



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

PAUL R. LEPAGE
 GOVERNOR

KIM ESQUIBEL, PhD, M.S.N., R.N.
 EXECUTIVE DIRECTOR

IN RE: STEVEN H. DOWNS, RN
 of Auburn, ME
 License No. RN59476

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CONSENT AGREEMENT
 FOR WARNING &
 EDUCATION

Complaint 2016-109

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 Steven H. Downs’s license as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Steven H. Downs (“Mr. Downs”), 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) and 10 M.R.S. § 8003(5) to resolve Complaint 2016-109.

FACTS

1. Steven H. Downs was first licensed to practice as an RN in Maine on July 1, 2011.
2. On April 11, 2016, Harris House notified the Board of Nursing that they had discharged Mr. Downs for “a totality of substandard performance.” Board staff docketed this information as Complaint 2016-109.
3. In January 2016, Mr. Downs made statements to a co-worker that made the individual uncomfortable. Harris House addressed these allegations internally. Mr. Downs explained that it was not his intent to make his co-worker uncomfortable and that he had apologized to her. In March 2016, a second coworker complained that one evening Mr. Downs made her uncomfortable through his words and actions when discussing a resident care matter. Mr. Downs disputes that his conduct was inappropriate.
4. Several times in February and March 2016, Mr. Downs documented administering medications hours prior to administering the medications. In March 2016, he pre-poured medications into unlabeled cups and placed them in the medication cart. Mr. Downs explained that although the cups were unlabeled, they were placed in the patient’s bin inside the locked medication cart. In April 2016, Mr. Downs gave a resident a pill before it was due.
5. On July 19, 2016, Mr. Downs responded to the complaint. He provided the explanations included in paragraphs 3 and 4, above, and disagreed with Harris House’s characterization of his performance. He acknowledged the medication error in April and explained that his medication practices were affected by the facility being busy and short-staffed. He provided the Board with continuing education certificates from courses on medication safety that he had taken.
6. Following review and discussion at its September 21-22, 2016 meeting, the Board voted to offer Mr. Downs a consent agreement with the following disciplinary terms: a warning and a requirement that he successfully complete a course in professional boundaries, pre-approved by the Board’s Executive Director, within three months of the execution of the consent agreement. The Board’s motion further required that Mr. Downs submit proof of his successful completion of the course.



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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. Mr. Downs has obtained preapproval for, completed, and submitted a completion certificate for the course "Professional Boundaries in Nursing."
8. Absent Mr. Downs's acceptance of this Agreement by signing, dating, and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or before March 7, 2017, the Board will schedule this matter for an adjudicatory hearing. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action in this matter including fines or the suspension or revocation of Mr. Downs's license.

AGREEMENT

9. Steven H. Downs admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against his Maine nursing license under the following laws and regulations:
 - 32 M.R.S. § 2105-A(2)(F) & (H), for engaging in unprofessional conduct as defined by the Board and violating a rule of the Board by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient; (Board Rules Ch. 4, §3(F)) and
 - 32 M.R.S. § 2105-A(2)(F) & (H), for engaging in unprofessional conduct as defined by the Board and violating a rule of the Board by engaging in behavior that exceeds professional boundaries (Board Rules Ch. 4, §3(U)).
10. As discipline for the violations admitted to above, Mr. Downs agrees to accept a **WARNING** related to the above-stated conduct.
11. The Board and the Attorney General may communicate and cooperate regarding Mr. Downs's practice or any other matter relating to this Agreement.
12. 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.
13. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank ("NPDB").
14. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
15. Mr. Downs's license will be renewed upon final execution of this Agreement, subject to his satisfaction of all other licensure requirements.
16. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
17. Mr. Downs acknowledges by his signature hereto that he has read this Agreement, that he has had an opportunity to consult with an attorney before executing this Agreement, that he has executed this Agreement of his own free will, and that he agrees to abide by all the terms and conditions set forth in this Agreement.