



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: DANA R. HOWARD
 of Worcester, MA
 License #R048668

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**CONSENT AGREEMENT
 FOR VOLUNTARY
 SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Dana R. Howard’s license as a registered professional nurse in the State of Maine. The parties to this Agreement are Dana R. Howard (“Licensee” or “Mr. Howard”), Maine State Board of Nursing (“Maine Board” or “Board”) and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (B) and § 8003(5) (B). At its December 2-3, 2009 meeting, the Board reviewed 1) the Disciplinary Action Report received from the Board of Registered Nursing in California dated November 2, 2009; and 2) Mr. Howard’s response dated November 29, 2009 [Exhibit A].

FACTS

1. Dana R. Howard has been licensed to practice as a registered professional nurse in Maine since June 2003. At all times relevant herein, Mr. Howard’s license was in full force and effect; his license expired on April 8, 2011.
2. After review of the California Board’s Decision to revoke Mr. Howard’s registered professional nurse license on the basis of unprofessional conduct and gross negligence in the practice of nursing, the Maine Board voted to offer Mr. Howard a Consent Agreement to voluntarily surrender his license as a registered professional nurse in Maine.
3. Based upon the information contained in Exhibit A, Mr. Howard’s behavior fails to conform to legal and accepted standards of the nursing profession, and such conduct is substantially related to the qualifications, functions or duties of a registered professional nurse; his conduct reflects adversely on the health and welfare of the public.
4. Dana R. Howard wishes to resolve this matter by accepting this Agreement surrendering his registered professional nurse license and thereby waives his rights to an adjudicatory hearing.

AGREEMENT

5. Dana R. Howard understands that his conduct in the above-stated facts constitutes grounds for discipline under Title 32 M.R.S. § 2105-A (2) (E) (1), (2) (F), (2) (H) and Chapter 4.1.A.5.a., 4.1.A.6., 4.1.A.8. and 4.3.F. of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. M.R.S. § 2105-A (2) (E) (2). Mr. Howard engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by a licensee to a client or patient or the general public. (See also Rule Chapter 4, Section 1.A.5.a.)




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- b. M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Mr. Howard engaged in unprofessional conduct because he violated a standard of professional behavior that has been established in the practice for which he 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.8.)
 - d. Rule Chapter 4, Section 3. *Unprofessional Conduct* is defined as *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 and shall include, but shall not be limited to, the following:*
 - F. Mr. Howard failed to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.
6. Dana R. Howard understands and agrees that his license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at his written request, votes to reinstate his license. Mr. Howard understands and agrees that if the Board reinstates his license, it may be for a probationary period.
 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 Mr. Howard’s “home state” of licensure and primary state of residence, which means that he has declared the State of Maine as his fixed permanent and principle home for legal purposes; his 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. Mr. Howard understands this Consent Agreement is subject to the Compact.
 8. Dana R. Howard understands that he does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
 9. Dana R. Howard 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 himself out as a registered professional nurse or with the designation “R.N.” while his nursing license is surrendered.
 10. 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.
 11. Modification of this Agreement must be in writing and signed by all parties.
 12. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
 13. Dana R. Howard affirms that he executes this Agreement of his own free will.
 14. This Agreement becomes effective upon the date of the last necessary signature below.

I, DANA R. HOWARD, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. 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.

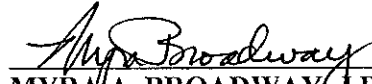
DATED: 1/23/12



DANA R. HOWARD

FOR THE MAINE STATE
BOARD OF NURSING

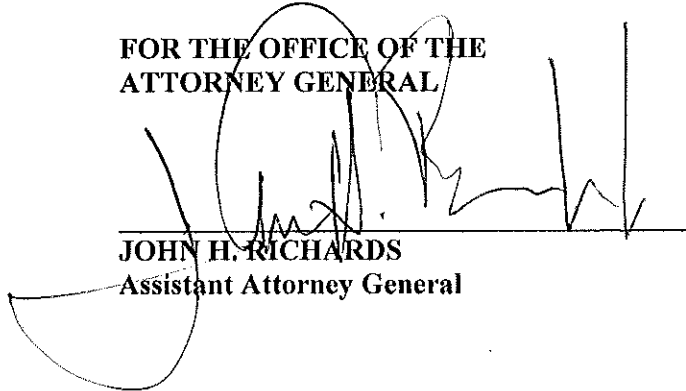
DATED: 1/28/12



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 1/30/12



JOHN H. RICHARDS
Assistant Attorney General