



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. CULLEN)
 of West Warwick, RI)
 License #P012348)

CONSENT AGREEMENT
 FOR
 REPRIMAND

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Kathleen A. Cullen’s license to practice licensed practical nursing in the State of Maine. The parties to this Agreement are Kathleen A. Cullen (“Licensee” or “Ms. Cullen”), 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.A. § 2105-A (1-A) (A), 10 M.R.S.A. § 8003(5) (B). The Board met with Ms. Cullen in an Informal Conference on July 7, 2010 via telephone conference call. The parties reached this Agreement on the basis of 1) a Board Notice of Complaint/Provider Report dated January 18, 2008, which includes information from Marshall Healthcare & Rehabilitation Center (“Marshall Healthcare”) dated January 2, 2008; and 2) Ms. Cullen’s response received February 18, 2010.

FACTS

1. Kathleen A. Cullen has been a licensed practical nurse licensed to practice in Maine since June 2005; her license lapsed on September 13, 2008.
2. Kathleen A. Cullen began employment with Marshall Healthcare as a licensed practical nurse on October 3, 2007 and was terminated on November 6, 2007 because of unsafe nursing practice. Ms. Cullen documented that she administrated prescribed medication to patients that were, in fact, never given. Specifically, in a two-day period, she failed to administer over a dozen prescribed medications to patients, but documented in their records that they were administered.
3. Kathleen A. Cullen admits that she falsely documented the administration of prescribed medications that were never given to patients and that her failure to do so compromised patient safety.
4. Kathleen A. Cullen agrees to enter into this Agreement to resolve this complaint and hereby waives her right to a hearing before the Board.

AGREEMENT

5. Kathleen A. Cullen understands and agrees 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, 4.1.A.8. and Chapter 4.3.F. and 4.3.K. of the Rules and Regulations of the Maine State Board of Nursing. Kathleen A. Cullen is hereby **REPRIMANDED** for these violations. Specifically, the violations are:

Title 32 M.R.S.A. §§:

- a. 2105-A (2) (F). Unprofessional Conduct. Ms. Cullen engaged in unprofessional conduct by violating standards of professional behavior regarding medication administration and documentation for patient care that have been established in the practice for which she is licensed. (See also Chapter 4, Section 1.A.6.)
- b. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Chapter 4, Section 1.A.8.)



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Chapter 4, Section 3. Unprofessional Conduct as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, describes *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* and shall include, but not be limited to, the following:

- c. Section 3(F). Ms. Cullen failed to follow policies and procedures designed to safeguard a patient.
 - d. Section 3(K). Ms. Cullen inaccurately recorded and falsified patient records.
6. 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. At the time of these events, the State of Maine was Ms. Cullen’s “home state” of licensure and primary state of residence, which means that she had declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. She currently resides in Rhode Island. 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. Cullen understands this Agreement is subject to the Compact.
 7. Kathleen A. Cullen 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.
 8. Modification of this Agreement must be in writing and signed by all parties.
 9. This Agreement is not subject to review or appeal by Ms. Cullen.
 10. 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.
 11. This Agreement becomes effective upon the date of the last necessary signature below.

I, KATHLEEN A. CULLEN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY LICENSED PRACTICAL 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: 10/27/10


KATHLEEN A. CULLEN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 11/4/10


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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 11/5/10


JOHN H. RICHARDS
Assistant Attorney General