



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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE NO.
 R037127 ISSUED TO:

DALE A CARR

To practice registered professional nursing
 in the State of Maine

)
)
) **ORDER TERMINATING**
) **PROBATION**
)
)

WHEREAS, on **February 10, 1999**, License No. **R037127** issued to **Dale A. Carr** was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on **March 3, 2005**, the Board of Nursing duly considered all evidence presented to it concerning **Dale A. Carr's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Dale A. Carr** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **February 10, 1999** is hereby terminated.

DATED this **14th day of March 2005**.

MAINE STATE BOARD OF NURSING

BY: *Myra Broadway*
 Myra A. Broadway, J.D., M.S., R.N.
 Executive Director



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ANGUS S. KING, JR.
GOVERNOR

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

IN RE: **DALE A. CARR**)
Monmouth, Maine)
License #R037127)

CONSENT AGREEMENT FOR
DISCIPLINE

INTRODUCTION

This document is a Consent Agreement regarding Dale A. Carr's license to practice professional nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. § 2105-A and 10 M.R.S.A. § 8003(5). The parties to this Consent Agreement are Dale A. Carr, the Maine State Board of Nursing ("Board") and the Department of Attorney General. This Consent Agreement arose out of information submitted to the Board by the Maine Department of Attorney General through letter dated August 11, 1997 and by the Maine Department of Human Services, Bureau of Medical Services, Division of Licensing and Certification through documents received by the Board on March 20, 1997 and October 6, 1997. The parties enter into this Consent Agreement to settle a proceeding pending in Administrative Court for revocation of Mr. Carr's license.

FACTS

1. During the fall of 1996, Dale A. Carr made harmful and inappropriate remarks to a client family and certified nursing assistant working in the client's home. Mr. Carr's remarks adversely affected at least one of the family members, an 11 year old child. The substance of Mr. Carr's remarks is described in a letter dated March 19, 1997 from the Division of Licensing and Certification.
2. On December 30, 1996, the Administrative Court entered a Consent Judgment against Dale Carr arising out of Mr. Carr's diversion of scheduled drugs from Nicholson's Nursing Home in 1994: The Consent Judgment imposed a period of suspension on Dale A. Carr's license to practice professional nursing.
3. Dale A. Carr's license to practice professional nursing was suspended during the period from March 18, 1997 through April 16, 1997.
4. On or about April 7, 1997, Mr. Carr went to a patient's residence with another nurse, Debra Toth. Ms. Toth went to the patient's residence to start an IV. Ms. Toth indicated to Mr. Carr that she did not think she would be able to insert the cannula into the patient. Therefore, Mr. Carr inserted the cannula into the patient so that the IV could be started. Mr. Carr inserted the cannula to assist Ms. Toth. There is no evidence that the patient was harmed in any way.



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5. Mr. Carr practiced professional nursing while his license was suspended by inserting the cannula into the patient on or about April 7, 1997.
6. The Board has received letters of support for Mr. Carr from his current employer.


AGREEMENT

1. **Violations:** Mr. Carr's conduct as reported by the Division of Licensing and Certification constitutes grounds for discipline for unprofessional conduct under 32 M.R.S.A. § 2105-A(2)(F).
2. Mr. Carr's practice of professional nursing while his license was suspended is a violation of 32 M.R.S.A. § 2106 and constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(H).
3. Mr. Carr's practice of professional nursing while his license was suspended violates the Consent Judgment entered by the Administrative Court on December 30, 1996.
4. **Reprimand:** Dale A. Carr is hereby **REPRIMANDED**.
5. **Civil Penalty:** Mr. Carr agrees to pay a civil penalty totaling \$1,000 to be paid in full within 60 days of the effective date of this agreement.
6. **Professional Boundaries Conference:** Within six months of the effective date of this agreement, Mr. Carr agrees to attend a professional boundaries conference and agrees to submit evidence of attendance to the Board immediately upon completion of this requirement.
7. **Probation:** For the conduct described herein, Dale A. Carr consents to a minimum of probation in the amount of 3 years (36 months) of nursing practice. Dale A. Carr further agrees and understands that he will remain on probation and subject to the terms of this agreement beyond the minimum period imposed herein, until and unless the Board, at Mr. Carr's written request, votes to terminate Mr. Carr's probation. When considering whether to terminate the probation, the Board will consider the degree to which Mr. Carr has complied with the provisions of this agreement.
8. **Notice of Employment Status:** Dale A. Carr will immediately notify the Board in writing of any employment in the field of nursing, including the place and position of employment, and any change in nursing employment thereafter.
9. **Notice to Employer:** Dale A. Carr will notify any and all nursing employers of the terms of this Consent Agreement and shall provide them with a copy of it. For purposes of this Consent Agreement, nursing employment is any employment during which Mr. Carr

