



STATE OF MAINE
 BOARD OF NURSING
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 AUGUSTA, MAINE
 04333-0158

JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: **WENDY C. JOCHUM, R.N.**)
 of Monmouth, Maine)
 License No. R045895) **CONSENT AGREEMENT**
FOR LICENSE PROBATION
WITH CONDITIONS

INTRODUCTION

This document is a Consent Agreement regarding Wendy C. Jochum’s license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(4), 10 M.R.S.A. § 8003(5)(B), and 32 M.R.S.A. § 2105-A(1-A)(B). The parties to this Consent Agreement are Wendy C. Jochum (“Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on May 15, 2007. The parties reached this Consent Agreement based on Complaint or Provider Report from Seaside Rehabilitation & Health Care (“Seaside”) dated February 16, 2006 and information from the Maine Department of Health and Human Services – Bureau of Medical Services, Division of Licensing and Certification in a summary of Complaint Investigation No. ME00002899 dated May 23, 2006.

FACTS

1. Wendy C. Jochum has been a registered professional nurse licensed to practice in Maine since 2001.
2. Wendy C. Jochum’s employment was terminated from Seaside on February 2, 2006, for resident abuse and violating the rights of residents. The Adverse actions included:
 - a. An incident occurred on January 1, 2006, where a resident was sitting on the commode, vomiting. A CNA brought in a basin and 2 trash cans for the resident to use. Ms. Jochum removed the basin and trash cans and stated that the resident should not have the basin or trash cans because the resident was making herself vomit and if she got sick on herself then maybe she could clean it up herself.
 - b. On January 24, 2006, a resident sustained a laceration from a fall. The wound was sutured. On the 11-7 shift on January 24, 2006, Ms. Jochum made attempts to clean the dried blood from the resident’s hair despite the resident’s requests not to clean her hair. The resident also stated that the cleaning hurt her. The physician’s order instructed that the resident’s head was not to be washed for 24 hours. Ms. Jochum attempted to clean the resident’s hair and failed to follow the physician’s order.



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3. Wendy C. Jochum is not currently working as a Registered professional nurse because of medical issues.

AGREEMENT WITH CONDITIONS OF PROBATION

4. Wendy C. Jochum agrees and understands that this document imposes discipline regarding her license to practice professional nursing and her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(F) and (2)(H) and Chapter, 4(1)(A)(6), 4(1)(A)(8), 4(3)(F) of the Rules and Regulations of the Maine State Board of Nursing.
5. Wendy C. Jochum neither admits nor denies the facts contained herein, but she acknowledges that if this matter went to a hearing before the Board that it is more likely than not that the facts would support the facts in this Agreement.
6. Wendy C. Jochum's license as a registered professional nursing in the State of Maine is placed on a probationary status with conditions. The period of probation will commence on Ms. Jochum's return to nursing practice, either through employment and/or pursuant to an educational program. The period of probation will be for a period of 3-three years, to be effective only while she is employed in nursing practice and/or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Jochum performs nursing services. Ms. Jochum's probationary license will be subject to the following conditions:
 - a. Wendy C. Jochum will immediately notify the Board in writing should she return to 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 educational program and any subsequent change in employment or educational programs.
 - b. Wendy C. Jochum will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s), and such report shall continue until her probation is terminated. If Ms. Jochum's treatment is terminated she shall notify the Board.
 - c. Wendy C. Jochum agrees and understands that the Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for medical issues which the Board deems necessary to evaluate Ms. Jochum's compliance with the Consent Agreement and her continued recovery. Ms. Jochum 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 for the purpose of evaluating Ms. Jochum's compliance with the Consent Agreement and her continued recovery.
- d. Wendy C. Jochum will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
- e. Wendy C. Jochum 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. If during the period of probation, Ms. Jochum's employment as a nurse terminates or should her educational program in the field of nursing terminate, she shall notify the Board of this change to ensure that she remains in compliance with her employment and/or educational quarterly reports.
7. The State of Maine is Wendy C. Jochum's home state of licensure. Ms. Jochum agrees that during the pendency of this Consent Agreement her nursing practice is limited to the State of Maine. If Ms. Jochum wishes to practice in any other party state within the Compact she shall petition the Board for written authorization. In addition, Ms. Jochum will 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.
8. Wendy C. Jochum agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the 3-three year probationary period, until and unless the Board, at Ms. Jochum's written request, votes to terminate Ms. Jochum's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Jochum has complied with the provisions of this Agreement.
9. Ms. Jochum understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine and party states in the Nurse Licensure Compact. Ms. Jochum 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 the Consent Agreement.
10. If Ms. Jochum fails to meet any of the obligations of this Consent Agreement, 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.
11. Wendy C. Jochum 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 the 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, WENDY C. JOCHUM, 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: 7/31/07


WENDY C. JOCHUM, R.N.

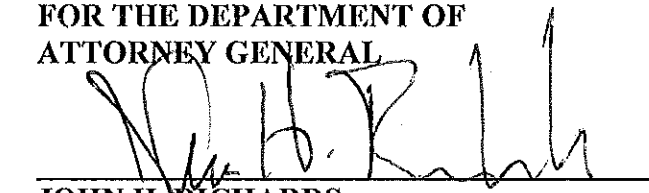
FOR THE MAINE STATE
BOARD OF NURSING

DATED: 8/1/07


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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 8/7/07


JOHN H. RICHARDS
Assistant Attorney General