



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

ANGUS S. KING, JR.
GOVERNOR

JEAN C. CARON, M.S., R.N.
EXECUTIVE DIRECTOR

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE NO.)
P005845 ISSUED TO:)

CAROL A DOHERTY)

To practice practical nursing in the)
State of Maine)

**ORDER TERMINATING
PROBATION**

WHEREAS, on April 3, 1996, License No. P005845 issued to Carol A. Doherty was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

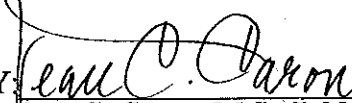
WHEREAS, on December 17-18, 1997, the Board of Nursing duly considered all evidence presented to it concerning Carol A. Doherty's compliance with the conditions of said probation; and

WHEREAS, the Board found that Carol A. Doherty has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on November 19, 1996 is hereby terminated.

DATED this 19th day of December 1997.

MAINE STATE BOARD OF NURSING

BY: 

Jean C. Caron, M.S., R.N.
Executive Director



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JEAN C. CARON, M.S., R.N.
 EXECUTIVE DIRECTOR

In re: **Carol A. Doherty**
 of Steep Falls, Maine
 License #P005845

)
) **MODIFIED CONSENT**
) **AGREEMENT REGARDING**
) **LICENSURE**

INTRODUCTION

This document is a Consent Agreement regarding Carol A. Doherty's license to practice practical nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. Section 2105-A(1-A)(B) and 10 M.R.S.A. Section 8003(5)(B). The parties to this Consent Agreement are: Carol A. Doherty, the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. These same parties met in an informal conference on February 7, 1996 and entered into a Consent Agreement in March of 1996 by which Ms. Doherty voluntarily surrendered her license to practice nursing pending receipt by the Board of reports from Ms. Doherty's counselors and physician.

On April 3, 1996 the Board resumed the informal conference. Ms. Doherty was represented by Carolyn DeGrinney, a student attorney, and by Mary Tousignant, Esq. As a result of that conference, the Board voted to modify the Consent Agreement as follows:

FACTS

1. Ms. Doherty has complied with the Temporary Consent Agreement.
2. There is evidence of a positive response to treatment by Ms. Doherty.
3. Ms. Doherty's affect and mood appeared noticeably improved at the April informal conference.
4. Ms. Doherty's counselors support, in a report submitted to the Board, her return to the practice of nursing on a part-time basis.
5. Ms. Doherty has been involved in education and a re-training process.

COVENANTS

Ms. Doherty's license to practice practical nursing in the State of Maine is reinstated on a probationary status for a minimum period of six months from the date that she resumes employment in the field of nursing in Maine, with the following conditions:

1. Ms. Doherty will arrange for two reports to the Board from her nurse employer, one at three months after she begins employment and another at six months. Ms. Doherty waives any claims of confidentiality and privilege which she may have with respect to these reports.

2. Ms. Doherty will immediately notify the Board in writing of any employment in the field of nursing, including the place and position of employment, and of any change in nurse employment.
3. Ms. Doherty will arrange for two reports to the Board from her treating clinicians. These are to be submitted at the same time as the reports to the Board from her nurse employer. Ms. Doherty similarly waives any claims of confidentiality and privilege which she may have with respect to these reports from her treating clinicians.
4. Ms. Doherty will notify the Board of any change in her treatment process.
5. The Board agrees to take no further disciplinary action upon these facts so long as Ms. Doherty fully complies with these conditions.
6. Ms. Doherty understands that this document is a Consent Agreement which affects her rights to practice nursing in Maine. This Consent Agreement may be amended only in writing, signed by all the parties. Ms. Doherty understands that she must request that the Board terminate her probation upon the conclusion of the minimum probationary period, at which time the Board will consider the degree to which Ms. Doherty has complied with these conditions. Ms. Doherty understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering this Consent Agreement. Ms. Doherty affirms that she executes this Consent Agreement of her own free will.

