



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

JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: KRISTINE T. BRAKER, R.N.) **CONSENT AGREEMENT**
 of Biddeford, Maine) **FOR LICENSE PROBATION**
 License No. R052464) **WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Kristine T. Braker’s license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003(5) (B). The parties to this Agreement are Kristine T. Braker (“Licensee” or “Ms. Braker”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on February 26, 2009. The parties reached this Agreement on the basis of a Notice of Complaint/Provider Report from the Board dated March 18, 2008, which includes supporting documentation from New England Rehabilitation Hospital of Portland (“New England Rehabilitation”) dated January 24 and February 7, 2008.

FACTS

1. Kristine T. Braker has been a registered professional nurse licensed to practice in Maine since June 2006.
2. Kristine T. Braker’s employment as a registered professional nurse was terminated from New England Rehabilitation on December 27, 2007 for excessive medication errors, tardiness and absenteeism.
3. Between March and November 2007, Ms. Braker had approximately 12 documented medication errors consisting of omitted medications when the medications were documented as given, medications administered at the wrong times, and administration of wrong medications.
4. Kristine T. Braker wishes to resolve this matter by accepting this Agreement and thereby waives her rights to an adjudicatory hearing.

AGREEMENT WITH CONDITIONS OF PROBATION

5. Kristine T. Braker understands and agrees that based upon the above-stated facts, this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine. The grounds for discipline are under 32 M.R.S.A. § 2105-A (2) (H), Chapter 4, section (1) (A) (8) and sections (3) (F) and (K) of the Rules and Regulations of the Maine State Board of Nursing. Specifically the violations are:



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

- a. 32 M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6.)

Rule Chapter 4, Section 3. *Unprofessional conduct* is defined as *Nursing behavior which fails to conform to legal 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 shall not be limited to, the following:*

- b. Chapter 4, Section 3(F). Ms. Braker failed to take appropriate action or follow policies and procedures in a practice situation designed to safeguard the patient.
 - c. Chapter 4, Section 3(K). Ms. Braker inaccurately recorded a patient and health care provider record.
6. Kristine T. Braker's license as a registered professional nurse in the State of Maine is placed on probationary status with conditions. The period of probation will be for a period of three years, effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Braker performs nursing services. Ms. Braker's probationary license will be subject to the following conditions:
 - a. Kristine T. Braker shall fully comply with the conditions of the probation in this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. Ms. Braker shall inform the Board in writing within 15 days of any address change.
 - b. Kristine T. Braker will notify the Board in writing within five business days after she obtains any nursing 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 nursing educational program. If during the period of probation, Ms. Braker's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances surrounding the termination or separation.
 - c. Kristine T. Braker will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
 - d. Kristine T. Braker 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, which is to include medication administration and clinical documentation.
 - e. Kristine T. Braker will successfully complete a nursing educational program which addresses delegation of nursing services, medication administration, and the legalities of

medical documentation; the course/program must be acceptable to the Board's Executive Director.

7. Kristine T. Braker understands and agrees that her license will remain on probationary status and subject to the terms of this Agreement beyond the three-year probationary period until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Braker has complied with the provisions of this Agreement.
8. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Braker's "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states that are in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Braker understands that this document is an Agreement subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice may be limited to the State of Maine as it pertains to the Compact. If Ms. Braker wishes to practice in any other party state within the Compact, she shall 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.
9. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, 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.
10. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
11. Kristine T. Braker understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
12. Kristine T. Braker affirms that she executes this Agreement of her own free will.
13. Modification of this Agreement must in writing and signed by all parties.
14. This Consent is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. This Agreement becomes effective upon the date of the last necessary signature below.

I, KRISTINE T. BRAKER, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 7/10/09

Kristine Braker, R.N.
KRISTINE T. BRAKER, R.N.

DATED: July 6, 2009

Janet E Michael
JANET E. MICHAEL, R.N., M.S., J.D.
Attorney for Kristine T. Braker, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: July 27, 2009

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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 7/28/09

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General