

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

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JUL 11 2005

BUREAU OF HEALTH PROFESSIONS
COMPLAINT & ALLEGATION DIVISION

In the Matter of

MARY LOUISE KINT, R.N., C.N.P.
License Number: 47-04-224847

File Number: 47-04-95060
CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an Administrative Complaint, hereafter Complaint, was issued on March 25, 2005, charging Mary Louise Kint, R.N., C.N.P., hereafter Respondent, with having violated section 16221(b)(x) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; and

WHEREAS, Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Public Health Code; and

WHEREAS, the Disciplinary Subcommittee of the Michigan Board of Nursing, hereafter Disciplinary Subcommittee, has reviewed the Stipulation and, based upon the matters asserted therein, agrees that the public interest is best served by resolution of the outstanding Complaint; now, therefore,

IT IS HEREBY FOUND that the allegations of fact and law set forth in the Complaint are true and constitute a violation of section 16221(b)(x) of the Public Health Code, supra.

Accordingly,

IT IS HEREBY ORDERED that for the aforesaid violation of the Public Health Code, Respondent is REPRIMANDED.

IT IS FURTHER ORDERED that this order shall be effective 30 days from the date signed by the Disciplinary Subcommittee, as set forth below.

Dated: 8/18/05

MICHIGAN BOARD OF NURSING

By: Michelle Stood
Chairperson, Disciplinary Subcommittee

STIPULATION

1. The allegations of fact and law contained in the Complaint dated March 25, 2005, are true and constitute a violation of section 16221(b)(x) of the Public Health Code, supra.

2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq., to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and to appear with an attorney and such witnesses as Respondent may desire to present a defense to said charges.

3. Amy Perry, R.N., M.S.N., a member of the Board who supports this proposal, and the Department's representative are both free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the foregoing Consent Order.

4. Factors considered in the formulation of the foregoing Consent Order were as follows:

Respondent was fully cooperative in the resolution of this matter and has been employed at Planned Parenthood, Mid-Michigan Alliance, in Ann Arbor, Michigan, for four years. Respondent submitted letters of reference from her current employer regarding her work performance. She has been licensed for 17 years and has had no prior complaints against her license.

5. The foregoing Consent Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in said cause.

6. The foregoing proposal is conditioned upon acceptance by the Disciplinary Subcommittee, Respondent and the Department expressly reserving the right to further proceedings without prejudice should the Consent Order be rejected.

AGREED TO BY:

Melanie B. Brim

Melanie B. Brim, Director
Bureau of Health Professions
Complainant

Dated: July 14, 2005

State of Michigan)
County of _____) ss

AGREED TO BY:

Mary Louise Kint

Mary Louise Kint, R.N., C.N.P.
Respondent

Dated: 7/11/05

On the 11th day of July, 2005, before me, a Notary Public in and for said county, appeared Mary Louise Kint, R.N., C.N.P., who, upon oath, stated that she has read the foregoing Consent Order and Stipulation by her subscribed, that she knows the contents thereof to be true, and that the signing of said Consent Order and Stipulation is her free act and deed.

[Signature]
Notary Public, Washtenaw County
State of Michigan
My Commission expires Oct 23, 2011

This is the last and final page of a Consent Order and Stipulation in the matter of Mary Louise Kint, R.N., C.N.P., File Number 47-04-95060, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of four pages, this page included.

DWC

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BUREAU OF HEALTH PROFESSIONS
COMPLAINT & ALLEGATION DIVISION

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

MARY LOUISE KINT, R.N., C.N.P.
License Number: 47-04-224847

File Number: 47-05-95060

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Community Health, hereafter Complainant, by Melanie B. Brim, Director, Bureau of Health Professions, and files this complaint against Mary Louise Kint, R.N., C.N.P., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Nursing, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Code.
2. Respondent is currently licensed to practice as a registered nurse in the state of Michigan and holds a specialty certification as a nurse practitioner.
3. On December 3, 2004, the California Board of Registered Nursing, hereafter California Board, disciplined Respondent pursuant to a Decision and Order that adopted a Stipulated Settlement and Disciplinary Order, publicly reprimanding Respondent.

This disciplinary action was based on Respondent's failure to recognize a continuing pregnancy in a post-abortion patient. A copy of the Decision and Order, marked Exhibit A, is attached and incorporated.

COUNT I

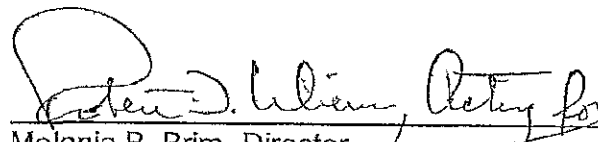
The foregoing disciplinary action in the state of California, as set forth above, constitutes a final adverse administrative action by a licensure, registration, disciplinary, or certification board involving the holder of a license or registration regulated by another state or a territory of the United States, in violation of section 16221(b)(x) of the Public Health Code, supra.

