



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: Patricia A. Fitzpatrick, L P.N.,     )  
       So. China, Maine                     )  
       License #P011623                    )

**CONSENT AGREEMENT**  
   **FOR WARNING**

**INTRODUCTION**

This document is a Consent Agreement regarding Patricia A. Fitzpatrick'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) and (B). The parties to this Consent Agreement are Patricia A. Fitzpatrick, Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reached this Agreement following an informal conference on December 8, 1999 regarding Ms. Fitzpatrick's information received from the Maine Department of Human Services, Division of Licensing & Certification by letter dated October 30, 1998.

**FACTS**

1. On September 29, 1998 during the 3-11 shift Patricia A. Fitzpatrick was the supervising nurse at Parkview Nursing and Rehabilitation Services ("Parkview"). A complaint investigated by the Maine Department of Human Services, Division of Licensing & Certification substantiated that 13 residents on the West Unit of Parkview, on September 29, 1998, did not receive all ordered medications. This was a total of 43 omissions.
2. It appears from the investigation that the communications regarding the responsibility Ms. Fitzpatrick was to assume on the 3-11 shift were unclear. Ms. Fitzpatrick assumed the Medication Technician would be responsible for giving medications on the West Unit at Parkview. However, the Board finds that regardless of the miscommunication of responsibilities Ms. Fitzpatrick was expected to assume at the facility, she should have been aware that a Medication Technician's scope of authority is limited to the types of medications this position can administer. Her failure to be aware of her supervisory functions and role as a licensed practical nurse in this situation resulted in the omission of patient medications that should have been administered during the 3-11 shift at Parkview. Ms. Fitzpatrick was the only licensed staff in the facility at this time but failed to take responsibility accordingly.
3. No patient harm occurred as a result of the medication omissions.



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME

TDD: (207) 287-1151

PHONE: (207) 287-1133

FAX: (207) 287-1149

**AGREEMENT**

4. Patricia A. Fitzpatrick agrees and understands that her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(E)(2), (2)(F), and (2)(H). Patricia A. Fitzpatrick is hereby **WARNED** because she engaged in conduct that evidences a lack of knowledge to apply principles or skills to carry out the practice for which the licensee is licensed; and, she failed to supervise persons to whom nursing functions have been delegated.
5. Patricia A. Fitzpatrick understands that this document imposes discipline regarding her license to practice practical nursing in the State of Maine. Ms. Fitzpatrick understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering the Consent Agreement.
6. Modification of this Consent Agreement must be in writing and signed by all parties.
7. Patricia A. Fitzpatrick affirms that she executes this Consent Agreement of her own free will.
8. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
9. This Consent Agreement becomes effective upon the date of the last necessary signature below.

DATED: 1/25/2000

Patricia A. Fitzpatrick RN  
PATRICIA A. FITZPATRICK, R.N.

**FOR THE MAINE STATE BOARD  
OF NURSING:**

DATED: Jan 26, 2000

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

**FOR THE DEPARTMENT OF  
ATTORNEY GENERAL:**

DATED: 1/27/00

John H. Richards  
JOHN H. RICHARDS  
Assistant Attorney General