



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: PAMELA E. EHLER, RN
of South China, ME
License No. RN55144

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CONSENT AGREEMENT
FOR VOLUNTARY
SURRENDER OF LICENSE

Complaint 2012-215

INTRODUCTION

This document is a Consent Agreement regarding Pamela E. Ehler's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Consent Agreement are Pamela E. Ehler ("Ms. Ehler"), the Maine State Board of Nursing ("the Board") and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S. §§8003 (5)(B) and (5)(D) in order to resolve Complaint 2012-215.

FACTS

1. Pamela E. Ehler has been licensed to practice in Maine as an RN since June 16, 2008.
2. On December 2, 2010, the Board issued Ms. Ehler a letter of concern regarding the importance of professional conduct in the workplace. The Board placed this letter of concern in Ms. Ehler's licensing file for a period of five years.
3. On September 13, 2011, the Board initiated a complaint against Ms. Ehler for incompetent nursing practice and unprofessional conduct on the basis of information received from Lakewood Continuing Care Center ("Lakewood Complaint"). On January 3, 2012, Ms. Ehler entered into a Consent Agreement ("2012 Agreement") resolving the Lakewood Complaint and accepted discipline for unprofessional conduct with a formal WARNING. Ms. Ehler also agreed to ensure that henceforth all of her interactions and communications would conform to legal standards of the nursing profession that would not reflect adversely upon the profession of nursing. In the 2012 Agreement, the Board reminded Ms. Ehler that professionalism is a key element to nursing and can have a direct impact upon the quality of patient care. The Board also recommended that Ms. Ehler complete a "conflict resolution" course in order to develop sound communication skills. The 2012 Agreement is attached hereto and marked as Exhibit A.
4. On October 9, 2012, the Board received a Provider Report from Oak Grove Center ("Oak Grove") notifying the Board that Ms. Ehler had been terminated on September 25, 2012 for violation of company policies and gross misconduct, i.e., sexual and intimidating behavior. The Board received supplemental information on October 24, 2012 from Oak Grove's investigation including a "Corrective Action Notice" dated April 13, 2012, wherein Ms. Ehler received oral counseling for her unprofessional behavior. According to the notice, Ms. Ehler's unprofessional behavior was based upon her inappropriate communications with multiple co-workers, which created the prospect for a hostile workplace environment. Ms. Ehler's unprofessional behavior caused Oak Grove to become concerned that Ms. Ehler's behavior had the potential to compromise patient care. On the basis of this information, the Board initiated Complaint 2012-215 and sent it to Ms. Ehler for response.
5. In an interview with the Board Investigator on December 17, 2012, Ms. Ehler stated that she was not currently working as a nurse and was willing to surrender her license.



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6. On December 28, 2012, the Board received written response from Pamela E. Ehler in which she offered to voluntarily surrender her RN license.
7. Pamela E. Ehler wishes to resolve this matter by surrendering her RN license, thereby waiving her rights to an adjudicatory hearing.

