



Paul R. LePage  
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: CAROL A. MOELLENTIN, RN )  
of Brewer, Maine )  
License No. RN46442 )

CONSENT AGREEMENT  
FOR  
LICENSE PROBATION

Board Complaint No. 2010-396

**INTRODUCTION**

This document is a Consent Agreement ("Agreement") regarding Carol A. Moellentín's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Carol A. Moellentín ("Licensee" or "Ms. Moellentín"), 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 (1-A) (B) and 10 M.R.S. §§8003 (5) (A-1) (4) and (5) (B).

**FACTS**

1. Carol A. Moellentín has been licensed to practice in Maine as an RN since July 31, 2001. She was previously licensed as a licensed practical nurse from January 16, 1984 to April 21, 2006.
2. Carol A. Moellentín's employment as an RN at Penobscot Nursing Home ("Penobscot") was terminated on August 25, 2010 as a result of substandard nursing practice. The Board met with Ms. Moellentín in an informal conference on January 7, 2011 and reached an Agreement which imposed a sanction for Reprimand and Probation for an undetermined period of time until Ms. Moellentín provided the Board with: 1) a written job performance evaluation from her current nursing employer; and 2) a written professional medical evaluation regarding her mental and physical health. Subsequent to the Board's review of the above-referenced information found in Paragraph No. 6 of the February 16, 2011 Agreement, the Board stated it would determine if any additional period of probation was warranted. The 2011 Agreement is attached hereto and marked as Exhibit A.
3. The Board met with the Licensee on June 7, 2012 for the purpose of reviewing medical evaluations regarding her present mental and physical health. Ms. Moellentín has not been working as a nurse since March 2011, so no job performance evaluations were available. The Board deferred making a decision until it received treatment provider reports specifically addressing Ms. Moellentín's fitness and ability to return to nursing practice. These reports were received in August 2012.
4. On October 24, 2012, the Board met with Ms. Moellentín in the continued informal conference and voted to offer her a Consent Agreement for a period of probation.
5. Carol A. Moellentín wishes to resolve this matter by accepting this Agreement and thereby waives her rights to an adjudicatory hearing.

**AGREEMENT**

6. Carol A. Moellentín understands that the 2011 Agreement imposed a Reprimand and placed her RN license on probation for an undetermined period of time until the Board received and reviewed the aforescribed information in Paragraph No. 6 of the 2011 Agreement and reiterated in Paragraph No. 3 of this Agreement. The grounds for discipline are for the following violations:



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- a. Pursuant to M.R.S. §2105-A (2) (E) (1) by engaging 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: Board Rules Ch. 4, §1.A.5.a.
  - b. Pursuant to M.R.S. §2105-A (2) (F) by engaging in unprofessional conduct that violates standards of professional behavior that have been established in the practice for which she is licensed. See also: Board Rules Ch. 4, §1.A.6.
  - c. Pursuant to 32 M.R.S. §2105-A (2) (H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(F) by failing to take appropriate action or to follow policies and procedures in a practice situation designed to safeguard patients.
  - d. Pursuant to 32 M.R.S. §2105-A (2) (H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(G) by neglecting a patient requiring nursing care.
7. Carol A. Moellentin understands and agrees that the Board's action to place her RN license on probationary status is for the purpose of monitoring her nursing practice. The period of probation will be for a period of three (3) years with conditions, effective only while she is employed in nursing practice and/or enrolled in a nursing educational program. Her probationary license will be subject to the following conditions:
- a. Ms. 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. Ms. Moellentin must notify any and all of her nursing employers and/or clinical faculty of the terms of this Agreement and provide them with a copy of it.
  - c. Ms. Moellentin must notify the Board in writing within five (5) business days after she obtains any nursing employment and/or enrolls in a clinical nursing educational program. Notice under this section shall include the place and position of employment and/or the nursing educational program.
  - d. Ms. Moellentin will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her general nursing practice, including medication administration and documentation. 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 (5) business days, regardless of cause, with a full explanation of the circumstances surrounding the termination or separation.
  - e. Ms. Moellentin's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse or within the correctional system.
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 Board Rules. The State of Maine is Ms. Moellentin'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 principal 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. Moellentín'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.

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

I, CAROL A. MOELLENTIN, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL 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: 10-23-2013

Carol A. Moellentín RN  
CAROL A. MOELLENTIN, RN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 7/4/13

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

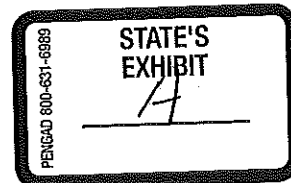
FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 7/10/2013

Andrew Black  
ANDREW BLACK for John H. Richards  
Assistant Attorney Generals



STATE OF MAINE  
 BOARD OF NURSING  
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 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. Moellentint's license as a registered professional nurse in the State of Maine. The parties to this Agreement are Carol A. Moellentint ("Licensee" or "Ms. Moellentint"), 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. Moellentint 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. Moellentint'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. Moellentint 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. Moellentint wishes to resolve this matter by accepting this Agreement and thereby waives her right to an adjudicatory hearing.

AGREEMENT

5. Carol A. Moellentint 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. Moellentint is hereby formally **REPRIMANDED** for the following violations:
  - a. 32 M.R.S. § 2105-A (2) (E) (2). Ms. Moellentint 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. Moellentint 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