WHEREFORE, Complainant requests that the within complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Melanie B. Brim, Director, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: 3-25-05


Melanie B. Brim, Director
Bureau of Health Professions

Attachment

This is the last and final page of an Administrative Complaint in the matter of Mary L. Kint, R.N., C.N.P., File Number 47-05-95060, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of three pages, this page included.

DWC

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MARY LOUISE KINT
725 Madison Place
Ann Arbor, MI 48103

Alternate Address:
1717 Waverly Road
Ann Arbor, MI 48103

Registered Nurse License No. 425562
Public Health Nurse License No. 43499
Nurse Practitioner License No. 7167
Nurse Practitioner Furnishing No. 7167

Respondent

Case No. 2004-258

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on January 2, 2005.

IT IS SO ORDERED December 3, 2004.

Sandra L. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

EXHIBIT A page 1 of 12

1 BILL LOCKYER, Attorney General
of the State of California
2 CHAR SACHSON, State Bar No. 161032
Deputy Attorney General
3 California Department of Justice
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5558
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2004-258

11 MARY LOUISE KINT
12 725 Madison Place
Ann Arbor, MI 48103

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

13 Alternate address:
14 1717 Waverly Road
Ann Arbor, MI 48103

15 Registered Nurse License No. 425562
16 Public Health Nurse License Number 43499
Nurse Practitioner License Number 7167
17 Nurse Practitioner License Number 7167

18 Respondent.

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
21 above-entitled proceedings that the following matters are true:

22 PARTIES

23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Char
26 Sachson, Deputy Attorney General.

27 2. Respondent Mary Louise Kint (Respondent) is represented in this
28 proceeding by attorney Deborah Phillips, whose address is Anthony & Carlson, 1999 Harrison

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1 St., Suite 2000, Oakland, CA 94612-3582.

2 3. On or about April 30, 1988, the Board of Registered Nursing issued
3 Registered Nurse License Number 425562 to Respondent. Registered Nurse License Number
4 425562 expired on June 30, 2001 and has not been renewed.

5 4. On or about July 11, 1988, the Board of Registered Nursing issued Public
6 Health Nurse License Number 43499 to Respondent. Public Health Nurse License Number
7 43499 expired on June 30, 2001 and has not been renewed.

8 5. On or about August 5, 1994, the Board of Registered Nursing issued Nurse
9 Practitioner License Number 7167 to Respondent. Nurse Practitioner License Number 7167
10 expired on June 30, 2001 and has not been renewed.

11 6. On or about June 30, 1996, the Board of Registered Nursing issued Nurse
12 Practitioner Furnisher License Number 7167 to Respondent. Nurse Practitioner Furnisher
13 License Number 7167 expired on June 30, 2001 and has not been renewed.

14 JURISDICTION

15 7. Accusation No. 2004-258 was filed before the Board of Registered
16 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
17 The Accusation and all other statutorily required documents were properly served on Respondent
18 on March 22, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A
19 copy of Accusation No. 2004-258 is attached as exhibit A and incorporated herein by reference.

20 ADVISEMENT AND WAIVERS

21 8. Respondent has carefully read, fully discussed with counsel, and
22 understands the charges and allegations in Accusation No. 2004-258. Respondent also has
23 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
24 Settlement and Order.

25 9. Respondent is fully aware of her legal rights in this matter, including the
26 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
27 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
28 the right to present evidence and to testify on her own behalf; the right to the issuance of

1 subpoenas to compel the attendance of witnesses and the production of documents; the right to
2 reconsideration and court review of an adverse decision; and all other rights accorded by the
3 California Administrative Procedure Act and other applicable laws.

4 10. Respondent voluntarily, knowingly, and intelligently waives and gives up
5 each and every right set forth above.

6 CULPABILITY

7 11. Respondent understands and agrees that the charges and allegations in
8 Accusation No. 2004-258, if proven at a hearing, constitute cause for imposing discipline upon
9 her Registered Nurse License.

10 12. Respondent agrees that her Registered Nurse License is subject to
11 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
12 Disciplinary Order below.

13 CIRCUMSTANCES IN MITIGATION

14 13. Respondent Mary Louisc Kint has been a practicing registered nurse for 16
15 years and has never been the subject of any disciplinary action. She understands that a
16 continuing pregnancy was missed at the initial visit 12/19/97, but a pregnancy test was not
17 indicated by exam or the Planned Parenthood protocol in use at that time. The patient was
18 instructed at the time of the therapeutic abortion, and again at her two-week post-procedure visit,
19 to notify the Planned Parenthood clinic if no menses had resumed by six weeks after the
20 procedure. Mary Kint did not have any interim discussion with the patient and was not otherwise
21 notified that the patient's menses had not returned until the patient's next visit 2/18/98, at which
22 time a pregnancy was diagnosed by exam and urine test.

