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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: CHARLOTTE M. BROWN)
of Augusta, ME)
License No. LPN12732)

CONSENT AGREEMENT
FOR
PROBATION

Complaint Nos. 2011-472 & 2012-54

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Charlotte M. Brown's license as a licensed practical nurse ("LPN") in the State of Maine. The parties to this Agreement are Charlotte M. Brown ("Ms. Brown"), the Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with Ms. Brown in an informal conference on October 24, 2012. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A)(B) and 10 M.R.S. §8003 (5)(B) in order to resolve the above referenced Complaints.

FACTS

1. Charlotte M. Brown was first licensed as an LPN in Maine on January 15, 2009. Ms. Brown's LPN license lapsed on December 14, 2012.
2. On September 27, 2011, Ms. Brown was terminated from employment as an LPN at Falmouth-By-The-Sea ("Falmouth") for omitting the administration of medications that affected residents facility-wide. In accordance with 24 M.R.S. §2506, Falmouth sent a Provider Report dated September 28, 2011 to the Board regarding Ms. Brown's termination of employment. On November 8, 2011, Board Complaint No. 2011-472 was initiated and sent to Ms. Brown's address on record in the Board's files, requesting that she respond to the Complaint within 30 days, or by December 12, 2011. Ms. Brown failed to respond by December 12, 2011 and the Board sent a Second Notice on January 4, 2012, giving Ms. Brown another opportunity to respond. Ms. Brown again failed to respond and on March 19, 2012, the Board initiated Complaint No. 2012-54, pursuant to 32 M.R.S. §2105-A, because of her failure to respond to Complaint No. 2011-472. Ms. Brown failed to respond to either of the Board complaints, whereupon the Board sent Ms. Brown a notice inviting her to an informal conference scheduled for October 24, 2012 to address both pending complaints.
3. Following Ms. Brown's work shifts at Falmouth on September 22, 25 and 26, 2011, the on-coming shifts determined that either Ms. Brown: 1) omitted giving numerous scheduled and non-scheduled medications to residents; 2) failed to document that medications were administered; or 3) verified that prescribed medications later found in the trash were either refused by residents or inappropriately wasted. Ms. Brown's substandard practice in documentation and medication administration during this time period caused facility-wide confusion and a lapse in resident care. In addition, it should be noted that in the past Ms. Brown had received two written warnings and a three-day suspension regarding medication errors.



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4. The Board also finds that Ms. Brown's lack of any response to the pending Board complaints unprofessional.
5. Ms. Brown wishes to resolve this matter by accepting this Agreement and thereby waives her rights to an adjudicatory hearing.

AGREEMENT

6. Ms. Brown acknowledges that the Board has evidence from which it could conclude there is a violation of Title 32 M.R.S. §§2105-A (2)(E)(1), (2)(F), (2)(H) and Chapter 4. §§1.A.5.a., 1.A.6. and 1.A.8. of the Rules and Regulations of the Maine State Board of Nursing ("Board Rules"). Ms. Brown acknowledges that her conduct in the above-stated facts constitutes grounds for discipline. Ms. Brown's LPN license is hereby placed on **PROBATION** for a term of three (3) years of nursing practice as defined by 32 M.R.S. §2102 (2). Specifically, the violations are:
 - a. 32 M.R.S. §2105-A (2)(E)(1). Ms. Brown engaged in conduct that evidences a lack of fitness to discharge the duty owed by the licensee to a client or patient or the general public. See also: Board Rule Chapter 4 §1.A.5.a.
 - b. 32 M.R.S. § 2105-A (2)(F). Ms. Brown engaged in unprofessional conduct that violates standards of professional behavior in the practice of medication administration that have been established in the practice for which she is licensed. See also: Board Rule Chapter 4 §1.A.6.
 - c. 32 M.R.S. § 2105-A(2)(H). Ms. Brown violated a Maine Revised Statute in Title 32, Chapter 31 and rules adopted by the Board. See also: Board Rule Chapter 4 §1.A.8.
 - d. Board Rule: Chapter 4 §3 defines "Unprofessional Conduct" as nursing behavior which fails to conform to legal standards and accepted standards of the nursing profession, and which could reflect adversely on the health and welfare of the public, which includes:

Chapter 4 §3(K). Ms. Brown inaccurately recorded resident or health care provider records by omitting medication administration documentation; and

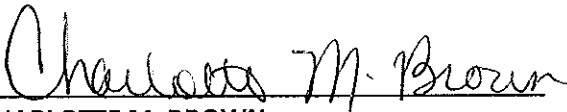
Chapter 4 §3(F). Ms. Brown failed to follow policies and procedures designed to safeguard residents at Falmouth in that she failed to follow appropriate standards of nursing practice for medical record documentation and medication administration.
7. Should Ms. Brown reinstate her license as an LPN, her license will be placed on probationary status with conditions. The period of probation will be for a period of three (3) years, effective only while she is employed in nursing practice. Her probationary license will be subject to the following conditions:
 - a. Ms. Brown shall fully comply with the conditions of the probation in this Agreement and shall inform the Board in writing within 15 days of any address change.

- b. Ms. Brown must provide documentation that she has successfully completed a course(s) in medication administration and documentation, said course(s) to be pre-approved by the Board's Executive Director.
 - c. Ms. Brown understands that her employment during the term of this Agreement is restricted to structured settings with on-site supervision by an RN. Structured settings shall not include assignments from temporary employment agencies, school nursing, work as a travel nurse or within the correctional system.
 - d. Ms. Brown must notify any and all of her nursing employers of the terms of this Agreement and provide them with a copy of it.
 - e. Ms. Brown will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her general nursing practice, in particular, medication administration and documentation.
 - f. Ms. Brown will notify the Board in writing within five (5) business days after she obtains any nursing employment and/or enrolls in a nursing education program. Notice under this section shall include the place and position of employment and/or the nursing educational program. If during the period of probation, Ms. Brown's employment as a nurse or her educational program terminates, she shall notify the Board in writing within five (5) business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
8. Ms. Brown agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the above-referenced probationary period until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Brown has complied with the provisions of this Agreement.
9. The State of Maine is a "Party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Board Rules. The State of Maine is Ms. Brown's "Home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other Party states in the Compact are referred to as "Remote states," which means Party states other than the Home state that have adopted the Compact. Ms. Brown understands and agrees that this Agreement is applicable to her multi-state licensure privilege, if any, to practice nursing in Compact states.
- IT IS FURTHER AGREED that while Ms. Brown's license is subject to this Agreement, she may not work outside the State of Maine pursuant to a multi-state privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state in which she wishes to work.
10. 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.

11. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
12. Ms. Brown understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
13. Ms. Brown affirms that she executes this Agreement of her own free will.
14. Modification of this Agreement must be in writing and signed by all parties.
15. This Agreement is not subject to review or appeal by the Licensee.
16. This Agreement becomes effective upon the date of the last necessary signature below.

I, CHARLOTTE M. BROWN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

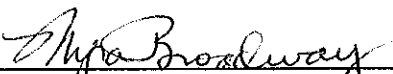
DATED: 4/19/13



CHARLOTTE M. BROWN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 4/22/13



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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 4/25/13



JOHN H. RICHARDS
Assistant Attorney General