



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

PAUL R. LePAGE  
 GOVERNOR

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

IN RE: CAROL A. MOELLENTIN, R.N. )  
 of Brewer, Maine )  
 License Nos. R046442 & P008182 )

CONSENT AGREEMENT  
 FOR REPRIMAND AND  
 LICENSE PROBATION

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Carol A. Moellentín’s license as a registered professional nurse in the State of Maine. The parties to this Agreement are Carol A. Moellentín (“Licensee” or “Ms. Moellentín”), Maine State Board of Nursing (“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) (B) and 10 M.R.S. §§ 8003 (5) (A-1) (4) and (5) (B). The Board met with the Licensee in an informal conference on January 7, 2011 and reached this Agreement on the basis of a Board Complaint dated August 31, 2010, attached with a Provider Report from Penobscot Nursing Home (“Penobscot”) dated August 25, 2010.

**FACTS**

1. Carol A. Moellentín has been licensed to practice in Maine as a registered professional nurse since July 2001. She was previously licensed to practice in Maine as a licensed practical nurse from January 1984 to April 2006.
2. Carol A. Moellentín’s employment at Penobscot as a registered professional nurse was terminated on August 25, 2010 as a result of substandard nursing practice. These deficiencies are more specifically described in the investigative report from Penobscot, which is attached hereto, incorporated herein and marked as Exhibit A.
3. Carol A. Moellentín stated that she was taking prescribed medication that may have contributed to deficient nursing practices, further stating she has since weaned herself from the medication.
4. Carol A. Moellentín wishes to resolve this matter by accepting this Agreement and thereby waives her right to an adjudicatory hearing.

**AGREEMENT**

5. Carol A. Moellentín understands that her conduct in the above-stated facts constitutes grounds for discipline under Title 32 M.R.S. § 2105-A (2) (E) (1), (2) (F), (2) (H) and Chapter 4.1.A.5.a., 4.1.A.6., 4.1.A.8., 4.3.F and 4.3.G. of the Rules and Regulations of the Maine State Board of Nursing. Carol A. Moellentín is hereby formally **REPRIMANDED** for the following violations:
  - a. 32 M.R.S. § 2105-A (2) (E) (2). Ms. Moellentín engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by a licensee to a client or patient or the general public. (See also Rule Chapter 4, Section 1.A.5.a.)
  - b. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Moellentín engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
  - c. 32 M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)



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- d. Rule Chapter 4, Section 3. Unprofessional Conduct: *Nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*
- 3(B). Ms. Moellentin failed to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.
- 3(G). Ms. Moellentin neglected a patient requiring nursing care.
6. Carol A. Moellentin's license as a registered professional nurse in the State of Maine is placed on probationary status with conditions pending the Board's receipt of: 1) a written job performance evaluation from her current nursing employer; and 2) a written professional medical evaluation regarding her mental and physical health within 90 days from the effective date of this Agreement. Subsequent to the Board's review of these documents, it will determine if any additional period of probation is warranted.
- a. Carol A. Moellentin shall fully comply with the conditions of the probation in this Agreement. She shall inform the Board in writing within 15 days of any address change.
- b. Carol A. Moellentin will notify any and all of her nursing employers of the terms of this Agreement and provide them with a copy of it.
- c. Carol A. Moellentin will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her general nursing practice.
- d. Carol A. Moellentin will notify the Board in writing within five business days of any change in her nursing employment and/or educational 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. Moellentin's employment as a nurse or her educational program terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
7. Carol A. Moellentin agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement. However, if she fails to fulfill the terms and conditions in accordance with this Agreement, she will be scheduled to appear before the Board to determine what action, if any, it will take to address noncompliance with this Agreement.
8. 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 Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Moellentin's "Home state" of licensure and primary state of residence, which means 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. Moellentin 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. Moellentin's license is subject to this Agreement, she may not work outside the State of Maine pursuant to a multi-state licensure privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state in which the Licensee wishes to work.
9. 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.
10. Carol A. Moellentin understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.

11. Carol A. Moellentín affirms that she executes this Agreement of her own free will.
12. Modification of this Agreement must be in writing and signed by all the parties.
13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. This Agreement becomes effective upon the date of the last necessary signature below.