23 CONTINGENCY

24 14. This stipulation shall be subject to approval by the Board of Registered
25 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
26 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
27 and settlement, without notice to or participation by Respondent. By signing the stipulation,
28 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind

1 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
2 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
3 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
4 between the parties, and the Board shall not be disqualified from further action by having
5 considered this matter.

6 15. The parties understand and agree that facsimile copies of this Stipulated
7 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
8 force and effect as the originals.

9 16. In consideration of the foregoing admissions and stipulations, the parties
10 agree that the Board may, without further notice or formal proceeding, issue and enter the
11 following Disciplinary Order:

12 DISCIPLINARY ORDER

13 IT IS HEREBY ORDERED that Registered Nurse License Number 425562,
14 Public Health Nurse License Number 43499, Nurse Practitioner License Number 7167, Nurse
15 Practitioner License Number 7167 heretofore issued to respondent shall, by way of letter from
16 the Executive Officer, be publicly reprimanded. Said letter of public reprimand will issue as set
17 forth herein above and shall be in the same form as the letter attached as exhibit B hereto.

18 ACCEPTANCE

19 I have carefully read the Stipulated Settlement and Disciplinary Order. I
20 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
21 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
22 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

23 DATED: 10/3/04

24
25 *Mary Louise Kint*
26 MARY LOUISE KINT
Respondent

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COMPLAINT & ALLEGATION DIVISION

27 I have read and fully discussed with Respondent Mary Louise Kint the terms and
28 conditions and other matters contained in this Stipulated Surrender of License and Order. I

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approve its form and content.

DATED: June 7, 2004



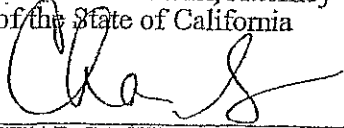
DEBORAH PHILLIPS
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 7/15/04

BILL LOCKYER, Attorney General
of the State of California



CHAR SACHSON
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: SF2004400037
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Exhibit A
Accusation No.

1 BILL LOCKYER, Attorney General
of the State of California
2 CHAR SACHSON, State Bar No. 161032
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2004-258

11 MARY LOUISE KINT
12 725 Madison Place
Ann Arbor, MI 48103

ACCUSATION

13 Registered Nurse License No. 425562
14 Public Health Nurse License No. 43499
Nurse Practitioner License No. 7167
15 Nurse Practitioner Furnisher License No. 7167

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about April 30, 1988, the Board of Registered Nursing issued
24 Registered Nurse License Number 425562 to Mary Louise Kint (Respondent). Registered
25 Nursing License Number 425562 expired on June 30, 2001 and has not been renewed.

26 3. On or about July 11, 1988, the Board of Registered Nursing issued Public
27 Health Nurse License Number 43499 to Respondent. Public Health Nurse License Number
28 43499 expired on June 30, 2001 and has not been renewed.

1 4. On or about August 5, 1994, the Board of Registered Nursing issued Nurse
2 Practitioner License Number 7167 to Respondent. Nurse Practitioner License Number 7167
3 expired on June 30, 2001 and has not been renewed.

4 5. On or about June 30, 1996, the Board of Registered Nursing issued Nurse
5 Practitioner Furnisher License Number 7167 to Respondent. Nurse Practitioner Furnisher
6 License Number 7167 expired on June 30, 2001 and has not been renewed.

7
8 JURISDICTION

9 6. This Accusation is brought before the Board of Registered Nursing
10 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
11 references are to the Business and Professions Code unless otherwise indicated.

12 7. Section 2750 of the Business and Professions Code ("Code") provides, in
13 pertinent part, that the Board may discipline any licensee, including a licensee holding a
14 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
15 2750) of the Nursing Practice Act.

16 8. Section 2761 of the Code states:

17 "The board may take disciplinary action against a certified or licensed nurse or
18 deny an application for a certificate or license for any of the following:

19 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

20 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed
21 nursing functions."

22
23 9. California Code of Regulations, title 16, section 1442, states:

24 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
25 departure from the standard of care which, under similar circumstances, would have ordinarily
26 been exercised by a competent registered nurse. Such an extreme departure means the repeated
27 failure to provide nursing care as required or failure to provide care or to exercise ordinary
28 precaution in a single situation which the nurse knew, or should have known, could have

1 jeopardized the client's health or life."