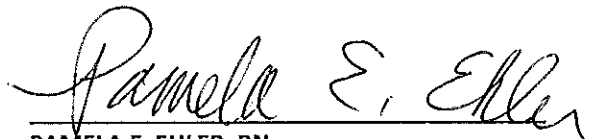
AGREEMENT

8. With regard to Complaint 2012-215, Pamela E. Ehler admits that she made sexually uninvited comments directed toward her co-workers; that her behavior was intimidating to her co-workers; and that she made a threat of physical harm to a co-worker. Ms. Ehler understands and agrees that her conduct was unprofessional. She further understands and agrees her behavior at Oak Grove created the prospect for a hostile workplace environment and resulted in Oak Grove's becoming concerned that her behavior had the potential to compromise patient care. Ms. Ehler further understands and agrees that such conduct constitutes grounds for the discipline of her Maine RN license pursuant to the following:
 - a. Pursuant to 32 M.R.S. §2105-A (2)(E) for engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public.
 - b. Pursuant to 32 M.R.S. §2105-A (2)(F) for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which she is licensed.
 - c. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4 §3(N) by practicing nursing when unfit to perform procedures by engaging in nursing behavior which fails to conform to legal standards and accepted standards of the nursing profession, and which could reflect adversely on the health and welfare of the public.
9. As discipline for the conduct described in paragraph 8 above, Pamela E. Ehler agrees to surrender her Maine RN license effective upon the execution of this Consent Agreement. Ms. Ehler further understands and agrees that her RN license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Ehler also understands and agrees that upon receiving a written request from her to reinstate her RN license, the Board may require her to undergo a mental and/or physical health examination pursuant to 32 M.R.S. §2105-A (4). Ms. Ehler agrees to undergo such an evaluation as directed by the Board and understands that her failure to do so may be considered by the Board in making its determination about whether or not to reinstate her Maine RN license. Ms. Ehler further understands and agrees that the Board shall have the sole discretion to grant or deny a request for reinstatement of her Maine RN license or to grant her a license with probation and conditions as it determines appropriate to protect the public.
10. 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 Ms. Ehler's "Home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her 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. Ms. Ehler understands this Agreement is subject to the Compact.
11. Pamela E. Ehler understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
12. Pamela E. Ehler shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. §2502 (2) or in any position holding herself out as a registered professional nurse or with the designation "RN" while her nursing license is surrendered.

13. This Consent 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.
14. This Consent 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.
15. Modification of this Consent Agreement must be in writing and signed by all parties.
16. Pamela E. Ehler understands and agrees that this Consent Agreement is not subject to judicial review or appeal, and may be enforced by an action in the Superior Court.
17. Pamela E. Ehler affirms that she executes this Consent Agreement of her own free will.
18. This Consent Agreement becomes effective upon the date of the last necessary signature below.

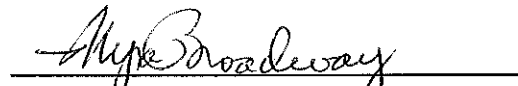
I, PAMELA E. EHLER, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS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

DATED: 2/25/13


PAMELA E. EHLER, RN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 2/27/13


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

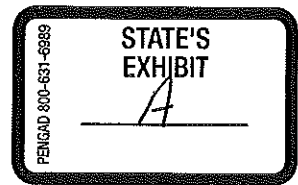
FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 2/27/13


JOHN H. RICHARDS
Assistant Attorney General



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



PAUL R. LEPAGE
 GOVERNOR

MYRA A. BROADWAY, JD., MS., RN.
 EXECUTIVE DIRECTOR

IN RE: PAMELA E. EHLER, R.N.
 of South China, Maine
 License # RN55144

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CONSENT AGREEMENT
 FOR
 WARNING

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Pamela E. Ehler's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (A), 10 M.R.S. § 8003(5) (A-1) (1) and § 8003(5) (B). The Parties met in an informal conference on December 14, 2011. The parties to this Agreement are Pamela E. Ehler ("Licensee" or "Ms. Ehler"), 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 a Board Complaint that was based upon information submitted by Lakewood Continuing Care Center ("Lakewood") in Waterville, Maine regarding an incident that occurred on August 31, 2011 and events leading up to it.

FACTS

1. Pamela E. Ehler has been a registered professional nurse licensed by the Board to practice in Maine since June 16, 2008.
2. On December 2, 2010, the Board issued Ms. Ehler a letter of concern following receipt of a report from MaineGeneral Health regarding Ms. Ehler. The letter of concern communicated to Ms. Ehler the Board's "concern regarding the importance of professional conduct in the workplace." The Board placed this letter of concern in Ms. Ehler's file for five (5) years and indicated that the Board could consider it should any disciplinary action be initiated against her nursing license during that time.
3. On September 9, 2011, the Board received a written notification from Lakewood indicating that Ms. Ehler had walked off the unit the previous evening following a conversation with the Unit Director. According to the notification, Ms. Ehler was upset regarding scheduling and unit assignments and this was the second time in two weeks that she simply walked off the unit. In addition, the notification indicated that Ms. Ehler had been repeatedly coached about standards of conduct, policy and procedure, and her tendency to create a negative working environment. On September 13, 2011, the Board sent Ms. Ehler a copy of the notification from Lakewood, which included written incident reports, and requested that Ms. Ehler provide a written response to the allegations.
4. On September 19 and 20, 2011, the Board received written responses from Ms. Ehler. In her responses, Ms. Ehler described her recollection of events, including a discussion with the Unit Director at Lakewood. According to Ms. Ehler's statement, she attempted to tell the Unit Director that she had been asked to pass medications without prescriptions by a co-worker when the Unit Director "became very angry and screamed at [her], pointing her finger very close to [Ms. Ehler's] face and accused [Ms. Ehler] of disrespecting her." Ms. Ehler asserted that she did not "voluntarily" leave Lakewood on August 31, 2011, but was told by the Unit Director to "leave, you are all done" following a heated discussion about a co-worker. According to Ms. Ehler, she left Lakewood because she did not want to make a scene and understood that she had been terminated, and that there were three nurses on the floor at the time (so there was no impact upon Lakewood or the patients).
5. On or about October 4, 2011, the Board received additional information from Lakewood in reply to Ms. Ehler's responses. According to Lakewood, Ms. Ehler "voluntarily" left Lakewood, leaving one of the nurses who had already finished her shift to work overtime to complete Ms. Ehler's shift. In addition,



