



STATE OF MAINE
 BOARD OF NURSING
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 AUGUSTA, MAINE
 04333-0158

PAUL R. LEPAGE
 GOVERNOR

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

IN RE: CHARLENE J. KEMP, RN
 of Waterville, ME
 License No. RN49761

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CONSENT AGREEMENT
 FOR REPRIMAND &
 PROBATION

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Charlene J. Kemp's license as a Registered Professional Nurse ("RN") in the State of Maine. The Parties to this Agreement are Charlene J. Kemp ("Licensee" or "Ms. Kemp"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Parties met in an informal conference on August 15, 2012 and reached this Agreement on the basis of a Board Complaint dated June 1, 2011, with an attached Provider Report from Russell Park Rehabilitation & Living Center ("Russell Park") dated May 11, 2011. The Parties enter into this Agreement pursuant to 32 M.R.S. §52105-A-(1-A) (A), (B) and 10 M.R.S. §8003(5) (B).

FACTS

1. Charlene J. Kemp has been an RN licensed to practice in Maine since May 25, 2004.
2. Charlene J. Kemp was terminated from employment at Russell Park as an RN Charge Nurse on March 15, 2011 for failing to properly assess a resident's pain and instructing a Certified Residential Medication Aide ("CRMA") to falsify documentation pertaining to the time the pain medication was administered to a resident. Specifically, she instructed the CRMA to document the administration of pain medications to reflect the time the resident requested the medications rather than the time the medications were actually administered, which delayed attending to the resident's pain.
3. There was no documented patient harm.
4. Charlene J. Kemp admits her conduct was unprofessional and that she exercised poor judgment in the above-described incident reported by Russell Park.
5. Charlene J. Kemp has agreed to resolve this matter by entering into this Agreement and waives her rights to a hearing.

AGREEMENT

6. Charlene J. Kemp acknowledges that the Board has evidence from which it could conclude there is a violation of Title 32 M.R.S. §2105-A (2) (F), (2) (H) and Chapter 4.1.A.6., 4.1.A.8., 4.3.F and 4.3.K. of the Rules and Regulations of the Maine State Board of Nursing ("Board Rules"). Ms. Kemp acknowledges that her conduct in the above-stated facts constitutes grounds for discipline. Ms. Kemp is hereby formally **REPRIMANDED** for these violations and she acknowledges that this conduct in the above-stated facts constitutes grounds for discipline. Ms. Kemp's RN



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license is hereby placed on **PROBATION** for a term of two (2) years of nursing practice. Specifically, the violations are:

- a. 32 M.R.S. §2105-A (2) (F). Ms. Kemp engaged in unprofessional conduct by violating a standard of professional behavior that has been established in the practice of nursing. See also: Rule Chapter 4, Section 1.A.6.
- b. 32 M.R.S. §2105-A (2) (H). Ms. Kemp violated a Maine Revised Statute in Title 32, Chapter 31 and rules adopted by the Board. See also: Board Rule Chapter 4, Section 1.A.8
- c. Board Rule: Chapter 4, Section 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 ... and shall include, but not be limited to:*

Chapter 4, Section 3(F). Ms. Kemp failed to follow policies and procedures pertaining to patient assessment and medication administration designed to safeguard a resident at Russell Park in that she failed to follow appropriate standards of nursing practice for resident care and safety.

Chapter 4, Section 3(K). Ms. Kemp falsified a resident’s record and health care provider record by misrepresenting the accurate time that medications were administered.

7. Charlene J. Kemp’s period of probation will be for a period of two (2) years, effective only while she is employed in nursing practice (defined in Title 32, Section 2102(2)). The Maine State Board of Nursing is the state regulatory agency charged with protection of the health and welfare in the area of nursing service.

Title 32, Chapter 31 of the Maine Revised Statutes set out the scopes of practice and responsibilities for Registered Professional Nurses, Licensed Practical Nurses and Advanced Practice Registered Nurses, and formulates the Rules and Regulations which specify the implementation of the law. Certain formal training is required for nursing licensure in the State of Maine, which is approved by the Maine State Board of Nursing.

8. Charlene J. Kemp’s probationary license will be subject to the following conditions:
 - a. Ms. Kemp shall fully comply with the conditions of the probation in this Agreement. Ms. Kemp shall inform the Board in writing within 15 days of any address change.
 - b. Ms. Kemp will notify any and all of her nursing employers of the terms of this Agreement and provide them with a copy of it.
 - c. Ms. Kemp must successfully complete a course in medication administration with patient assessment components, to be pre-approved by the Board’s Executive Director, and provide documentary evidence to the Executive Director of its successful completion.

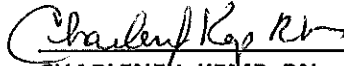
- d. Ms. Kemp will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her general nursing practice, in particular documentation. If during the period of probation, Ms. Kemp's employment as a nurse or her nursing education program terminates, she shall notify the Board of this change to ensure that she remains in compliance with her employment quarterly reports and nursing education requirements.
 - e. Charlene J. Kemp will notify the Board in writing within five (5) business days after she obtains any nursing employment. Notice under this section shall include the place and position of employment. If during the period of probation, Ms. Kemp's employment as a nurse 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 surrounding the termination or separation.
9. Charlene J. Kemp 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 probation, the Board will consider the extent to which Ms. Kemp has complied with the provisions of this Agreement.
 10. 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. Kemp'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. Kemp 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. Kemp'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.
 11. Charlene J. Kemp understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
 12. Modification of this Agreement must be in writing and signed by all Parties.
 13. This Agreement is not subject to review or appeal by Ms. Kemp.
 14. 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.

15. This Agreement is subject to the federal reporting requirements pursuant to Section 1128E of the Social Security Act and 45 CFR Part 61 and any other interstate/national reporting requirements.
16. This Agreement becomes effective upon the date of the last necessary signature below.

I, CHARLENE J. KEMP, RN, 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: 1-25-13



CHARLENE J. KEMP, RN

FOR THE MAINE STATE
BOARD OF NURSING

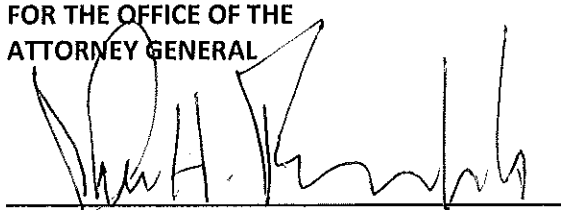
DATED: Feb 1, 2013



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 2/5/13



JOHN H. RICHARDS
Assistant Attorney General