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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: DENISE L. MURRAY, LPN
of Sanford, ME
License No. LPN11672

Case No. 2012-93

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CONSENT AGREEMENT
FOR
WARNING

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Denise L. Murray's license as a Licensed Practical Nurse ("LPN") in the State of Maine. The Parties to this Agreement are Denise L. Murray ("Licensee" or "Ms. Murray"), the 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 1) a Board Complaint dated April 26, 2012 with an attached Provider Report from Kennebunk Nursing and Rehabilitation Center ("KNRC") received March 9, 2012; 2) Investigative Summary Report for Complaint #12411 from the Maine Department of Health and Human Services, Licensing and Regulatory Services ("DHHS") dated May 3, 2012; and 3) Ms. Murray's response dated May 13, 2012. The Parties enter into this Agreement pursuant to 32 M.R.S. §205-A (1-A)(A) and 10 M.R.S. §8003 (5)(B).

FACTS

1. Denise L. Murray has been an LPN licensed to practice in Maine since February 1, 1999.
2. Denise L. Murray was terminated from KNRC on March 9, 2012 for suspected drug diversion.
3. The DHHS investigation substantiated KNRC's allegation of misappropriation of property, i.e., missing narcotics. The records, however, could not prove it was the result of one person and medication errors continued after Ms. Murray's termination.
4. Ms. Murray admits to illegible and substandard documentation, particularly concerning narcotic administration.
5. Denise L. Murray has agreed to resolve this matter by entering into this Agreement and waives her rights to a hearing.

AGREEMENT

6. Denise L. Murray 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) and (2)(H) and Chapter 4.1.A.6., 4.1.A.8., and 4.3.F of the Rules and Regulations of the Maine State Board of Nursing ("Board Rules"). Denise L. Murray acknowledges that her conduct in the above-stated facts constitutes grounds for discipline. Ms. Murray is hereby formally **WARNED** for these violations. Specifically, the violations are:
 - a. 32 M.R.S. §2105-A (2)(F). Ms. Murray engaged in unprofessional conduct by violating a standard of professional behavior that has been established in the practice of nursing. See also: Board Rule Chapter 4. §1.A.6.
 - b. 32 M.R.S. §2105-A (2)(H). Ms. Murray violated a Maine Revised Statute in Title 32, Chapter 31 and rule adopted by the Board. See also: Board Rule Chapter 4. §1.A.8.



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- c. Board Rule: Chapter 4, Section 3 defines "Unprofessional Conduct" as *nursing behavior which fails to conform to legal standards of the nursing profession, which could reflect adversely on the health and welfare of the public, which includes:*

Chapter 4, §3(F). Ms. Murray failed to follow policies and procedures designed to safeguard residents at KNRC in that she failed to follow appropriate standards of nursing practice for medication administration and documentation.

7. 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. Murray'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. Murray understands this Agreement is subject to the Compact.
8. Denise L. Murray understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
9. Modification of this Agreement must be in writing and signed by all parties.
10. This Agreement is not subject to review or appeal by Ms. Murray.
11. 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.
12. 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.
13. This Agreement becomes effective upon the date of the last necessary signature below.

I, DENISE L. MURRAY, LPN, 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: 1/20/13


Denise Lynn Murray LPN
DENISE L. MURRAY, LPN

DATED: 1/28/13

Guy D. Loranger
GUY D. LORANGER, ESQ.
Attorney for Denise L. Murray, LPN

FOR THE MAINE STATE BOARD OF NURSING

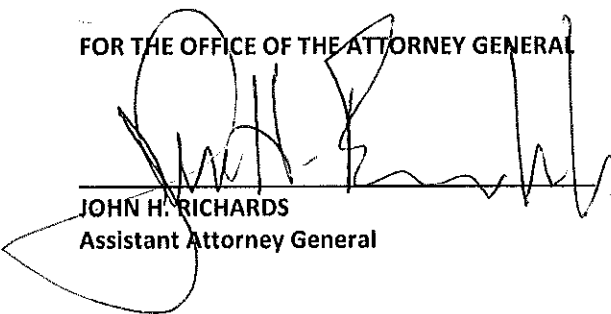
DATED: Jan 30, 2013



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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 1/31/13



JOHN H. RICHARDS
Assistant Attorney General