RESTRICTION ON DISSEMINATION

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according to Lakewood, the Unit Manager asked Ms. Ehler to leave her office because Ms. Ehler was being "very disrespectful." The Board sent Ms. Ehler this additional information on October 25, 2011.

6. On December 14, 2011, a subcommittee of the Board held an informal conference with Ms. Ehler regarding this matter. In addition, Lakewood staff attended the informal conference. Following the informal conference, the subcommittee voted to offer Ms. Ehler this Consent Agreement to resolve this matter.
7. Absent acceptance of this Consent Agreement by Ms. Ehler by signing and dating it and returning it to Jayne Winters, Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or before January 21, 2012, this matter shall be scheduled for an adjudicatory hearing.

AGREEMENT

8. Pamela E. Ehler admits, understands and agrees that should the matter proceed to an adjudicatory hearing, the Board would have sufficient evidence to conclude by the preponderance of the evidence that she engaged in the conduct alleged by Lakewood. In addition, Ms. Ehler agrees and understands that such conduct constitutes grounds for discipline under Title 32 M.R.S. § 2105-A (2) (F), (2) (H) and Chapter 4.1.A.6., and Chapter 4.3.F. and 4.3.H. of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:

Title 32 M.R.S. §§:

- a. 2105-A (2) (F). Unprofessional Conduct. Ms. Ehler engaged in unprofessional conduct by violating standards of professional behavior regarding professional communication that have been established in the practice for which the licensee is licensed.
- b. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board.
(See also Chapter 4, Section 3.)
- c. 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, states:
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.

9. As discipline for the foregoing violations, Ms. Ehler agrees to accept a WARNING. Ms. Ehler shall ensure that henceforth all of her interactions and communications conform to legal standards of the nursing profession and do not reflect adversely upon the profession of nursing. The Board reminds Ms. Ehler that professionalism is a key element to nursing and can have a direct impact upon the quality of patient care. As a result, the Board recommends that Ms. Ehler complete a "conflict resolution" course in order to develop sound communication skills.
10. 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 Ms. Ehler's "Home state" of licensure and primary state of residence, which means that Ms. Ehler has declared the State of Maine as her fixed permanent and principle home for legal purposes; her 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. Ms. Ehler understands this Agreement is subject to the Compact.
11. Pamela E. Ehler understands that she does not have to execute this Agreement and that she has the right to consult with an attorney before entering into the Agreement.

12. Pamela E. Ehler affirms that she executes this Agreement of her own free will.
13. Modification of this Agreement must be in writing and signed by all the parties.
14. 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.
15. This Agreement is not subject to review or appeal by Ms. Ehler.
16. This Agreement becomes effective upon the date of the last necessary signature below.

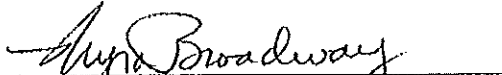
I, PAMELA E. EHLER, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 12-24-11


PAMELA E. EHLER, R.N.


FOR THE MAINE STATE
BOARD OF NURSING

DATED: 12/28/11


MYRAA. BROADWAY, J.D., MS., R.N.
Executive Director

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 1/3/12


DENNIS E. SMITH
Assistant Attorney General