



Paul R. LePage  
GOVERNOR

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

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

IN RE: VICKI S. HART )  
of Ellsworth, ME )  
License #RN31444 )  
Case 2011-422 )

CONSENT AGREEMENT  
FOR PROBATIONARY  
LICENSE

**INTRODUCTION**

This document is a Consent Agreement that grants a probationary license to practice registered professional nursing in the State of Maine to Vicki S. Hart. The parties to this Agreement are Vicki S. Hart ("Ms. Hart"), the Maine State Board of Nursing ("the 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) (B) and § 8003 (5) (B).

**FACTS**

1. **License History:** On March 25, 1988, the Board issued Vicki S. Hart a license to practice as a registered professional nurse ("RN"). On August 29, 2012, Ms. Hart entered into a Consent Agreement for Reprimand and Surrender of License with the Board and the Office of the Attorney General as a result of incompetence, inappropriate delegation and unprofessional behavior with boundary issues. Paragraph 8 of that Consent Agreement provided that before Ms. Hart petitions the Board for reinstatement, she must 1) submit to a mental health examination to address boundary issues and 2) provide documentation that she has successfully completed an interactive lecture and textbook course in patient rights and professional boundaries. The August 2012 Consent Agreement is attached and herein incorporated as Exhibit A.
2. On April 10, 2013, the Board received the following documentation: 1) a treatment provider report dated February 27, 2013 from Ellen Sherwood, LCPC, who has been seeing Ms. Hart in psychotherapy since November 19, 2012; 2) an Ethics Protection Plan developed by Ms. Hart and Stephen J. Schenthal, MD, MSW and CEO/Founder of Professional Boundaries, Inc.; 3) a Certificate of Completion for Professional Boundaries, Inc. "Medical Ethics for Professionals" course dated November 15, 2012; 4) a psychological evaluation dated October 7, 2012 performed by Michael Curless, PhD; and 5) several letters of recommendation from Ms. Hart's former co-workers in the health care field.
3. On June 13, 2013, the Board met with Ms. Hart regarding her May 2, 2013 request for reinstatement of her RN license. Following its review of the above-noted information and discussion with Ms. Hart, the Board voted to reinstate her license to practice as an RN pursuant to a Consent Agreement for Probation. In so doing, the Board made a determination that Ms. Hart is safe to return to the practice of nursing under probation and conditions that will allow the Board to monitor her nursing practice.

**AGREEMENT**

4. Vicki S. Hart acknowledges that the Board has the discretion to grant or deny her reinstatement of her RN license pursuant to the August 2012 Consent Agreement. In light of Ms. Hart's prior disciplinary history, the Board agrees to issue and Ms. Hart agrees to accept, effective upon the execution of this Consent Agreement, an RN license subject to **PROBATION** with the following conditions:



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- a. Ms. Hart shall inform the Board in writing within 15 days of any address change.
  - b. Ms. Hart shall notify any and all of her nursing employers or prospective nursing employers of the terms of this Consent Agreement and provide them with a copy of it.
  - c. Ms. Hart understands that her employment during the term of this Agreement is restricted to structured settings with on-site supervision by an RN. Structured settings shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse, or within the correctional system.
  - d. Ms. Hart shall notify the Board in writing within five (5) business days after she obtains any nursing employment and/or enrolls in a nursing education program. Notice under this section shall include the place and position of employment and/or the nursing educational program.
  - e. Ms. Hart shall arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her general nursing practice. If during the period of probation, Ms. Hart's employment as a nurse or her nursing education program terminates, she shall notify the Board in writing within five (5) business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances to ensure that she remains in compliance with her employment quarterly reports and nursing education requirements.
5. Vicki S. Hart agrees and understands it is the parties' intent that the probation and conditions imposed by the Consent Agreement shall exist for a term of two (2) years of active nursing practice. However, Ms. Hart agrees and understands that her license will remain on probationary status and subject to the terms of this Consent Agreement beyond the previously referenced probationary term of two (2) years 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. Hart has complied with the terms and conditions of this Consent Agreement and the reports of her nursing employers.
6. 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 principal 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 and agrees that this Consent Agreement is applicable to her multi-state licensure privilege, if any, to practice nursing in Compact states.
- IT IS FURTHER AGREED that while Ms. Hart's license is subject to this Consent Agreement, she may not work outside the State of Maine pursuant to a multi-state privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the party state in which she wishes to work.
7. Pursuant to 10 M.R.S. § 8003 (5) violation by Ms. Hart of any of the terms or conditions of probation of this Consent Agreement shall constitute grounds for disciplinary action against Ms. Hart's nursing license including, but not limited to, suspension or revocation.
8. Pursuant to 10 M.R.S. § 8003 (5) Ms. Hart agrees that the Board has the authority to suspend or revoke her license in the event that she violates any of the terms or conditions of probation of this Consent Agreement.
9. This Consent Agreement constitutes final, non-appealable action regarding Ms. Hart's application for the reinstatement of her RN license. This Consent Agreement cannot be amended orally. This Consent Agreement may only be amended or rescinded in writing by agreement of all parties.

10. This Consent 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.
11. This Consent Agreement constitutes adverse licensing action that is subject to the federal reporting requirements of Section 1128E of the Social Security Act and 45 C.F.R. Part 61 and any other interstate/national reporting requirements.
12. Vicki S. 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 this Consent Agreement.
13. For the purposes of this Consent Agreement, the term "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.


I, VICKI S. HART, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING 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: July 29, 2013

  
\_\_\_\_\_  
VICKI S. HART

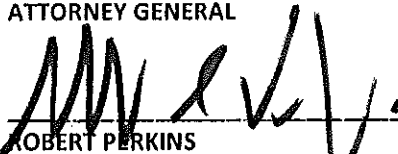
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: July 31, 2013

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

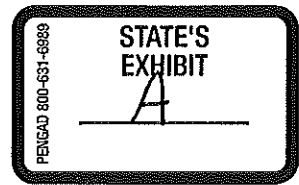
FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 8/6/13

  
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ROBERT PERKINS  
Assistant Attorney General



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 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.



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### 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