



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: KATHLEEN A. WHITMORE
 of Chelsea, ME
 License No. RN47710

) **CONSENT AGREEMENT**
) **FOR VOLUNTARY**
) **SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Kathleen A. Whitmore’s license as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Kathleen A. Whitmore (“Licensee” or “Ms. Whitmore”), 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) (C), 10 M.R.S. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S. § 8003 (5) (D). The parties reached this Agreement on the basis of a Board Complaint dated November 6, 2009 with 1) an attached Provider Report from Mount St. Joseph (“Mt. St. Joseph”) dated October 26, 2009; and 2) supplemental information from Mt. St. Joseph dated November 4, 2009 (“Board Complaint”). The Board Complaint is attached hereto, incorporated herein and marked as Exhibit A.

FACTS

1. Licensing History. Kathleen A. Whitmore has been licensed to practice as a RN in Maine since August 6, 2002. On June 19, 2009, Ms. Whitmore entered into a Consent Agreement (“June09 CA”) with the Board placing her license on probation for a term of three (3) years, based on a prior board complaint. Exhibit B.
2. On October 26, 2009, Ms. Whitmore’s employment as a RN at Mt. St. Joseph was terminated for failing to meet the facility’s performance expectations. Pursuant to the Maine Health Security Act, 24 M.R.S. § 2506, the Board was notified that Ms. Whitmore’s employment was terminated. The Board Complaint initiated against Ms. Whitmore following Mt. St. Joseph’s termination notification alleged violations involving nursing practice incompetence and unprofessional conduct. The Board’s investigation found that Ms. Whitmore’s nursing practice at Mt. St. Joseph was substandard because of several medication errors, one resulting in a resident being hospitalized, and medical transcription errors which compromised patient safety. Exhibit A.
3. On November 6, 2009, the Board Complaint was sent to Ms. Whitmore for her response. On December 17, 2009, the Board sent her a second request to respond to the Board Complaint.
4. On January 21, 2010, the Board initiated a separate complaint against Ms. Whitmore for her failure to respond to the Board Complaint. On April 5, 2010, the Board sent notification to Ms. Whitmore that due to her continued failure to respond, she would be scheduled for an informal conference. Because of Ms. Whitmore’s failure to notify the Board of her change in address (as required by Chapter 3, Section 1.A. of the Rules and Regulations of the Maine State Board of Nursing), Board efforts to schedule the informal conference were unsuccessful until December 16, 2011 when its investigator was able to locate her.
5. Ms. Whitmore states that she has been and continues to be under treatment for medical conditions and as a result, is not comfortable with her abilities to safely practice nursing. Ms. Whitmore has removed herself from the practice of nursing because of her medical conditions and treatment. The Board is also concerned with Ms. Whitmore’s continued nursing practice until such time that it can determine that she can meet the qualifications, functions or duties of a registered professional nurse and conform to legal standards and accepted standards of the nursing profession.
6. Kathleen A. Whitmore waives her right to a hearing and wishes to resolve this matter by surrendering her RN license.



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AGREEMENT

7. The Maine State Board of Nursing will accept Kathleen A. Whitmore's offer to voluntarily surrender her registered professional nursing license. Ms. Whitmore understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not they would support the Board's findings in this Agreement. Further, she understands and agrees that this document imposes discipline regarding her nursing practice in the State of Maine. Based upon the above-stated facts, the grounds for discipline are found under Title 32 M.R.S. § 2105-A (2) (E), (2) (F), (2) (H) and Chapter 4.1.A.5., 4.1.A.6., 4.1.A.8., 4.3.F. and 4.3.K. of the Rules and Regulations of the Maine State Board of Nursing ("Board Rule"). Specifically, the violations are:
 - a. 32 M.R.S. § 2105-A (2) (E). Incompetence in the practice for which the licensee is licensed. A licensee is considered incompetent in the practice if the licensee has:
 - (1) Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public; or
 - (2) Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed. (See also Board Rules Chapter 4, Sections 1.A.5.a. and 1.A.5.b.)
 - b. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Whitmore has engaged in unprofessional conduct which violates a standard of professional behavior that has been established in the practice for which she is licensed. (See also Board 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 Board Rule Chapter 4, Section 1.A.8.)
 - d. 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, Section 3(F). Ms. Whitmore failed to follow policies and procedures designed to safeguard a patient at Mt. St. Joseph in that she failed to follow appropriate standards of nursing practice for medication administration and documentation.

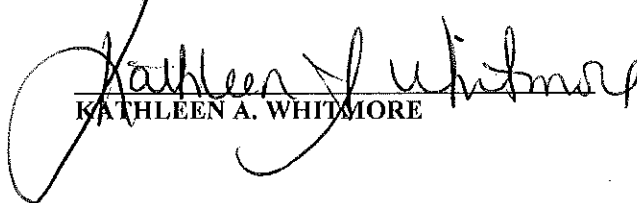
Chapter 4, Section 3(K). Ms. Whitmore inaccurately recorded a patient or health care provider record.
8. Kathleen A. Whitmore understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Whitmore understands and agrees that if the Board reinstates her license, it may be for a probationary period.
9. Kathleen A. Whitmore agrees and understands that the Board and the Office of the Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her medical condition and any recommended treatment which the Board deems necessary to evaluate her ability to engage in the practice of nursing. Ms. Whitmore shall provide such information, authorize the release of such records and information, and authorize any such discussions and communications with any and all persons involved in her medical condition and treatment as may be requested by the Board.
10. 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. Whitmore'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. Whitmore understands this Agreement is subject to the Compact.

11. Kathleen A. Whitmore 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. Kathleen A. Whitmore shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation "RN" while her nursing license is surrendered.
13. 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.
14. Modification of this Agreement must be in writing and signed by all parties.
15. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
16. Kathleen A. Whitmore affirms that she executes this Agreement of her own free will.
17. This Agreement becomes effective upon the date of the last necessary signature below.

I, KATHLEEN A. WHITMORE, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. 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: 2-10-12


KATHLEEN A. WHITMORE

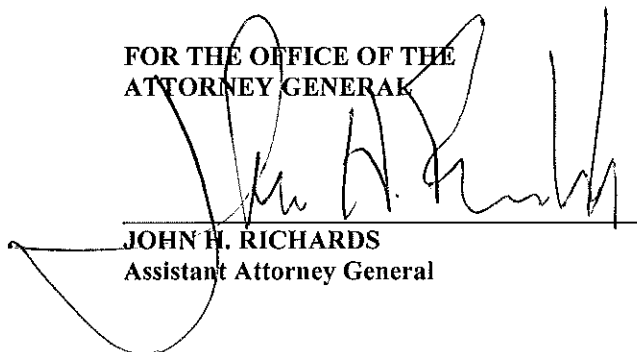
FOR THE MAINE STATE
BOARD OF NURSING

DATED: 2/18/12


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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 2/23/12


JOHN H. RICHARDS
Assistant Attorney General