



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

ANGUS S. KING, JR.
 GOVERNOR

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

IN RE: **DAWN M. McFARLAND, L.P.N.**) **CONSENT AGREEMENT FOR**
 of South Portland, Maine) **VOLUNTARY SURRENDER**
 License #P010997) **OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Dawn M. McFarland's license to practice professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 2105-A(I-A)(C). The parties to this Consent Agreement are Dawn M. McFarland ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reached this Agreement following an informal conference held on June 8, 2000 on the basis of information submitted by Sentry Commons d/b/a Harbor Home by letter dated September 24, 1999 and information submitted by State of Maine Department of Human Services, Bureau of Medical Services, Division of Licensing and Certification by letter dated October 28, 1999 and supporting documentation in Complaint Narrative 99-PNF-956.

FACTS

1. Dawn M. McFarland has been a licensed practical nurse ("L.P.N.") since 1993.
2. Dawn M. McFarland resigned her position as an L.P.N. at Sentry Commons d/b/a Harbor Home on September 23, 1999 during a facility-wide investigation of suspected diversion of narcotics. Subsequent to her resignation, Ms. McFarland admitted to the diversion of narcotics, specifically diverting for her own use and tampering with vials of Demerol.
3. Dawn M. McFarland admitted that she diverted the drug Demerol on two occasions and further admits that she used Demerol on duty on one of those diversions, becoming impaired while working as a L.P.N.
4. There is no finding of actual patient harm.
5. Dawn M. McFarland was admitted as an inpatient at Mercy Hospital Recovery Center on September 27, 1999. During her stay, she completed all programs and all appropriate therapy groups and was subsequently discharged on October 13, 1999.
6. Dawn M. McFarland was admitted for inpatient treatment at the Caron Foundation Rehabilitation Center for chemical dependency. She was discharged from the facility after treatment on November 11, 1999.
7. Dawn M. McFarland entered into a partial hospitalization program at the Recovery Center at Mercy Hospital for further substance abuse treatment on November 16, 1999, for a total of 28 sessions ending on December 16, 1999.
8. Dawn M. McFarland continues to be active in aftercare treatment which includes attending AA/NA five times per week, attending Dual Recovery Anonymous (DRA) one time per week and attending the Dialectical Behavior Therapy Program (DBT) at the Maine Medical Center one time per week.



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9. Dawn M. McFarland receives psychiatric care one time per month and sees a therapist on a weekly basis.
10. Dawn M. McFarland has been out of work since September 23, 1999 and admits that she is not ready to return to work in the capacity of L.P.N.
11. With the exception of prescribed medication, Dawn M. McFarland has been substance free since September 24, 1999.
12. On June 8, 2000, Ms. McFarland voluntarily surrendered her nursing license to the Maine State Board of Nursing.

AGREEMENT

13. The Maine State Board of Nursing accepts Dawn M. McFarland's voluntary surrender of her License # P010997.
14. Dawn M. McFarland understands that this document imposes discipline regarding her license to practice practical nursing in the State of Maine under 32 M.R.S.A. § 2105-A(2)(B), (2)(E)(1), (2)(F) and (2)(H). Ms. McFarland understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into this Consent Agreement.
15. Dawn M. McFarland shall not work, in any capacity, in the health care field, including in a veterinarian's office, while her license is surrendered. In addition, Ms. McFarland is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
16. Dawn M. McFarland may petition the Board for reinstatement of her license to probationary status one-year from the effective date of this Agreement. Ms. McFarland agrees and understands that her license will not be reinstated until and unless the Board, upon Ms. McFarland's written request, votes to reinstate Ms. McFarland's license. When considering whether to reinstate Ms. McFarland's license on probationary status, the Board will consider Ms. McFarland's compliance with the terms and conditions of this Consent Agreement.
17. Dawn M. McFarland will abstain completely from the use of alcohol and drugs, with the exception of substances used in accordance with a valid prescription from a physician who is aware of Ms. McFarland's substance abuse history.
18. Dawn M. McFarland shall continue in an aftercare program and complete any and all aftercare recommended by her treatment programs.
19. Dawn M. McFarland will arrange for and ensure submission of quarterly reports to the Board by her treatment providers.

20. Dawn M. McFarland agrees and understands that the Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate Ms. McFarland's compliance with this Consent Agreement and her continued recovery. Ms. McFarland shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care as may be requested by the Board for the purpose of evaluating Ms. McFarland's compliance with this Consent Agreement and her continued recovery.
21. The Board agrees to take no further disciplinary action upon these facts as long as Ms. McFarland fully complies with the terms and conditions of this Consent Agreement.
22. If Ms. McFarland breaches the terms and conditions of this Consent Agreement Ms. McFarland understands and agrees that an enforcement action in Superior Court may result in further sanctions regarding her license to practice nursing, which may include a fine, long-term suspension or revocation of her practical nursing license.
23. Dawn M. McFarland affirms that she executes this Consent Agreement of her own free will.
24. Modification of this Consent Agreement must be in writing and signed by all the parties.
25. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
26. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, DAWN M. MCFARLAND, L.P.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 6/29/00

Dawn M McFarland, LPN
DAWN M. MCFARLAND, L.P.N.

FOR THE MAINE STATE BOARD OF NURSING

DATED: June 30, 2000

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

FOR THE DEPARTMENT OF ATTORNEY GENERAL

DATED: 7/5/00

John H. Richards
JOHN H. RICHARDS, ESQ.
Assistant Attorney General