



MAINE STATE BOARD OF NURSING

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**MAINE STATE BOARD
OF NURSING,**

Petitioner

v.

DENISE A HOLBROOK, L.P.N.

Respondent.

DECISION AND ORDER

INTRODUCTION

The Maine State Board of Nursing (henceforth "the Board") held an adjudicatory hearing on September 22, 1994 and October 19, 1994. The Respondent, Denise A. Holbrook (henceforth "Ms. Holbrook"), was notified of the hearing by letter dated July 20, 1994 (henceforth "the Notice"). The hearing was held at the offices of the Maine State Board of Nursing in Augusta, Maine.

Members of the Board who participated in the hearing and the deliberations were: Marie D. Fisher, R.N.C., M.S., Chair; Betty B. Clark, R.N., M.Ed.; Kathi F. Murray, R.N., B.S.; Timothy M. McBrady, L.P.N.; Kathleen A. Dugas, L.P.N.; Monica M. Collins, R.N.C., M.S.; and Karen L. Tripp.

Shari B. Broder, an attorney and alternative dispute resolution professional, acted as Presiding Officer at the hearing. Jean C. Caron, R.N., M.S., Executive Director for the Board, was present and represented by Assistant Attorney General Timothy W. Collier. Ms. Holbrook was present and represented by Barbara J. Petitti, Esq.

ISSUES PRESENTED

Whether grounds exist for the Board to take disciplinary action against Ms. Holbrook's license to practice practical nursing; specifically, whether Ms. Holbrook violated 32 M.R.S.A. Section 2105-A(2)(F) and Chapter 4, Sections 3(F) and 3(K) of the Rules and Regulations of the Maine State Board of Nursing by engaging in unprofessional conduct by failing to take vital signs of five patients but recording them as having been taken.

FINDINGS OF FACT

Denise A. Holbrook is a licensed practical nurse who was employed at Maine Medical Center in Portland, Maine for eight years. She was assigned to the oncology unit.

At approximately 4:00 p.m. on November 13, 1993, the husband of the patient in room 459B approached Marie Snow, the assistant head nurse on the unit. He was visibly upset because he had been with his wife all day and felt she was not receiving proper attention and wanted to know why her vital signs had not been taken all day. Vital signs, which consist of body temperature, pulse, respiration and blood pressure, are taken by the LPNs or CNAs every four hours. It was Ms. Holbrook's responsibility to take vital signs for the five patients in rooms 456, 458, 459A, 459B and 460 at 10:00-11:00 a.m. and 2:00-3:00 p.m. that day. In response to the complaint, Ms. Snow and another nurse, Dawn Fairfield, reviewed the vital signs book, which included entries for these patients. Ms. Holbrook had been suspected of failing to take vital signs in 1990, when a co-worker had reported that Ms. Holbrook had not done so (State Exh. 2), so Ms. Fairfield visited each patient, took their vital signs and ask them if their vital signs had been taken earlier that day. The patient in room 458 was not sure, but the patients in rooms 456, 459A and 460, all of whom were alert and oriented, said their vital signs had not been taken earlier.

Cindy Gunson, an R.N. who worked the 7:00 a.m. - 3:00 p.m. shift with Ms. Holbrook, had not noticed whether Ms. Holbrook took vital signs that day, and did not observe her writing vital signs in the book. The following day, Ms. Gunson noticed Ms. Holbrook copying temperature, pulse and respiration into the vital signs book from a sheet of paper. Ms. Gunson was certain that blood pressures were not included on this sheet. When she asked Ms. Holbrook about this, Ms. Holbrook said she forgot to write them in.

When Ms. Holbrook was confronted with the allegations, she denied them. Margaret Martin, the head nurse for the unit, spoke with Ms. Holbrook and other nurses on duty about the allegations, and decided to discharge Ms. Holbrook from employment because she "could not put our patients at any further risk." (State Exh. 5)

At the hearing, Ms. Holbrook explained that she frequently wrote down the vital signs on a piece of paper towel to save herself a trip to the desk, and then would transcribe the information into the book. She also questioned the credibility of the patients because they were taking a considerable amount of medication. The Board did not find Ms. Holbrook's testimony credible when considered along with the testimony of the other witnesses, the medical records and exhibits. The hospital records showed that at least three of the patients were alert and oriented. Second,

it was unlikely that all five patients and the spouse of one of them were mistaken and unable to answer accurately about whether their vital signs had been taken. Collusion among the patients was unlikely. Furthermore, patients, even when terminally ill and medicated, are appropriate sources of this information, and are usually aware of their environment and care. Thus, the Board finds, based upon a preponderance of the evidence, that Ms. Holbrook failed to take the vital signs of five patients, but entered vital signs information into the vital signs record book.

CONCLUSIONS

The Board has the statutory authority, pursuant to 32 M.R.S.A. Section 2105-A, to investigate complaints regarding noncompliance with or violation of Maine statutes and rules regulating the practice of nursing. Pursuant to this statute, if the Board finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take appropriate disciplinary action.

The Board unanimously concludes that Ms. Holbrook violated 32 M.R.S.A. Section 2105-A (2(F) and Chapter 4, Sections 3(F) and 3(K) by violating standards of professional behavior when she failed to follow policies and procedures in the practice situation designed to safeguard the patient; specifically, she failed to take the vital signs of patients under her care at the prescribed times, and inaccurately recorded or falsified patient records.

ORDER

For the violations of the Maine Statutes and Rules and Regulations governing the practice of nursing set forth above, the Board hereby **reprimands** Denise A. Holbrook.

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

Dated: NOVEMBER 14, 1994


MARIE D. FISHER, R.N., CHAIR

APPEAL RIGHTS

Pursuant to 5 M.R.S.A. Section 1051 and 1151, the parties are hereby notified that they have the right to appeal the Board's decision to the appropriate court within thirty (30) days of receipt of this decision.