



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: JANET N. HART, R.N.) **CONSENT AGREEMENT**
 of Ellsworth, Maine) **FOR LICENSE PROBATION**
 License # R043361) **WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Janet N. Hart's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(4), 10 M.R.S.A. § 8003(5)(B), and 32 M.R.S.A. § 2105-A(1-A)(B). The parties to this Consent Agreement are Janet N. Hart ("Licensee"), Maine State Board of Nursing ("Board") and the Office of Attorney General, State of Maine. An informal conference held on May 14, 2003. The parties reached this Agreement based on information submitted by Maine Coast Memorial Hospital by letter dated November 25, 2002.

FACTS

1. Janet N. Hart has been a registered professional nurse since 1999.
2. Janet N. Hart admits that she diverted patient's medication for her own personal use. Ms. Hart diverted 13 tablets of Vicodin over a two month period. The medications that she diverted were not withheld from patients, but were taken instead of wasting the medications. There is no documented patient harm and there is no evidence that Ms. Hart worked while being impaired.
3. Janet N. Hart is currently in treatment for depression and has been substance free for six months.

AGREEMENT WITH CONDITIONS OF PROBATION

4. Janet N. Hart agrees and understands that this document imposes discipline regarding her license to practice registered professional nursing and the above-described conduct constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A(2)(A), (2)(F) and (2)(H) and Chapter, 4.1.A.1., 4.1.A.6., 4.3.P. and 4.3.Q. of the Rules and Regulations of the Maine State Board of Nursing.
5. Janet N. Hart's license to practice registered professional nursing in the State of Maine will be placed on a probationary status with conditions. The period of probation will be for a period of two years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during



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

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which Ms. Hart performs nursing services. Ms. Hart's probationary license will be subject to the following conditions:


- a. Ms. Hart will continue in her treatment program to such an extent and for as long as her treatment provider(s) recommend. She will notify the Board if she changes her primary physician.
- b. Ms. Hart will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s) regarding the status of her treatment.
- c. Ms. Hart will immediately notify the Board in writing of a change in her nursing employment or entry into an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and the same notice shall apply to any subsequent change in employment or change in educational programs.
- d. Ms. Hart will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
- e. Ms. Hart will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her nursing practice.
- f. Ms. Hart agrees and understands that the Board and the Office of the Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for anxiety and depression which the Board deems necessary to evaluate Ms. Hart's compliance with the Consent Agreement and her continued recovery. Ms. Hart shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board for the purpose of evaluating Ms. Hart's compliance with the Consent Agreement.
- g. Ms. Hart will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a physician who is aware of Ms. Healy's substance abuse history.

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6. Janet N. Hart agrees and understands that her license will remain on probationary status and subject to the terms of this Consent Agreement indefinitely beyond the two year probationary period, until and unless the Board, at Ms. Hart's written request, votes to terminate Ms. Hart's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Hart has complied with the provisions of this Consent Agreement.
7. Janet N. Hart understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Hart 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 the Consent Agreement.
8. If Ms. Hart fails to meet any of the obligations of this Consent Agreement, 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.
9. Janet N. Hart affirms that she executes this Consent Agreement of her own free will.
10. Modification of this Consent Agreement must in writing and signed by all the parties.
11. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.
12. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, JANET N. HART, R.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: 7-16-03



JANET N. HART, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

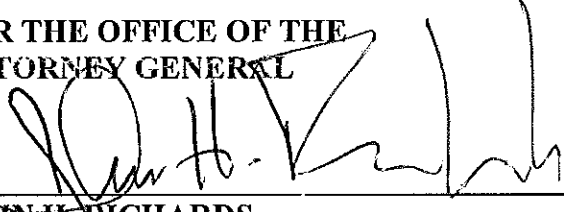
DATED: 7/17/03



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 7/22/03



JOHN H. RICHARDS
Assistant Attorney General