**I, CAROL A. MOELLENTIN, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE 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: 2-9-11

Carol A. Moellentín R.N.  
CAROL A. MOELLENTIN, R.N.

FOR THE MAINE STATE  
BOARD OF NURSING

DATED: Feb 11, 2011

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 2/16/11

John H. Richards  
JOHN H. RICHARDS  
Assistant Attorney General



*Carol Moellentini/RN*  
*Investigation*  
*Termination From Employment*  
*Effective: 8/25/10*

Carol Moellentini/RN has been investigated for: not following Nursing Standards of Practice and conduct not in accordance with Penobscot Nursing Home Policy and Procedure which includes-

- 1) Failure to give a scheduled nebulizer treatment at 2400 and 0600 on 8/25/10.
- 2) Second noted the MAR, and failed to carry out the nebulizer treatment.
- 3) Reminded by the evening nurse to give the nebulizer treatment at 2400 and 0600 on 8/25/10 and failed to give it.
- 4) Told the Clinical Care Coordinator that the resident didn't need the scheduled nebulizer treatment, when in fact the resident de-sated to 77% on 1.5 LPM on oxygen.
- 5) Failed to do any assessments for the new skilled admit for the entire shift.
- 6) Another resident eloped at 0015 on 8/25/10 and no incident report was generated and faxed to licensing, nor any updating of the care plan. Policy and procedure was not followed-the Director of Nursing or the Administrator was not called.

**Allegations #1**

Investigation reveals that there is no documentation in the residents chart or MAR that the schedule nebulizer treatment was not given at 2400 and 0600 on 8/25/10. Carol admitted to the DON-Joseph Cail/RN and Clinical Care Coordinator-Roweena Desfosses/RN on 8/25/10 that she didn't give the scheduled nebulizer because she felt the resident didn't need it. There is no documentation in the resident's records as to justification of holding a scheduled nebulizer treatment, nor is there any documentation to the primary physician as to why this treatment is being withheld twice.

**Allegation #2**

Investigation reveals that the nurse noted an order, and had knowledge of having to give a nebulizer treatment at 2400 and 0600 on 8/25/10 and there is no documentation the treatment was given.

**Allegation #3**

Investigation statements made by the evening charge nurse indicate she did let the oncoming nurse Carol know that she had to give nebulizer treatments at 2400 and 0600 on 8/25/10.

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Allegation #4

Penobscot Nursing Home Medication Error Report filed by Clinical Care Coordinator-Roweena Desfosses documented that Carol said via telephone conversation at 0730 on 8/25/10 that the resident didn't need a scheduled nebulizer treatment and the documentation shows that this was counted as two medication errors. The med error report and nursing notes done by the oncoming license nurse Di Johnson/LPN indicate at 0640 on 8/25/10 the resident oxygen saturations dropped to 77% on 1.5 LPM of oxygen. The resident's cognition was well below base line experiencing confusion, lack of coordination and cold/numb fingers. O2 was turned up to 2LPM and a nebulizer treatment given immediately, and at 0745 the resident became mentally clear and O2 saturations improved to 93%. Physician made aware of above incident.

Allegation #5

Policy and procedure indicates when a new admit arrives on the floor, pertinent assessments/evaluations of the resident need to be done in a timely manor. The evidence shows that no assessments/evaluations were done by Carol, and one CNA said that she was reading a book at the nurses station a good part of the night.

Allegation # 6

Penobscot Nursing home policy was not followed when there was an elopement of a resident at 0015 on 8/25/10. Policies mention that an incident report needs to be generated, faxed to licensing and informs either the DON or Administrator. The evidence indicates that none of the above was adhered to. The DON generated and faxed licensing the elopement incident report on 8/25/10.

Employee Carol Moellentini/RN has been terminated from Penobscot Nursing Home effective 8/25/10, and has been reported to the Board of Nursing/State of Maine.

*Allegation of neglect was substantiated.*

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Sign/Date Joseph Cailleydon 8/26/10

Sign/Date [Signature] Administrator 8/26/10

Sign/Date \_\_\_\_\_