performs nursing services or holds himself out as a nurse, such as through the designation "R.N."

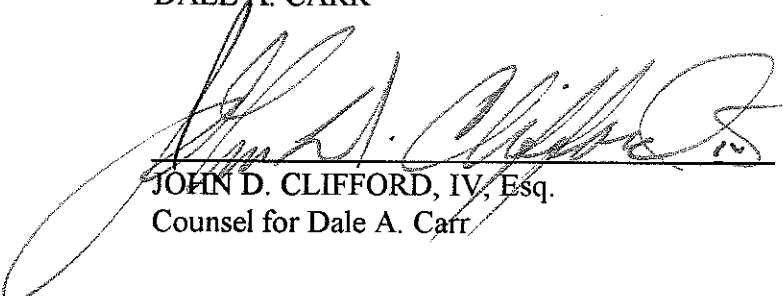
10. **Employer Quarterly Reports:** Dale A. Carr will arrange for and ensure submission to the Board of quarterly reports addressing his job performance from any and all of his nursing employers.
11. **Confidentiality and Release of Records:** Dale A. Carr agrees and understands that the Board and the Department of Attorney General shall have access to any and all personnel records which the Board deems necessary to evaluate Dale A. Carr's compliance with this Consent Agreement. Dale A. Carr shall provide such information, shall authorize the release of such records and information and shall authorize any such discussions and communications with all persons involved in his employment as may be requested by the Board for the purpose of evaluating Mr. Carr's compliance with this Consent Agreement.
12. **Revocation Upon Further Violations:** The parties agree that should the Board determine, after opportunity for hearing, that Mr. Carr has engaged in further conduct in violation of the rules and laws governing the practice of nursing in the State of Maine, the Board, pursuant to 10 M.R.S.A. § 8003(5)(B), may impose any remedy, penalty or fine, including revocation of license, that is otherwise available by law, even if only in the jurisdiction of the Administrative Court, notwithstanding 32 M.R.S.A. § 2105-A(1-A)(E).
13. **Miscellaneous Provisions:** The parties agree and understand that this Consent Agreement may be amended only in writing signed by the parties to this agreement.
14. **Further Action:** The Board agrees to take no further action upon these facts so long as Mr. Carr fully complies with this Consent Agreement.
15. **Effective Date:** This Consent Agreement becomes effective upon the last necessary signature below.

DATED: 02/03/99



DALE A. CARR

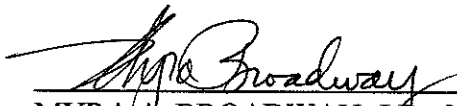
DATED: _____



JOHN D. CLIFFORD, IV, Esq.
Counsel for Dale A. Carr

FOR THE MAINE STATE BOARD OF NURSING:

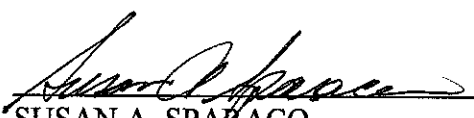
DATED: 2/10/99



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

FOR THE DEPARTMENT OF ATTORNEY GENERAL:

DATED: Feb. 14, 1999



SUSAN A. SPARACO
Assistant Attorney General
Counsel to the Board