



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

PAUL R. LEPAGE  
 GOVERNOR

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

IN RE: VICKI SUE HART, RN )  
 of Ellsworth, ME )  
 License No. RN31444 )

**CONSENT AGREEMENT  
 FOR REPRIMAND AND  
 SURRENDER OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Vicki Sue Hart’s license as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Vicki Sue Hart (“Licensee” or “Ms. Hart”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (C), 10 M.R.S. §§ 8003(A-1) (4), 8003(5) (B) and 10 M.R.S. § 8003(5) (D). Ms. Hart met with the Board on March 20, 2012 in an informal conference; the parties reached this Agreement on the basis of a Board Complaint dated October 4, 2011, with a report from Amy E. King (“Ms. King”) dated September 17, 2011, and supplemental information from Ms. King dated March 12, 2012.

**FACTS**

1. Vicki Sue Hart has been an RN licensed to practice in Maine since March 25, 1988. She previously held a licensed practical nurse license from May 28, 1986 to August 26, 1988.
2. Amy E. King, a Hemodialysis Technician employed at Eastern Maine Medical Center (“EMMC”), provided information to the Board reporting an incident of unsafe nursing practice involving Ms. Hart and Patient A. Both Ms. King and Ms. Hart worked at Eastern Maine Dialysis, which is affiliated with EMMC, in Ellsworth, Maine. Ms. King reported that Patient A asked Ms. Hart for a prescribed administration of Mannitol due to severe cramping in his hands, near the end of his treatment. Instead of giving Patient A Mannitol, Ms. Hart administered 30cc’s of saline, telling Patient A that it was Mannitol and assuring him that his cramps would be relieved. Upon Patient A’s complaint that his cramps were not relieved, Ms. Hart administered 30cc’s of Mannitol, telling Patient A that this was his second dosage of Mannitol. Ms. Hart admitted that: 1) she administered the 30cc’s of saline to Patient A as a placebo, which was not prescribed by Patient A’s physician; and 2) she did not follow the policy of administering 2-200ml normal saline bolus.<sup>1</sup>

In addition, Ms. Hart admitted that she inappropriately delegated to medical technicians the administration of medications to patients near the end of their treatment.

3. Ms. King also reported several incidents of professional boundary issues involving Ms. Hart and her patients. Ms. Hart admitted that her conduct in the reported incidents was inappropriate and unprofessional.
4. Vicki Sue Hart waives her right to a hearing and wishes to resolve this matter by voluntarily surrendering her RN license.

<sup>1</sup> Normal Saline (0.9%) sodium chloride, a class of intravenous (IV) fluids called crystalloids, is the most widely used infusion solution. In this instance, the saline flush was the protocol for clearing out Patient A’s IV lines of any medicines administered during dialysis.



PRINTED ON RECYCLED PAPER

### AGREEMENT

5. Ms. Hart understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not they would support the Board's findings in this Agreement. Further, she understands and agrees that this document imposes discipline regarding her nursing practice in the State of Maine. Based upon the above-stated facts, the grounds for discipline are found under 32 M.R.S. § 2105-A (2) (E) (1), (2) (E) (2), (2) (F), and (2) (H) and Chapter 4, sections 1.A.5.a., 1.A.5.b., 1.A.6., 1.A.8., 4.3.F. and 4.3.U. of the Rules and Regulations of the Maine State Board of Nursing ("Board Rule"). Vicki Sue Hart is hereby **REPRIMANDED** for inappropriate delegation of nursing care to unauthorized medical personnel. In addition, the Maine State Board of Nursing will accept Vicki Sue Hart's offer to voluntarily surrender her RN license. Specifically, the violations are:
  - a. 32 M.R.S. § 2105-A (2) (E). Incompetence in the practice for which the licensee is licensed.
    - (1) Ms. Hart engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a resident or the general public.
    - (2) Ms. Hart engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed. See also: Board Rules Chapter 4, Sections 1.A.5.a. and 1.A.5.b.
  - b. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Hart engaged in unprofessional conduct which violates a standard of professional behavior that has been established in the practice for which she is licensed. See also: Board Rule Chapter 4, Section 1.A.6.
  - c. 32 M.R.S. § 2105-A (2) (H). Ms. Hart violated a Maine Revised Statute in Title 32, Chapter 31 and rules adopted by the Board. See also: Board Rule Chapter 4, Section 1.A.8.
  - d. Board Rule: Chapter 4, Section 3. Defines "Unprofessional Conduct" as *nursing behavior which fails to conform to legal standards of the nursing profession, which could reflect adversely on the health and welfare of the public*, which includes:
    - Chapter 4, Section 3(F). Ms. Hart failed to follow policies and procedures designed to safeguard a patient in that she failed to follow appropriate standards of nursing practice for patient care and safety.
    - Chapter 4, Section 3(U). Ms. Hart engaged in behavior that exceeds professional boundaries.
6. Vicki Sue Hart understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Hart understands and agrees that if the Board reinstates her license, it may be for a probationary period.
7. Vicki Sue Hart must successfully complete an interactive lecture and textbook course in patient rights and professional boundaries. Prior to petitioning the Board for reinstatement, Ms. Hart must provide the Board with documentation regarding successful completion of this course.

8. Vicki Sue Hart agrees that before she petitions the Board for reinstatement, she must submit to a mental health examination which will address the boundary issues that were the subject of the complaint while she was employed at Eastern Maine Dialysis. Ms. Hart understands that the costs associated with the examination will be her responsibility. Ms. Hart also agrees to provide the Board with the name, address and credentials of the mental health provider who will conduct the examination. In addition, Ms. Hart agrees and understands that the Board and/or 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 evaluation and any subsequent treatment which the Board deems necessary to evaluate her compliance with this Agreement. Ms. Hart shall provide such information, authorize the release of such records and information, and authorize any such discussions and communications with any and all persons involved in her care and counseling as may be requested by the Board for the purpose of evaluating her compliance with this Agreement.
9. 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 Board Rules. The State of Maine is Ms. Hart’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 in the Compact are referred to as “Remote states,” which means Party states other than the Home state that have adopted the Compact. Ms. Hart understands this Agreement is subject to the Compact.
10. Vicki Sue Hart understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
11. Vicki Sue Hart shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation “RN” while her nursing license is surrendered.
12. This Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
13. Modification of this Agreement must be in writing and signed by all parties.
14. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. Vicki Sue Hart affirms that she executes this Agreement of her own free will.
16. This Agreement becomes effective upon the date of the last necessary signature below.

**I, VICKI SUE HART, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE. 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: Aug. 22, 2012

Vicki Sue Hart, RN  
VICKI SUE HART, RN

FOR THE MAINE STATE  
BOARD OF NURSING

DATED: Aug 27, 2012

Myra Broadway  
MYRA A. BROADWAY, JD, MS, RN  
Executive Director

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 8/29/12

John H. Richards  
JOHN H. RICHARDS  
Assistant Attorney General