



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

PAUL R. LePAGE  
 GOVERNOR

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

IN RE: SANDE L. CURTIS, APRN/FNP )  
 of Holden, Maine )  
 License Nos. R040500, AP081570 )

CONSENT AGREEMENT  
 FOR  
 WARNING

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Sande L. Curtis's license to practice advanced practice registered nursing as a Family Nurse Practitioner (“APRN/FNP”) in the State of Maine. The Parties to this Agreement are Sande L. Curtis (“Licensee” or “Ms. Curtis”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Parties met in an informal conference on September 2, 2010. The Parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A-(1-A) (A) and 10 M.R.S. § 8003(5) (B). The Parties reached this Agreement on the basis of a Board Complaint dated December 15, 2009, which includes information from Catherine and Peter Gaetani dated December 2, 2009.

FACTS

1. Sande L. Curtis has been a registered professional nurse licensed to practice in Maine since November 1996. In addition, she has been approved/licensed as an advanced practice registered nurse since September 2008.
2. On December 2, 2009, Catherine and Peter Gaetani (“Mr. & Ms. Gaetani”) filed a complaint with the Board regarding the death of their son, Justin, and the care he received from Sande L. Curtis, APRN/FNP who was working at the Eastern Maine Medical Center Walk-In Care (“Walk-In”) on October 31, 2009. Mr. Gaetani brought Justin to the Walk-In on October 31, 2009 at 3:16 PM because Justin was feeling ill; he was coughing and his father said his asthma was acting up, causing problems with breathing. The “Walk-In Care Record” from Eastern Maine Medical Center regarding the “History Of Present Condition” of Justin Gaetani states: “This started 3 days ago and has had chest congestion, intermittent wheezing, complaining of nasal congestion, slight stomach upset and diarrhea.” The father also indicated that Justin started feeling ill and had a dry cough the evening of October 29, 2009. Justin was an obese (500+ pounds), 24-year-old with Asperger’s Syndrome and a history of chronic asthma. Ms. Curtis documented in the Patient Visit Summary that Justin’s chief complaint was difficulty breathing and chest congestion and concluded that Justin’s illness was adult influenza. She documented that he had a body temperature of 103.1° F. Justin was discharged from Walk-In on October 31, 2009 at 4:30 PM. He died at home on November 3, 2009. The cause of death was Atypical (Viral) Pneumonia, with a positive for the H1N1 virus.

During this time period, the Center for Disease Control (“CDC”) was providing daily and weekly reports regarding the H1N1 influenza with updates on recommended use of antiviral medications in the treatment and prevention of influenza for the 2009-2010 season. The recommendations also highlighted the use of antiviral medications for high risk patients in certain age groups and patients with chronic medical conditions. The CDC reported that: “Treatment, when indicated, should be initiated as early as possible because the benefits are greatest when started within the first 2 days of illness. However, some studies of hospitalized patients with seasonal and 2009 H1N1 influenza have suggested benefit of antiviral treatment even when the treatment was started more than 48 hours after illness onset.” Justin Gaetani was a high risk patient because of his weight, chronic asthma and a history of pneumonia and bronchitis. It’s not clear whether his onset of symptoms for the use of antiviral medications, which may have given the greatest benefit, was slightly outside or inside the 48-hour window. However, the CDC recommendations also indicate benefits when antiviral medications are administered outside the 48-hour window. Ms. Curtis did



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- not recognize commonly reported H1N1 symptoms and did not utilize the protective measures of antiviral medications. Ms. Curtis also did not take into account Justin Gaetani's weight of 500+ pounds to initiate measures to obtain better medical information to assess the patient's lung sounds by ordering a chest X-ray.
3. Ms. Curtis believes that she provided the appropriate standard of care and treatment to Justin Gaetani by administering a bronchodilator and corticosteroids, which she states improved his breathing.
  4. The Department of Health and Human Services, Division of Licensing and Regulatory Services ("DLRS") conducted a complaint investigation (#ME00009685) at Eastern Maine Medical Center on February 17, 2010 regarding an allegation that a patient (Justin Gaetani) did not receive quality care and/or treatment by Sande L. Curtis at the Walk-In. On May 26, 2010, DLRS substantiated the allegation that Sande L. Curtis did not provide quality care and/or treatment to Justin Gaetani.
  5. Sande L. Curtis has agreed to resolve this matter by entering into this Agreement and waives her right to a hearing.

### AGREEMENT

6. Sande L. Curtis neither admits nor denies the facts contained herein; however, she acknowledges that the Board has evidence from which it could conclude there is a violation of Title 32 M.R.S. § 2105-A(2)(E)(2), (2)(H) and Chapter 4.1.A.5.b. and 4.1.A.8. of the Rules and Regulations of the Maine State Board of Nursing. Sande L. Curtis acknowledges that this conduct in the above-stated facts constitutes grounds for discipline. Ms. Curtis is hereby formally **WARNED** for these violations. Specifically, the violations are:  
  
Title 32 M.R.S. §§:
  - a. M.R.S. § 2105-A (2) (E) (2). Ms. Curtis 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) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)
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 Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Curtis'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. Curtis understands this document is an Agreement that is subject to the Compact.
8. Sande L. Curtis understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
9. Modification of this Agreement must be in writing and signed by all the Parties.
10. This Agreement is not subject to review or appeal by Ms. Curtis.
11. 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.
12. This Agreement becomes effective upon the date of the last necessary signature below.

I, SANDE L. CURTIS, APRN/FNP, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY ADVANCED PRACTICE REGISTERED 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: 3/8/11


  
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SANDE L. CURTIS, APRN/FNP

DATED: 3/8/11

  
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SANDRA L. ROTHERA, ESQ.  
(Attorney for Sande L. Curtis, APRN/FNP)

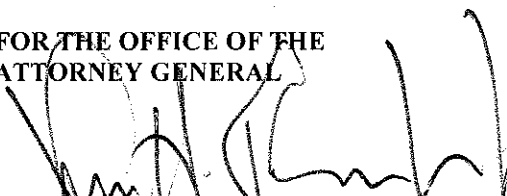
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: March 9, 2011

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 3/10/11

  
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JOHN H. RICHARDS  
Assistant Attorney General