



STATE OF MAINE
 BOARD OF NURSING
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JOHN ELIAS BALDACCI
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MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: **KATHLEEN P. CASALE, L.P.N.**)
 of Portland, Maine)
 License No. P009275)
)
**CONSENT AGREEMENT
 FOR SUSPENSION AND
 LICENSE PROBATION WITH
 CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Kathleen P. Casale's license to practice licensed practical nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003(5) (B). The parties to this Consent Agreement are Kathleen P. Casale ("Licensee" or "Ms. Casale"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on August 16, 2007. The parties reached this Consent Agreement based on Complaint from Carmie Hagar dated November 21, 2006.

FACTS

1. Kathleen P. Casale has been a licensed practical nurse licensed to practice in Maine since 1987.
2. Kathleen P. Casale was employed as an agency nurse with Maxim Healthcare Services ("Maxim"). On September 22, 2004, Maxim assigned Ms. Casale to provide scheduled home health care services to a young child with a tracheotomy. Ms. Casale provided these services to the child up until January 19, 2005.
3. On January 19, 2005, Ms. Casale failed to timely recognize that the child had an airway obstruction. An ambulance responded to a 911 call from Ms. Casale, and during child's transport to Maine Medical Center the child became unresponsive and was unable to be resuscitated.
4. Kathleen P. Casale's competence was below the professional nursing standard required to implement basic airway maintenance, which was exemplified by her inability to employ the correct methods of nursing care to clear an acute airway passage.

AGREEMENT FOR SUSPENSION AND PROBATION

5. Kathleen P. Casale agrees and understands that this document imposes discipline regarding her license to practice nursing and her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(E)(2), (2)(F), (2)(H) and Chapter 4(1)(A)(5)(b), 4(1)(A)(6), 4(1)(A)(8), 4(3)(B), 4(5)(H) of the Rules and Regulations of the Maine State Board of Nursing.



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32 M.R.S.A. § 2105-A(2)(E)(2) “Incompetence in the practice for which the licensee is licensed. A licensee is considered incompetent in the practice if the licensee . . . [e]ngaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed.”

32 M.R.S.A. § 2105-A(2)(F) “A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed.”

Chapter 4(3)(B) “Assuming duties and responsibilities within the practice of nursing without adequate preparation or when competency has not been maintained.”

Chapter 4(3)(H) “. . . negligently causing physical injury to a patient.”

6. Kathleen P. Casale agrees and understands that by this Agreement, her license as a practical nurse will be suspended for a period of 270 days, and at the completion of her period of suspension, her license will be placed on probation with condition for five years of nursing practice. The period of probation will commence on Ms. Casale’s return to nursing practice, either through employment and/or pursuant to an educational program. The period of probation will be for a period of five years, to be effective only while she is employed in nursing practice and/or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Casale performs nursing services.
7. Kathleen P. Casale’s probationary license will be subject to the following conditions:
 - a. Kathleen P. Casale will immediately notify the Board in writing should she return to employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change in employment or educational programs.
 - b. Kathleen P. Casale will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - c. Kathleen P. Casale will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice. If during the period of probation, Ms. Casale’s

employment as a nurse terminates or should her educational program in the field of nursing terminate, she shall notify the Board of this change to ensure that she remains in compliance with her employment and/or educational quarterly reports.

d. Kathleen P. Casale's employment is restricted during the period of probation to structured settings. Structured settings shall not include assignments in home health care, from temporary employment agencies, school nursing, working as a traveling nurse or working in pediatrics.

e. Kathleen P. Casale shall complete a course in Basic Life Support ("BLS") and maintain certification in BLS.

8. The State of Maine is Kathleen P. Casale's home state of licensure. Ms. Casale agrees that during her period of probation her nursing practice is limited to the State of Maine. If Ms. Casale wishes to practice in any other party state within the compact when her license is placed on probation, she shall petition the Board for written authorization. In addition, Ms. Casale will 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. Kathleen P. Casale agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the five year probationary period, until and unless the Board, at Ms. Casale's written request, votes to terminate Ms. Casale's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Casale has complied with the provisions of this Agreement.
10. Ms. Casale understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine and party states in the Nurse Licensure Compact. Ms. Casale 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 the Consent Agreement.
11. If Ms. Casale fails to meet any of the obligations of this Consent Agreement, the Board may take any disciplinary action, which it deems appropriate and impose any of the sanctions, including but not limited to that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
12. Kathleen P. Casale affirms that she executes this Consent Agreement of her own free will.
13. Modification of this Consent Agreement must in writing and signed by all the parties.

14. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, KATHLEEN P. CASALE, 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: 10/22/07 
KATHLEEN P. CASALE, L.P.N.

DATED: 11/2/07 
CHRISTOPHER D. NYHAN, ESQ.
Attorney for Kathleen P. Casale

FOR THE MAINE STATE
BOARD OF NURSING

DATED: Nov. 13, 2007 
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: Nov. 20, 2007 
JOHN H. RICHARDS
Assistant Attorney General