



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

ANGUS S. KING, JR.
 GOVERNOR

JEAN C. CARON, M.S., R.N.
 EXECUTIVE DIRECTOR

In re:)
James P. Mulrooney, L.P.N.)
 of Topsham, Maine) **CONSENT AGREEMENT**
 License #P009356) **AND WARNING**

INTRODUCTION

This document is a Consent Agreement and Warning regarding James P. Mulrooney's license to practice practical nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. Section 2105-A(1-A)(B) and 10 M.R.S.A. Section 8003(5)(B). The parties to this Consent Agreement are: James P. Mulrooney, L.P.N., the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

Mr. Mulrooney was advised by the Board that it had received a letter dated November 15, 1995 from Cathy Gustafson, R.N., Director of Nursing at Amenity Manor, containing information of a possible violation of 32 M.R.S.A. Section 2105-A(2)(E), (2)(F) and (2)(H). Counsel for Mr. Mulrooney responded by letters dated December 19, 1995 and January 12, 1996. The Board subsequently requested that Mr. Mulrooney attend an informal conference pursuant to 32 M.R.S.A. Section 2105-A(1-A). The informal conference was held on June 5, 1996. Mr. Mulrooney was present and was represented by Michael A. Feldman, Esq.

FACTS

1. Mr. Mulrooney was terminated from his employment at Amenity Manor as a result of the allegations of unsafe nursing practice contained in the complaint from the Director of Nursing of that facility.
2. Mr. Mulrooney admits to one instance of asking a certified nursing assistant to administer medications, but denies using the wrong resident names while passing medications to residents and leaving medications at the bedsides of residents.
3. Mr. Mulrooney has been a licensed practical nurse since 1975.
4. Mr. Mulrooney was employed at this facility for a period of three months and was not, at the time of the informal conference, employed in nursing.
5. There was no documented patient harm as a result of the actions of the licensee in this matter.

COVENANTS

Based on the above facts, the Board voted to enter into an agreement with Mr. Mulrooney under which he will be, and he hereby is, **WARNED** for his actions in this matter. Permitting an unqualified certified nursing assistant to administer medications is an unsafe medication administration practice. Mr. Mulrooney is advised to conform his future conduct accordingly. The Board agrees to take no further disciplinary action upon these facts..

Mr. Mulrooney understands that this document is a Consent Agreement which affects his rights to practice nursing in Maine. This Consent Agreement may be amended only in writing, signed by all parties. Mr. Mulrooney understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering this Consent Agreement. Mr. Mulrooney affirms that he executes this Consent Agreement of his own free will.

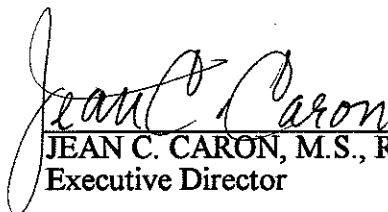
DATED: 10/31/96



JAMES P. MULROONEY, L.P.N.

**FOR THE MAINE STATE BOARD OF
NURSING:**


DATED: 11/1/96



JEAN C. CARON, M.S., R.N.
Executive Director

**FOR THE DEPARTMENT OF
ATTORNEY GENERAL:**

DATED: 11/5/96



TIMOTHY W. COLLIER
Assistant Attorney General
Counsel to the Board