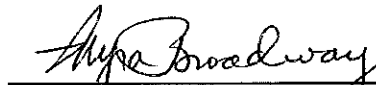
I, ADAM R. NUTE, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 5/24/13


ADAM R. NUTE, RN

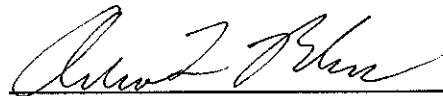
FOR THE MAINE STATE BOARD OF NURSING

DATED: 6/3/13


MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 6/5/2013


JOHN H. RICHARDS Andrew L. Black
Assistant Attorney General