



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: DAN G. PAYNE )  
 of Portland, Maine )  
 License # R041727 ) **CONSENT AGREEMENT**  
**FOR VOLUNTARY**  
**SURRENDER OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement regarding Dan G. Payne's license to practice registered professional nursing in the State of Maine. The parties enter into this 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 Dan G. Payne ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of Mr. Payne's offer to voluntarily surrender his license.

**FACTS**

1. Dan G. Payne has been licensed by the Board as a registered professional nurse to practice in Maine since October 15, 1997.
2. On August 25, 2005, the Board received correspondence, dated August 19, 2005, from the CNO/QI Director at Down East Community Hospital ("Down East") located in Machias, Maine, regarding Mr. Payne's admission that he diverted the drug, Demerol from Down East. Mr. Payne admits that he diverted the Demerol for his own use, intermittently over a period of approximately 10 months. Mr. Payne began diverting Demerol that was left over after medicating a patient and meant to be wasted. His later method of diversion was to remove 80% of the Demerol from pre-filled syringes and replaced it with Normal Saline. Exhibit 1.
3. The Demerol from the tampered syringes may have been administered to patients at Down East posing the potential for patient harm. As of the date of this Consent Agreement there is no report from Down East regarding documented patient harm.
4. Dan G. Payne admits that he has a drug addiction, and he has been involved in treatment for recovery from drug addiction since he first sought treatment on August 18, 2005.
5. Dan G. Payne has offered to voluntarily surrender his registered professional nurse license.



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

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## **Consent Agreement for Voluntary Surrender of License**

**Dan G. Payne**

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### **AGREEMENT**

6. The Maine State Board of Nursing will accept Dan G. Payne's voluntary surrender of his license, License No. R041727.
7. Dan G. Payne agrees and understands based upon the above-stated facts, this document imposes discipline regarding his license to practice registered professional nursing in the State of Maine under 32 M.R.S.A. § 2105-A(2)(A), (2)(B), 2(E)(1), (2)(F), and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(5)(a), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing.
8. Dan G. Payne agrees and understands that his license will remain on surrender status and subject to the terms of this Consent Agreement indefinitely until and unless the Board, at Mr. Payne's written request, votes to reinstate Mr. Payne's license. Mr. Payne agrees and understands that if the Board reinstates his license, it will be for a probationary period.
9. Dan G. Payne understands that this document is a Consent Agreement that affects his rights to practice registered professional nursing in Maine. Mr. Payne also understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering the Consent Agreement.
10. Dan G. Payne 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 registered professional nurse or with the designation, R.N. including, in a veterinarian's office, while his nursing license is surrendered. In addition, Mr. Payne is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
11. If Mr. Payne fails to meet any of the obligations of this Consent Agreement, the Board may take any disciplinary action, which it deems appropriate and impose any of the sanctions, including but not limited to that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
12. Modification of this Consent Agreement must be in writing and signed by all parties.
13. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. Dan G. Payne affirms that he executes this Consent Agreement of his own free will.

**Consent Agreement for Voluntary Surrender of License**


**Dan G. Payne**

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

**I, DAN G. PAYNE, 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: 03/01/06

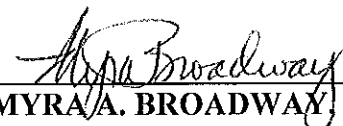
  
\_\_\_\_\_  
DAN G. PAYNE

DATED: 02/25/06

  
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JANET E. MICHAEL, R.N., M.S., J.D.  
Attorney for Dan G. Payne

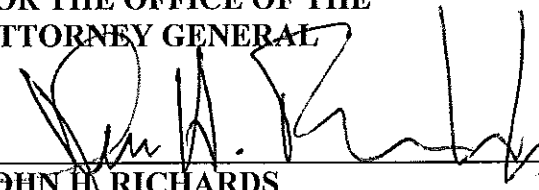
**FOR THE MAINE STATE  
BOARD OF NURSING**

DATED: March 7, 2006

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

**FOR THE OFFICE OF THE  
ATTORNEY GENERAL**

DATED: March 8, 2006

  
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JOHN H. RICHARDS  
Assistant Attorney General