



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: **KATHLEEN A. O'BRIEN, L.P.N.**)
 of Topsham, Maine) **CONSENT AGREEMENT**
 License #P005060) **FOR WARNING**

INTRODUCTION

This document is a Consent Agreement regarding Kathleen A. O'Brien'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 Kathleen A. O'Brien ("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 June 28, 2001 on the basis of information submitted by the City of Portland, Barron Center by letter dated May 5, 2000.

FACTS

1. Kathleen A. O'Brien has been a licensed practical nurse licensed by the Board to practice in Maine since 1976.
2. On May 4, 2000 Ms. O'Brien was working as the charge nurse at the Barron Center. A certified nursing assistant (CNA) reported to Ms. O'Brien that a resident was "choking and gurgling." Ms. O'Brien did not respond to the incident. The nursing assistant then located the nurse manager who responded to the emergency and stabilized the resident. The nurse manager later asked Ms. O'Brien to follow-up by checking on the resident, however, Ms. O'Brien failed to check on the patient in a timely manner.
3. Kathleen A. O'Brien stated that she sought neurological evaluation when she realized that her failure to respond to the resident's emergency was inappropriate.
4. The Board finds in conjunction with Ms. O'Brien's admissions that Ms. O'Brien failed to take appropriate action and to follow policies and procedures in the nursing practice situation designed to safeguard a patient.
5. The Board finds that no actual patient harm occurred as a result of Ms. O'Brien's inaction.

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AUG 0 1 2001



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**MAINE STATE
 BOARD OF NURSING**
 FAX: (207) 287-1149

AGREEMENT

6. Kathleen A. O'Brien agrees and understands that her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(F) and (2)(H). Kathleen A. O'Brien is hereby **WARNED**. Ms. O'Brien is hereby **WARNED** because she failed to take appropriate action and to follow policies and procedures in the nursing practice designed to safeguard a patient.
7. Kathleen A. O'Brien understands that this Consent Agreement imposes discipline regarding her license to practice ^{professional} nursing in the State of Maine. Ms. O'Brien 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 this Consent Agreement.
8. Kathleen A. O'Brien affirms that she executes this Consent Agreement of her own free will.
9. Modification of this Consent Agreement must be in writing and signed by all the parties.
10. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
11. This Consent Agreement becomes effective upon the date of the last necessary signature below.


I, KATHLEEN A. O'BRIEN, 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: 7/27/01

Kathleen A. O'Brien
KATHLEEN A. O'BRIEN, L.P.N.

FOR THE MAINE STATE
BOARD OF NURSING

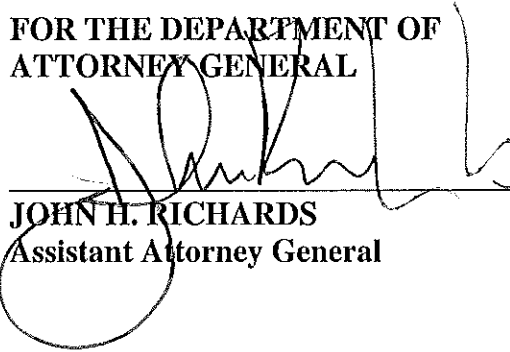
DATED: Aug. 1, 2001



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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: Aug. 8, 2001



JOHN H. RICHARDS
Assistant Attorney General