DATED: 11/4/96

Carol A. Doherty
CAROL A. DOHERTY

FOR THE MAINE STATE BOARD OF NURSING:

DATED: 11/15/96

Jean C. Caron
JEAN C. CARON, M.S., R.N.
Executive Director

FOR THE DEPARTMENT OF ATTORNEY GENERAL:

DATED: 11/19/96

Timothy W. Collier
TIMOTHY W. COLLIER
Assistant Attorney General
Counsel to the Board

MSBON



MAINE STATE BOARD OF NURSING
35 ANTHONY AVENUE
STATE HOUSE STATION 158
AUGUSTA, MAINE 04333-0158
207/624-5275 FAX 207/624-5290
TDD 207/624-5288

In re:)
Carol A. Doherty, L.P.N.)
of Steep Falls, Maine)
License #P005845)
TEMPORARY CONSENT AGREEMENT
REGARDING LICENSURE

INTRODUCTION

This document is a Temporary Consent Agreement regarding Carol A. Doherty's license to practice practical nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. Section 2105-A(1-A)(B) and 10 M.R.S.A. Section 8003(5)(B). The parties to this Temporary Consent Agreement are: Carol A. Doherty, L.P.N., the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

By letter dated September 12, 1995, Ms. Doherty was advised by the Board that it had received two letters dated August 30 and September 6, 1995 from Alice Cirillo, R.N., Clinical Director, Maine Medical Center, containing information that Ms. Doherty may be in violation of 32 M.R.S.A. Section 2105-A(2)(E), (2)(F), and (2)(H). Ms. Doherty's student attorney responded to the Board in letters dated October 10, November 21, and November 28, 1995. The Board received a second report concerning Ms. Doherty from Gail Crockett, Human Resources at Seaside Nursing and Retirement Home, indicating that she had been terminated from that facility. That was forwarded to Ms. Doherty on December 5, 1995, and her student attorney responded on December 22, 1995. Subsequently, the Board requested that Ms. Doherty attend an informal conference pursuant to 32 M.R.S.A. Section 2105-A(1-A). The informal conference was held on February 7, 1996. Ms. Doherty was present and was represented by a student attorney, Caroline DeGrinney, and by Mary Tousignant, Esq.

FINDINGS OF FACT

As a result of the informal conference the Board made the following findings of fact:

1. Ms. Doherty was terminated from employment at Maine Medical Center and at Seaside Nursing and Retirement Home for clinical performance issues.
2. Ms. Doherty is currently being treated for dysthymia, a major depressive episode, and a possible panic disorder and is taking medications and in counseling for that.
3. There was documentation of several satisfactory annual performance evaluations from Maine Medical Center for a period of four years prior to the termination.

4. A Maine Medical Center representative states that the only performance issue addressed with Ms. Doherty prior to the termination was her attendance, rather than her clinical care.
5. Ms. Doherty admits to cutting a clamped catheter tube in the wrong place while at Maine Medical Center.
6. Ms. Doherty admits to taking an extended break in a room on the floor at Maine Medical Center.
7. The facility states that Ms. Doherty's supervisor was not notified of her extended break.
8. During Ms. Doherty's employment at Seaside Nursing and Retirement Home, after her termination from Maine Medical Center, she was given two unsatisfactory performance evaluations, at two weeks and at four weeks.
9. Ms. Doherty states that she called the physician's office and left a message regarding a resident's elevated gluocoscan and that the physician did not return the call.
10. The representative from Seaside Nursing and Retirement Home states that the physician has said that he did not receive this call.
11. Ms. Doherty was a new employee at Seaside in a new role, which she states she found overwhelming.
12. Seaside states that Ms. Doherty inaccurately recorded dressings as having been changed.
13. There was a pattern of failure to report in both facilities.
14. Ms. Doherty is currently seeking employment in nursing.

COVENANTS

Based on the above findings of fact, the Board voted to accept a temporary voluntary surrender of Ms. Doherty's license until the Board's April meeting. Prior to that meeting Ms. Doherty is to arrange for reports to the Board from all of her counselors, from her current treating physician, and from the facilitator of any counseling groups she may be in regarding her current competency to practice practical nursing. The Board expressly reserves the right to take further disciplinary action against Ms. Doherty's license in this matter after receipt of this information.

Ms. Doherty understands that she does not have to execute this Temporary Consent Agreement and that she has the right to consult

with an attorney before entering this Temporary Consent Agreement. Ms. Doherty affirms that she executes this Temporary Consent Agreement of her own free will.

DATED: 3/21/95

Carol A. Doherty
CAROL A DOHERTY

DATED: 3/26/96

FOR THE MAINE STATE BOARD OF NURSING:

Jean C. Caron
JEAN C. CARON, R.N., M.S.
Executive Director

DATED: 3/29/96

FOR THE DEPARTMENT OF ATTORNEY GENERAL:

Timothy W. Collier
TIMOTHY W. COLLIER
Assistant Attorney General
Counsel to the Board