



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: **RUSSELL A. KAHL**) **CONSENT AGREEMENT FOR**
of Orono, Maine) **VOLUNTARY SURRENDER**
License # R037410) **OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Russell A. Kahl's license to practice registered 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(1-A)(C). The parties to this Consent Agreement are Russell A. Kahl ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reached this Agreement on the basis of information and Mr. Kahl's testimony at the informal conferences held December 8, 1999 and June 7, 2000, on the basis of information submitted by Eastern Maine Medical Center by letter dated March 25, 1999, information submitted by Mayo Regional Hospital by letter dated August 4, 1999 and information submitted by Gentiva Health Services by letter dated February 23, 2000.

FACTS

1. Russell A. Kahl has been a registered professional nurse for 6 years and licensed by the Board to practice in Maine since June 14, 1994.
2. On February 26, 1999 Russell A. Kahl resigned his position as a registered professional nurse at Eastern Maine Medical Center ("Eastern Maine") after Eastern Maine took disciplinary action against Mr. Kahl for unprofessional behavior, emotional outbursts and inappropriate responses to staff, patients and families.
3. Russell A. Kahl was terminated from employment as a registered professional nurse at Mayo Regional Hospital ("Mayo") on July 30, 1999. The reason for the termination was Mr. Kahl's inability to perform to the expectations required at Mayo which included his failure to consistently chart, document assessments and spending an inappropriate amount of time on initial assessments.
4. Russell A. Kahl was terminated from his position as a registered professional nurse at Gentiva Health Services on February 22, 2000. The basis of the termination was Mr. Kahl's admission that he falsified documentation and rendered nursing services to a patient's open abdominal wound which was contrary to the orders issued by the treating physician. The Board finds that Mr. Kahl failed to take appropriate action and to follow policies and procedures in a nursing practice situation designed to safeguard the patient.



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5. At the initial informal conference held on December 8, 1999, the Board became concerned about Mr. Kahl's mental health and his ability to practice registered professional nursing. The basis of their concern was their direct observations of Mr. Kahl's responses to the Board's questions relative to the information from Eastern Maine and Mayo pertaining to Mr. Kahl's nursing practice. Mr. Kahl's answers were vague, tangential and sometimes rambling. As a result of the Board's expressed concerns for Mr. Kahl's mental health, Mr. Kahl agreed to a psychiatric evaluation and the matter was continued pending a psychiatric report.
6. On June 7, 2000, the Board reconvened the matter of Russell A. Kahl and after review of the psychiatric report, the Board determined that Mr. Kahl was not currently prepared to return to the practice of nursing.
7. The Board's records reflect receipt of a psychiatrist report dated March 21, 2001.
8. Russell A. Kahl agrees that he will voluntarily surrender his license for a period of 16 months and not seek any employment involving patient care during the period his license is surrendered.

AGREEMENT

9. The Maine State Board of Nursing accepts Russell A. Kahl's voluntary surrender of his license, License # R037410 for a period up to 16 months. Mr. Kahl may petition the Board for reinstatement of his license in 4 months from the effective date of this Consent Agreement.
10. Russell A. Kahl understands that this document imposes discipline regarding his license to practice registered professional nursing in the State of Maine under 32 M.R.S.A. § 2105-A(2)(E)(1), (2)(F) and (2)(H). Mr. Kahl understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into this Consent Agreement.
11. Russell A. Kahl shall not work in any capacity with respect to direct patient care.
12. Russell A. Kahl may petition the Board for reinstatement of his license to probationary status 4 months from the effective date of this Agreement.

Probation may run for such time period as the Board determines appropriate. Probation may include conditions such as: continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional or occupational supervision; and other conditions as the Board determines appropriate. Costs incurred in the performance of the terms of probation are borne by Mr. Kahl.

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Mr. Kahl agrees and understands that his license will not be reinstated until and unless the Board, upon Mr. Kahl's written request, votes to reinstate Mr. Kahl's license. When considering whether to reinstate Mr. Kahl's license on probationary status, the Board will consider Mr. Kahl's compliance with the terms and conditions of this Consent Agreement. Failure to comply with the conditions of probation is a ground for disciplinary action against the Licensee.

13. Russell A. Kahl will continue in treatment and therapy and follow the treatment recommendations of Judy A. Burk, M.D and/or any succeeding providers.
14. Russell A. Kahl agrees to involve himself in a program designed to provide insight oriented therapy.
15. Russell A. Kahl will arrange for and ensure submission of quarterly reports to the Board by his treatment providers.
16. Russell A. Kahl 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 his treatment and therapy which the Board deems necessary to evaluate Mr. Kahl's compliance with this Consent Agreement and his continued recovery. Mr. Kahl 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 his care as may be requested by the Board for the purpose of evaluating Mr. Kahl's compliance with this Consent Agreement and his continued recovery.
17. The Board agrees to take no further disciplinary action upon these facts as long as Mr. Kahl fully complies with the terms and conditions of this Consent Agreement.
18. If Mr. Kahl breaches the terms and conditions of this Consent Agreement, Mr. Kahl understands and agrees that an enforcement action in Superior Court may result in further sanctions regarding his license to practice registered professional nursing, which may include a fine, long-term suspension or revocation of his registered professional license.
19. Russell A. Kahl affirms that he executes this Consent Agreement of his own free will.
20. Modification of this Consent Agreement must be in writing and signed by all the parties.

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

I, RUSSELL A. KAHL, ~~D.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: 5/21/01

Russell Kahl
RUSSELL A. KAHL

DATED: 5/21/01

[Signature]
TERENCE M. HARRIGAN, ESQ.
Attorney for Russell A. Kahl

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: 5/21/01

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

**FOR THE DEPARTMENT OF
ATTORNEY GENERAL**

DATED: 5/24/01

[Signature]
JOHN H. RICHARDS
Assistant Attorney General

BOARD OF NURSING
MAINE STATE

BOARD OF NURSING
MAINE STATE

MAY 26 2001

MAY 23 2001

RECEIVED

TOTAL P.05