



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: LUCY C. KENNEDY, L.P.N.)
 of Plymouth, Maine) **CONSENT AGREEMENT**
 License #P010584) **FOR WARNING**

INTRODUCTION

This document is a Consent Agreement regarding Lucy C. Kennedy's license to practice practical nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(1), § 8003(5)(B) and 32 M.R.S.A. § 2105A(1A)(A). The parties to this Consent Agreement are Lucy C. Kennedy ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. An informal conference was held on February 7, 2002. The parties reached this Agreement on the basis of information submitted by the State of Maine Department of Human Services, Division of Licensing and Certification in Complaint Investigative Report no. 01 BNF 590 initiated May 7, 2001.

FACTS

1. Lucy C. Kennedy has been a licensed practical nurse licensed by the Board to practice in Maine since 1991.
2. Lucy C. Kennedy was employed as a licensed practical nurse at Eastside Rehabilitation and Living Center ("Eastside"), Bangor, Maine during May 2001. During May 7-18, 2001 the State of Maine Department of Human Services, Division of Licensing and Certification ("DHS-DL&C") investigated a complaint at Eastside relative to the health care of a patient ("A.B."). At the conclusion of the investigation DHS-DC&L substantiated the complaint at Eastside and Ms. Kennedy was referred to the Maine State Board of Nursing.
3. Lucy C. Kennedy's nursing documentation was insufficient to insure continuity of care on the patient A.B.
4. Lucy C. Kennedy was not clear about the goals for patient A.B. in terms of rendering comfort care versus a full code.
5. Lucy C. Kennedy's supervision of unlicensed nursing staff was insufficient relative to delegated functions pertinent to the care of patient A.B.
6. Lucy C. Kennedy failed to sufficiently evaluate patient A.B.'s condition and as a result failed to adequately advocate for patient A.B.'s needs.



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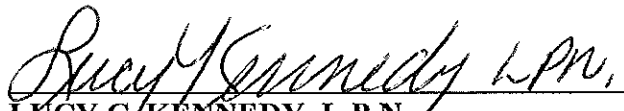
FAX: (207) 287-1149

AGREEMENT

- 7. Lucy C. Kennedy understands that the Board has determined her conduct constitutes grounds for discipline for unprofessional conduct under Title 32 M.R.S.A. § 2105-A(2)(F) and (2)(H) and Chapter 4 1.A.6., 4.3.E. and 4.3.F. Lucy C. Kennedy is hereby **WARNED** because, with respect to providing care to patient A.B., the Board has determined that she failed to sufficiently supervise persons to whom nursing functions have been delegated and she failed to take appropriate action or to follow policies or procedures in the practice situation designed to safeguard the patient.
- 8. Lucy C. Kennedy agrees to accept this **WARNING** and waives her right to a hearing conforming to the requirements of Title 5, Chapter 375, Subchapter IV. She does so to avoid the time burden and expense of further proceedings and to put this matter behind her. She reserves the right to contest the findings in this Consent Agreement in any civil proceeding that may be brought by any person not a party to this Consent Agreement.
- 9. Lucy C. Kennedy understands that this Consent Agreement imposes discipline regarding her license to practice practical nursing in the State of Maine. Ms. Kennedy understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into this Consent Agreement, and has consulted with the undersigned attorney Doyle.
- 10. Lucy C. Kennedy affirms that she executes this Consent Agreement of her own free will.
- 11. Modification of this Consent Agreement must be in writing and signed by all the parties.
- 12. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
- 13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, LUCY C. KENNEDY, L.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: 3/8/00



 LUCY C/KENNEDY, L.P.N./

Lucy C. Kennedy, L.P.N.

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Consent Agreement for Warning

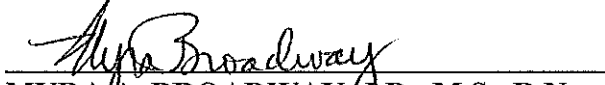
DATED: 3/11/2002



JOHN P. DOYLE, JR., ESQ.
Attorney for Lucy C. Kennedy, L.P.N.

FOR THE MAINE STATE
BOARD OF NURSING

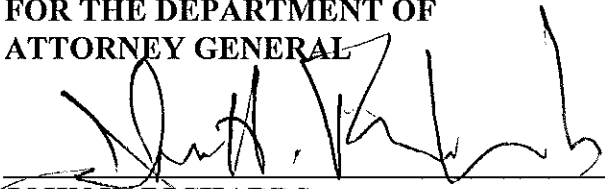
DATED: March 12, 2002



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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 3/14/02



JOHN H. RICHARDS
Assistant Attorney General