2 10. California Code of Regulations, title 16, section 1443, states:

3 "As used in Section 2761 of the code, 'incompetence' means the lack of possession
4 of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed
5 and exercised by a competent registered nurse as described in Section 1443.5."

6 11. Section 118, subdivision (b), of the Code provides that the expiration of a
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
8 period within which the license may be renewed, restored, reissued or reinstated.

9 12. Section 125.3 of the Code provides, in pertinent part, that the Board may
10 request the administrative law judge to direct a licentiate found to have committed a violation or
11 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
12 and enforcement of the case.

13 FACTUAL BACKGROUND

14 13. On November 18, 1997, J.B., a twenty-five year old woman, went to
15 Planned Parenthood Golden Gate ("Planned Parenthood") in San Francisco, California, for a
16 pregnancy test. Her last menstrual period was on October 5, 1997. Planned Parenthood
17 administered a pregnancy test to J.B., and the result was positive.

18 14. J.B. returned to Planned Parenthood on November 25, 1997. J.B. received
19 "Post Abortion Instructions" which advise patients to make an appointment with Planned
20 Parenthood if menses do not start within six weeks after the abortion. J.B. had an abortion at
21 Planned Parenthood on or about December 4, 1997.

22 15. On December 19, 1997, J.B. returned to Planned Parenthood for a follow-
23 up visit, complaining of bloating, cramping, and no return of menses. Respondent examined J.B.
24 and found her breasts, genitalia, vagina, cervix, uterus and adnexa (fallopian tubes and ovaries)
25 to be within normal limits.

26 16. On January 20, 1998, J.B. called Planned Parenthood and reported her
27 concerns regarding the failure of menses to return, bloating, breast tenderness and continued
28 cramping. The Planned Parenthood staff person with whom J.B. spoke reassured J.B., told her

1 everything was normal, and that her period should return in a few weeks.

2 17. J.B. called Planned Parenthood again several times, and scheduled an
3 appointment for February 18, 1998. Respondent saw J.B. on February 18. J.B. reported that she
4 still had not gotten her period, that she had gained approximately 20 pounds, that she was
5 bloated, had swollen breasts, a swollen stomach, and did not feel right. Respondent examined
6 J.B. and told her that everything was fine. J.B. continued to voice her complaints to Respondent,
7 who then ordered a pregnancy test the result of which was positive.

8 18. J.B. went to another facility on February 24, 1998 and had a sonogram
9 which showed part of a growing fetus. J.B. had a second semester abortion on February 28,
10 1998.

11 FIRST CAUSE FOR DISCIPLINE

12 (GROSS NEGLIGENCE)

13 19. Respondent is subject to disciplinary action under section 2761(a)(1) in
14 that she was grossly negligent when she failed to recognize J.B.'s continuing pregnancy on
15 December 19, 1997 and failed to order a pregnancy test, necessitating a second trimester
16 abortion.

17 SECOND CAUSE FOR DISCIPLINE

18 (INCOMPETENCE)

19 20. Respondent is subject to disciplinary action under section 2761(a)(1) in
20 that she was incompetent when she failed to recognize J.B.'s continuing pregnancy on December
21 19, 1997 and failed to order a pregnancy test, necessitating a second trimester abortion.

22 21. Respondent is subject to disciplinary action under section 2761(a)(1) in
23 that she was incompetent when she failed to recognize J.B.'s continuing pregnancy on February
24 18, 1998.

25 THIRD CAUSE FOR DISCIPLINE

26 (UNPROFESSIONAL CONDUCT)

27 22. Respondent is subject to disciplinary action under section 2761(a) in that
28 she acted unprofessionally when she failed to recognize J.B.'s continuing pregnancy on

1 December 19, 1997 and failed to order a pregnancy test, necessitating a second trimester
2 abortion.

3 23. Respondent is subject to disciplinary action under section 2761(a) in that
4 she acted unprofessionally when she failed to recognize J.B.'s continuing pregnancy on February
5 18, 1998.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 425562, issued
10 to Mary Louise Kint;

11 2. Revoking or suspending Public Health Nurse License Number 43499,
12 issued to Mary Louise Kint;

13 3. Revoking or suspending Nurse Practitioner License Number 7167, issued
14 to Mary Louise Kint;

15 4. Revoking or suspending Nurse Practitioner Furnisher License Number
16 7167, issued to Mary Louise Kint;

17 5. Ordering Mary Louise Kint to pay the Board of Registered Nursing the
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3;

20 6. Taking such other and further action as deemed necessary and proper.

21 DATED: 3/22/04

22
23
24 Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
25 Executive Officer
26 Board of Registered Nursing
Department of Consumer Affairs
27 State of California
Complainant

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