

III.

CONCLUSIONS OF LAW

The relevant statutory and regulatory provisions regarding the above matter and as stated in the Complaint/Notice of Hearing are as follows:

32 M.R.S.A. Sec. 2105-A.2. Grounds for discipline. The board may suspend or revoke a license pursuant to Title 5 section 10004. The following are grounds for an action to issue, modify, suspend, revoke or refuse to renew the license of an individual licensed under this chapter:

E. Incompetence in the practice for which the licensee is licensed. A licensee is considered incompetent in the practice if the licensee has:

1. Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public.
2. Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed.

The facts found in this Decision support the conclusion that Ms. Kimball is incompetent to practice nursing since she lied about providing certain medications to three patients, falsified their records by recording that she had provided said medications to them, and did not follow the written policy at the Maine General Medical Center since she entered data related to the providing of drugs into the Prism system prior to their being administered.

F. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed. (See 3 F. and K. below)

H. A violation of this chapter or a rule adopted by the board.

“Rules and Regulations of the Maine State Board of Nursing, Chapter 4.”

1. Disciplinary Action.

A. Grounds for Discipline

3. Definition of Unprofessional Conduct. Nursing behavior which fails to conform to legal standards and accepted 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 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.

Nurse Kimball was untruthful in stating that she had provided certain medications to three patients, falsified their records by recording that she had provided said medications to them, and did not follow the written policy at the Maine General Medical Center since she entered data related to the providing of drugs into the Prism system prior to their being administered.

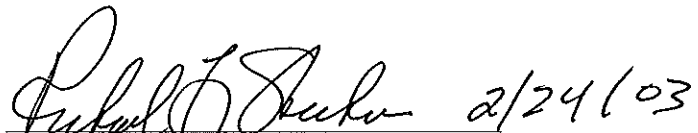
K. Inaccurate recording, falsifying or altering a patient or health care provider record.

Nurse Kimball was untruthful in stating that she had provided certain medications to three patients, falsified their records by recording that she had provided said medications to them, and did not follow the written policy at the Maine General Medical Center since she entered data related to the providing of drugs into the Prism system prior to their being administered.

The Board, by a vote of 7-0, based on the above recited facts and its training and expertise, concluded that Patricia Kimball, R.N., violated the above statutory and regulatory standards of nursing. The Board then voted 7-0 to revoke her license to practice as a registered nurse pursuant to 10 M.R.S.A. Sec. 8003. The Board further ordered her to pay the costs related to the hearing which total \$275 (Hearing officer – 2 hours 45 mins. @ \$100 per hour = \$275). The check or money order shall be made payable to: Maine Board of Nursing and mailed to Myra Broadway, Exec. Director, 158 State House Station, Augusta, Maine 04333-0158.

SO ORDERED.

Dated: February , 2003


Richard L. Sheehan, M.S., R.N. Chairman
Maine State Board of Nursing

IV.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. Sec. 10051.3, any party that decides to appeal this Decision and Order must file a Petition for Review within 30 days of the date of receipt of this Order with the District Court having jurisdiction. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Nursing, all parties to the agency proceedings, and the Maine Attorney General.