



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

ANGUS S. KING, JR.  
 GOVERNOR

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

IN RE: JAMES J. KENNEDY, L.P.N. )  
 of Sidney, Maine ) **CONSENT AGREEMENT**  
 License #P011378 ) **FOR REPRIMAND**

**INTRODUCTION**

This document is a Consent Agreement regarding James J. Kennedy's license to practice practical nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(1), § 8003(5)(B) and 32 M.R.S.A. § 2105-A(1-A)(A). The parties to this Consent Agreement are James J. Kennedy ("Licensee"), Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reached this Agreement following an informal conference held on August 22, 2001 on the basis of a Board investigation concerning the Licensee's criminal history.

**FACTS**

1. James J. Kennedy has been a licensed practical nurse licensed by the Board to practice in Maine since 1996.
2. On September 10, 1999 the Board received an anonymous letter indicating that Mr. Kennedy had two prior convictions for Operating Under the Influence (OUI). The Board's investigation determined that Mr. Kennedy had two prior OUI convictions (Class D misdemeanors), respectively, on May 6, 1998 and January 29, 1999, and one conviction for Operating After Suspension (Class D misdemeanor) on October 1, 1998. The Board further determined that on Mr. Kennedy's 1999 - 2001 license renewal application he responded in the negative to the Question No. 1: "Have you been convicted of a crime, other than a minor traffic violation(s) since the last renewal of your Maine license?"
3. James J. Kennedy stated that he did not know that any of the convictions were crimes that he needed to disclose. Mr. Kennedy further stated that he has had no OUI convictions since the last incidents and that he no longer drinks and drives.
4. Based upon these facts the Board finds that Mr. Kennedy intentionally falsified his renewal license and that he engaged in fraud and deceit in obtaining the renewal of his nursing license.

**RECEIVED**

**SEP 14 2001**

**MAINE STATE  
 BOARD OF NURSING**



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OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME  
 PHONE: (207) 287-1133

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FAX: (207) 287-1149

**AGREEMENT**

5. James J. Kennedy agrees and understands that his conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(A), (2)(F) and (2)(H), and Chapter 4 (1)(A)(1) and (6) of the RULES AND REGULATIONS OF THE MAINE STATE BOARD OF NURSING. James J. Kennedy is hereby **REPRIMANDED** because he engaged in fraud and deceit in obtaining the renewal of his nursing license.
6. James J. Kennedy understands that this Consent Agreement imposes discipline regarding his license to practice practical nursing in the State of Maine. Mr. Kennedy understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into this Consent Agreement.
7. James J. Kennedy affirms that he executes this Consent Agreement of his own free will.
8. Modification of this Consent Agreement must be in writing and signed by all the parties.
9. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
10. This Consent Agreement becomes effective upon the date of the last necessary signature below.

**I, JAMES J. KENNEDY, L.P.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: 9-12-01

  
\_\_\_\_\_  
JAMES J. KENNEDY, L.P.N.

FOR THE MAINE STATE  
BOARD OF NURSING

DATED: Sept 14, 2001

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

FOR THE DEPARTMENT OF  
ATTORNEY GENERAL

DATED: Sept. 17, 2001

John H. Richards  
JOHN H. RICHARDS  
Assistant Attorney General