



STATE OF MAINE  
 BOARD OF NURSING  
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 04333-0158

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 EXECUTIVE DIRECTOR

**IN RE: CATHERINE C. TARPY, R.N., G.N.P. )**  
 of Yarmouth, Maine ) **CONSENT AGREEMENT**  
 License #R026389 ) **FOR REPRIMAND**

**INTRODUCTION**

This document is a Consent Agreement regarding Catherine C. Tarp’y’s license to practice registered professional nursing and her approval to practice geriatric nursing as an advanced practice registered nurse (nurse practitioner) 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. § 2105-A(1-A)(A). The parties to this Consent Agreement are Catherine C. Tarp’y (“Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on May 25, 2004. The parties reached this Agreement on the basis of information submitted by the State of Maine, Bureau of Medical Services, Division of Licensing & Certification’s investigation of Freeport Nursing and Rehabilitation Center – Complaint No. 02-CU-741 dated August 16, 2002.

**FACTS**

1. Catherine C. Tarp’y has been a registered professional nurse for 28 years. In addition, Ms. Tarp’y has been a Board approved advanced practice registered nurse (nurse practitioner) in geriatric nursing since 1996. This is the first complaint filed with the Board against Ms. Tarp’y.
2. Catherine C. Tarp’y has been practicing with Southern Maine Geriatrics for eight years as a Geriatric Nurse Practitioner and in that capacity provided care for residents at several nursing homes including Freeport Nursing and Rehabilitation Center (“Freeport Nursing”).
3. A resident was admitted to Freeport Nursing on July 3, 2002 from another facility. On July 3, 2002 it was documented that the resident had a decubitus ulcer on the coccyx/sacrum area. Between July 3 and July 10, 2002, nursing documentation staged the decubitus ulcer as a stage II or III and described the wound’s condition as “2 inch necrotic area/coccyx,” “blackened and painful to touch” and exhibiting “green drainage.” Ms. Tarp’y saw this resident for the first time on July 11, 2002, and was aware at that date for the first time that the resident did not have any physician’s orders for treatment and had not been seen by a physician or other geriatric nurse practitioner since her admission on July 3, 2002; Southern Maine Geriatrics was not notified of the resident’s arrival until



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July 5, 2002. The condition of the decubitus ulcer continued to progress to a more serious stage and the resident was discharged from Freeport Nursing on July 14, 2002, with a stage IV decubitus ulcer that later required multiple surgeries to correct.

4. Catherine C. Tarpay did not physically assess the decubitus ulcer on the resident's coccyx because the resident refused to transfer out of her wheel chair. Ms. Tarpay reviewed the resident's medical record and the nursing documentation regarding the resident's coccyx/sacrum decubitus ulcer; however, reliance on the nursing assessments alone were inadequate to effectively intervene and render competent judgment as a geriatric nurse practitioner, to diagnose the resident's medical condition, and to prescribe the required treatment for the decubitus ulcer.

#### AGREEMENT

5. Catherine C. Tarpay agrees and understands that her conduct in the above stated facts constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A(2)(F), (2)(H) and Chapter 4.1.A.6. and 4.3.F. of the Rules and Regulations of the Maine State Board of Nursing. Catherine C. Tarpay is hereby **REPRIMANDED** for unprofessional conduct and for violating a standard of practice for failing to adequately diagnose a resident's medical condition, and to prescribe the required treatment.
6. The Board, the Office of the Attorney General, and Ms. Tarpay enter this agreement without trial or adjudication of any issue of fact or law herein and without this Consent Agreement constituting any evidence against or admission by any party with respect to any issue. In particular, the parties agree that this Agreement will not be admissible in any civil proceeding for any purpose, including without limitation, on the issue of the Licensee's liability to any patient while employed at the Freeport Nursing and is not to be construed or offered as any admission or evidence of negligence by the Ms. Tarpay in any such proceeding.
7. Catherine C. Tarpay understands that this Consent Agreement imposes discipline regarding her license to practice registered professional nursing and her approval to practice geriatric nursing as an advanced practice registered nurse (practitioner) in the State of Maine. Ms. Tarpay 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.
8. Catherine C. Tarpay affirms that she executes this Consent Agreement of her own free will.
9. Modification of this Consent Agreement must be in writing and signed by all the parties.
10. This Consent Agreement is not subject to review or appeal by the Licensee.

11. This Consent Agreement becomes effective upon the date of the last necessary signature below.

**I, CATHERINE C. TARPY, R.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: 10/06/04

Catherine C. Tarpy  
CATHERINE C. TARPY, R.N., G.N.P.

DATED: 10/1/04

Emily A. Bloch  
EMILY A. BLOCH, ESQ.  
Attorney for Catherine C. Tarpy, R.N., G.N.P.

**FOR THE MAINE STATE  
BOARD OF NURSING**

DATED: Oct 19, 2004

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

**FOR THE OFFICE OF THE  
ATTORNEY GENERAL**

DATED: 10/15/04

John H. Richards  
JOHN H. RICHARDS  
Assistant Attorney General