



Paul R. LePage
GOVERNOR

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

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

IN RE: DAWN M. AKERLEY, RN)
of East Millinocket, ME)
License No. RN49773)

CONSENT AGREEMENT
FOR
VOLUNTARY SURRENDER

Complaint 2013-140

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. §8008, the Legislature provided that the sole purpose of the Board is to "protect the public health and welfare" and that "other goals or objectives may not supersede this purpose."

This document is a Consent Agreement ("Agreement") regarding Dawn Akerley's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Dawn Akerley ("Ms. Akerley" or "Licensee"), the Maine State Board of Nursing ("the 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)(C), 10 M.R.S. §§8003 (5)(B) and 8003(5)(D) in order to resolve Complaint 2013-140.

FACTS

1. Licensee has been licensed to practice as an RN in Maine since May 27, 2004.
2. On May 10, 2013, Licensee submitted her 2013-2015 RN renewal application in which she disclosed a history of alcoholism with a February 2013 admission to Riverstone Crisis Center. Following discharge, she was subsequently admitted to Community Health & Counseling Services on April 30, 2013 due to consumption of alcohol and increased depression/anxiety. Her treatment plan included participation in AA and weekly individual therapy.
3. At its meeting on June 13, 2013, the Board approved Ms. Akerley's RN renewal and scheduled her for an informal conference on July 30, 2013 to discuss the matter further. Board staff docketed the case as Complaint 2013-140.
4. On July 23, 2013, Licensee contacted Board staff to reschedule the informal conference, stating she was currently in a 30-day substance abuse program out of state and would not be available until late August.
5. On January 22, 2014, when contacted to schedule an informal conference, Licensee advised Board staff that she had suffered two relapses and been charged with Operating Under the Influence in November 2013. She stated that she completed a 30-day in-patient treatment program at Above-It-All in California. Upon her return home, she encountered personal and financial issues which resulted in her relapse. She has been admitted for in-patient treatment on two additional occasions; she is currently seeing a counselor weekly, working the 12 Step Program, and tries to attend AA meetings at least three times per week. She would like to reconnect with the Medical Professionals Health Program as soon as she is financially able.
6. In lieu of scheduling an informal conference, the Licensee would like to surrender her RN license. She does not want to return to nursing practice until she is strong in recovery and has a solid support network in place.



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

7. Absent Licensee's acceptance of this Agreement by signing and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 **on or before March 12, 2014**, the Board will take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, findings beyond those contained above and also impose greater adverse action including costs of a hearing, suspension or revocation of Licensee's license.

AGREEMENT

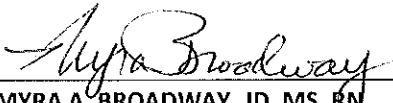
8. Licensee admits to the Facts as stated above and that such conduct constitutes grounds for the Board to impose discipline against her Maine nursing license under the following laws and regulations:
 - a. Pursuant to 32 M.R.S. §2105-A (2)(B) and Board Rules Chapter 4 §1.A.2 for misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients; and
 - b. Pursuant to 32 M.R.S. §2105-A (2)(F) and Board Rules Chapter 4 §1.A.6 for engaging in conduct that violates any standard of professional behavior which has been established in the practice for which the licensee is licensed.
9. As discipline for the conduct cited in Paragraph 8 above, Licensee agrees to **SURRENDER** her Maine RN license, effective on the date of the final execution of this Agreement. Licensee understands and agrees that as a result of surrendering her license she no longer has a nursing license and is subject to the terms of this Agreement until and unless the Board, at her written request, votes to reinstate her license. Licensee understands and agrees that upon receiving her request to reinstate her Maine RN license, the Board shall have the sole discretion to grant or deny such a request or to grant her licensure with probation and conditions as it determines appropriate to protect the public.
10. This Agreement is not appealable. This Agreement cannot be modified orally. It can only be modified by writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Any decision by the Board as a result of Licensee's request to modify this Agreement need not be made pursuant to a hearing.
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-A.
12. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).
13. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
14. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
15. Licensee acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement, that she has executed this Agreement of her own free will and that she agrees to abide by all the terms and conditions set forth in this Agreement.

DATED: 3/14

Dawn Akerley, RN
LICENSEE DAWN AKERLEY, RN

FOR THE MAINE STATE BOARD OF NURSING

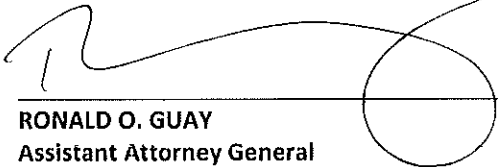
DATED: 3/7/14



MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 3/27/14



RONALD O. GUAY
Assistant Attorney General

Effective Date: 3/27/14