



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: JANET S. KAHERL, R.N.)
 of Windham, ME)
 License #R036536 and #P010556)** **CONSENT AGREEMENT
 FOR SUSPENSION (STAYED)
 AND PROBATION**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Janet S. Kaherl’s license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S. § 8003 (5) (B). The parties to this Agreement are Janet S. Kaherl (“Licensee” or “Ms. Kaherl”), the Maine State Board of Nursing (“Board”) and the Department of the Attorney General, State of Maine. An informal conference was held on April 9, 2009. The parties reached this Agreement on the basis of 1) a Notice of Board Complaint/Provider Report with information from Correctional Medical Services (“CMS”) dated June 17, 2008; 2) State of Maine, Department of Corrections Investigation Division Case Number 08-015; 3) Patient A’s Medical Record; 4) Patient A’s Autopsy Report; and 5) Ms. Kaherl’s written responses to the Board dated July 4, 2008 and March 24, 2009.

FACTS

1. Janet S. Kaherl has been licensed to practice in Maine as a registered professional nurse since September 1993. She was formerly licensed as a practical nurse from November 1991 to December 1994.
2. Janet S. Kaherl’s employment as a registered professional nurse was terminated from CMS on May 30, 2008 as a result of substandard nursing care rendered to Patient A. The adverse events are as follows:
 - a. In Ms. Kaherl’s nursing encounters with Patient A, on April 22, 2008 at approximately 10:00 P.M. and on April 23, 2008 at approximately 12:30 A.M., she failed to obtain a full set of vital signs, including blood pressure (“B/P”). On both encounters with Patient A, Ms. Kaherl knew from the patient’s medical record that Patient A’s blood pressure on April 22, 2008 at 1:30 P.M. was documented as remarkable at 80/60, with a pulse of 130. Without further inquiry, Ms. Kaherl concluded that Patient A’s B/P was “erroneous” and failed to obtain his B/P. Ms. Kaherl admitted that she could not hear Patient A’s blood pressure because she could not hear well. In evaluating Patient A, Ms. Kaherl knew he lacked food and nutrition, felt weak, wanted to lie down and had fallen earlier, claiming he felt weak.
 - b. Ms. Kaherl failed to adequately assess Patient A for injuries even though it was reported to her that he had fallen multiple times.
 - c. Ms. Kaherl failed to develop and/or document a nursing plan for Patient A after seeing him a second time.



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- d. Ms. Kaherl failed to contact the on-call provider.
 - e. Patient A was found in his bunk, unresponsive and cold, by a corrections officer at approximately 5:50 A.M. on April 23, 2008. EMS personnel terminated their intervention at 6:40 A.M., Patient A having deceased. No medical personnel encountered Patient A between 12:30 A.M. and 5:50 A.M.
3. Janet S. Kaherl failed to conduct a baseline assessment on Patient A, despite his exhibiting physical signs that required her to exercise critical thinking and use other medical resources to advocate for his health and safety.
 4. Janet S. Kaherl wishes to resolve this matter by accepting this Agreement and thereby waives her rights to an adjudicatory hearing.

AGREEMENT

5. Janet S. Kaherl understands that based upon the above facts, her conduct constitutes grounds for discipline. This document imposes discipline regarding her license to practice nursing under Title 32 M.R.S. § 2105-A (2) (E) (2), (2) (F), (2) (H) and Chapter 4.1.A.5.a., 4.1.A.6. and 4.3.F. of the Maine State Board of Nursing Rules. Specifically, the violations are:
 - a. M.R.S. § 2105-A (2) (E) (2). Ms. Kaherl engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.5.b.)
 - b. M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Kaherl engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - c. M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6.)
 - d. Rule Chapter 4, Section 3. Unprofessional Conduct: *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 and shall include, but shall not be limited to, the following:*
 - F. Ms. Kaherl failed to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.
6. **Suspension:** Janet S. Kaherl's license to practice as a registered professional nurse shall be suspended for a period of 90 days; however, the suspension is stayed and her license placed on probation for a period of not less than six months, nor more than one year, conditional upon her successful completion of a hands-on nursing program regarding

patient assessment and critical thinking in rendering nursing care to patients. Ms. Kaherl shall obtain pre-approval of the program from the Board's Executive Director.

If Ms. Kaherl finishes and provides documentary proof to the Executive Director of her successful completion of the program at any time during the period of six months to a year from the date of this Agreement, unless there has been pre-approval for a longer period by the Executive Director for good cause shown, the probation will terminate and the period of suspension will be lifted. If she fails to complete the education course in the allotted time period, the 90-day suspension will be imposed; her registered professional nurse license will be reinstated upon expiration of the 90-day suspension and then placed on a term of probation with conditions determined by the Board for her to complete the aforementioned education program.

7. Janet S. Kaherl agrees to a hearing evaluation and will provide a copy of said evaluation to the Board. This evaluation shall be completed before or within the probationary term.
8. 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. Kaherl's "home state" of licensure and primary state of residence, which means 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. Kaherl understands this Agreement is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice may be limited to the State of Maine as it pertains to the Compact. If Ms. Kaherl wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.
9. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
10. Janet S. Kaherl understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
11. Janet S. Kaherl affirms that she executes this Agreement of her own free will.
12. Modification of this Agreement must in writing and signed by all parties.
13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. This Agreement becomes effective upon the date of the last necessary signature below.


I, JANET S. KAHERL, 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: 11-23-09



JANET S. KAHERL, R.N.

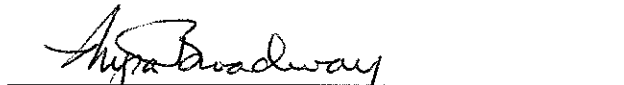
DATED: 11/23/09



M. THOMASINE BURKE, ESQ.
Attorney for Janet S. Kaherl, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

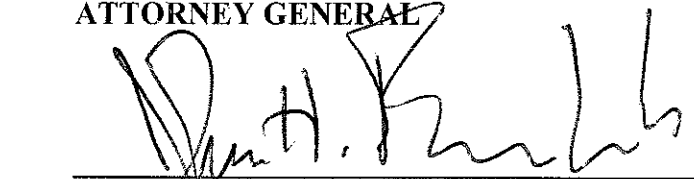
DATED: 11/28/09



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

FOR THE DEPARTMENT OF THE
ATTORNEY GENERAL

DATED: 12/4/09



JOHN H. RICHARDS
Assistant Attorney General