



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: KEITH R. BARRETT JR, LPN
 of Bryant Pond, ME
 License No. LPN13745

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**CONSENT AGREEMENT
 FOR WARNING**

Complaint 2017-258

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 Keith R. Barrett Jr.'s license as a licensed practical nurse ("LPN") in the State of Maine. The parties to this Agreement are Keith R. Barrett Jr. ("Mr. Barrett"), 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 and 10 M.R.S. § 8003(5) to resolve Complaint 2017-258.

FACTS

1. Mr. Barrett was first licensed to practice nursing in Maine on April 1, 2015. At all times, pertinent to this matter, Mr. Barrett was licensed by the Board as an LPN, license no. LPN13745.
2. On April 29, 2017, while employed as a nurse at Maine Veterans' Homes, Mr. Barrett brought a personal firearm to work. For approximately eight hours while on duty as LPN charge nurse, Mr. Barrett stored the firearm in his backpack at the nurse's station of a secure memory care unit. Several residents of the unit have diagnoses of Post-Traumatic Stress Disorder. Mr. Barrett also partially removed the firearm from his backpack to show it to a CNA while there were residents awake and moving about in the area. Mr. Barrett did not try to remove the firearm from the building or to notify his supervisor.
3. Maine Veterans' Homes policy prohibits weapons in facility buildings.
4. On May 12, 2017, the Board received notification that Maine Veterans' Homes had terminated Mr. Barrett's employment on the basis of the above conduct. Board staff docketed the information as Complaint 2017-258.
5. By letter dated July 9, 2017, Mr. Barrett responded to Complaint 2017-258. Mr. Barrett explained that the firearm was in his backpack from a hike the prior day and was not loaded. He stated that he failed to remove the firearm from his backpack before leaving for his shift because he was in a rush and was not thinking about what was in the backpack. Mr. Barrett stated he showed the firearm to the CNA to avoid a panic in the event that the CNA had seen the firearm when Mr. Barrett opened his backpack. Finally, Mr. Barrett explained that he could not have removed the firearm from the building because a) he would have had to perform a narcotic count before exiting the building and he had no one to count with, and b) he did not want to leave his residents unattended.
6. Following review at its September 20-21, 2017 meeting, the Board voted to offer Mr. Barrett a consent agreement.
7. Absent Mr. Barrett'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 April 20, 2018, the Board will schedule this matter for an adjudicatory hearing. Subsequent to an adjudicatory proceeding, the Board could impose greater adverse action in this matter.



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AGREEMENT

8. Mr. Barrett 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)).
9. As discipline for the violations admitted to above, Mr. Barrett agrees to accept a **WARNING**.
10. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. 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. Mr. Barrett may file a written request, together with any supporting documentation, to modify the terms and conditions of this Agreement. The Board retains the sole discretion to: (a) deny Mr. Barrett's request; (b) grant Mr. Barrett's request; and/or (c) grant Mr. Barrett's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Mr. Barrett's request to modify this Agreement need not be made pursuant to a hearing and is not appealable to any court.
11. The Board and Mr. Barrett agree that no further agency or legal action will be initiated against him by the Board based upon the specific violations admitted to herein, except or unless he fails to comply with the terms and conditions of this Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Mr. Barrett. The Board may also consider the fact that discipline was imposed by this Agreement in determining appropriate discipline in any further complaints against Mr. Barrett.
12. The Board and the Office of the Attorney General may communicate and cooperate regarding Mr. Barrett's practice or any other matter relating to this Agreement.
13. 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.
14. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank ("NPDB").
15. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
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. Barrett 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.

[Signature Page to Follow]


Dated: 4/16/18



LICENSEE KEITH R. BARRETT JR., LPN

FOR THE MAINE STATE BOARD OF NURSING

Dated: 4/19/2018



KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: 4/23/18



KATIE JOHNSON
Assistant Attorney General