



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

JOHN ELIAS BALDACCI
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: KATHLEEN A. WHITMORE, R.N.)
 of Vassalboro, Maine)
 License #R047710)

**CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Kathleen A. Whitmore’s license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003(5) (B). 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. An informal conference was held on April 9, 2009. The parties reached this Agreement on the basis of a Notice of Complaint/Provider Report from the Board dated October 25, 2007, which included information from Inland Hospital (“Inland”), Waterville, dated September 19, 2007; and Ms. Whitmore’s response dated November 15, 2007.

FACTS

1. Kathleen A. Whitmore has been a registered professional nurse licensed to practice in Maine since August 2002.
2. Kathleen A. Whitmore was hired at Inland April 27, 2003 and was terminated on September 7, 2007 for violations of policies and procedures regarding medication administration; specifically, multiple violations of uncharted narcotics that were removed from Pyxis and leaving narcotics unsecured on the hospital unit.
3. Kathleen A. Whitmore states that she has been ill for several years with a diagnosis of mixed connective tissue disorder, which has impeded her ability to provide safe patient care. She is currently receiving medical treatment for this disorder and is employed at a facility that is slower-paced and more conducive to her physical condition.
4. Kathleen A. Whitmore wishes to resolve this matter by accepting this Agreement and thereby waives her rights to an adjudicatory hearing.

AGREEMENT WITH CONDITIONS OF PROBATION

5. Kathleen A. Whitmore agrees and understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice registered professional nursing. The grounds for discipline are under 32 M.R.S.A. § 2105-A (2) (F), (2) (H) and Chapter, 4(1) (A) (6), 4(1) (A) (8) and Chapter 4(3) (F) and



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4(3) (K) of the Rules and Regulations of the Maine State Board of Nursing.
Specifically, the violations are:

- a. M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Ms. Whitmore 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.)
 - b. M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6.)
 - c. Rule Chapter 4, Section 3. *Unprofessional conduct* is defined as *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:*
 - F. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.
 - K. Inaccurate recording, falsifying or altering a patient or health care provider record.
6. Kathleen A. Whitmore's license as a registered professional nurse in the State of Maine is placed on probationary status with conditions. The period of probation will be for a period of three years, effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Whitmore performs nursing services. Her probationary license will be subject to the following conditions:
- a. Kathleen A. Whitmore shall fully comply with the conditions of the probation in this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of the Licensee's compliance with probation. She shall inform the Board in writing within 15 days of any address change.
 - b. Kathleen A. Whitmore will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) regarding the treatment of her mixed connective tissue disorder until her probation is terminated. If Ms. Whitmore's treatment is terminated during her probation, she shall notify the Board and provide written documentation. The first treatment provider report is due mid June, 2009.
 - c. Kathleen A. Whitmore will notify the Board in writing within five business days after she obtains any new nursing employment and/or an educational

program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, Ms. Whitmore's employment as a nurse or her educational program in the field of nursing 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 surrounding the termination or separation.

d. Kathleen A. Whitmore will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.

e. Kathleen A. Whitmore will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice, which is to include clinical competency, ability to follow policies and procedures relative to standards of practice, and clinical documentation.

f. 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 treatment which the Board deems necessary to evaluate her compliance with the Agreement and continued physical health. Ms. Whitmore shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board.

g. Kathleen A. Whitmore agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the three-year probationary period until and unless the Board, at Ms. Whitmore's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Whitmore has complied with the provisions of this Agreement.

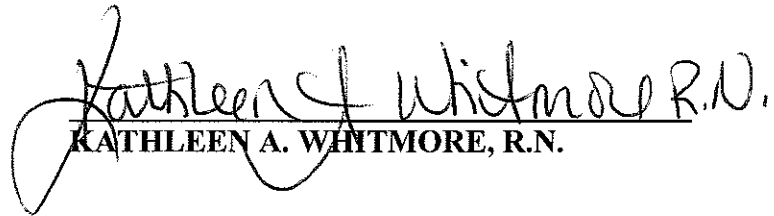
7. If Ms. Whitmore violates the conditions of her probation, the Board will give written notice to the Licensee regarding her failure to comply. Notice will be sent by certified mail, return receipt requested, to the last known address of the Licensee that is on file with the Board. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's timely response to determine what action, if any, the Board determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, the Board may take any disciplinary action

which it deems appropriate and impose any of the sanctions including, but not limited to, that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.

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. 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. She agrees that during the pendency of this Agreement, her nursing practice may be limited to the State of Maine as it pertains to the Compact. If Ms. Whitmore wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.
9. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
10. Kathleen A. Whitmore understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
11. Kathleen A. Whitmore affirms that she executes this Consent Agreement of her own free will.
12. Modification of this Consent Agreement must in writing and signed by all parties.
13. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. This Consent Agreement becomes effective upon the date of the last necessary signature below.

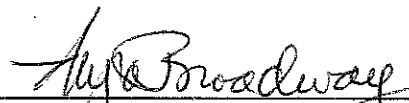
I, KATHLEEN A. WHITMORE, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 6-18-09


KATHLEEN A. WHITMORE, R.N.

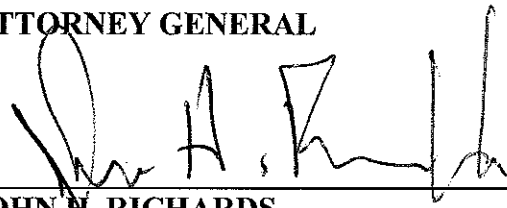
**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: June 18, 2009


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

**FOR THE DEPARTMENT OF
ATTORNEY GENERAL**

DATED: 6/18/09


JOHN H. RICHARDS
Assistant Attorney General