



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

PAUL R. LEPAGE
 GOVERNOR

KIM ESQUIBEL, PhD, M.S.N., R.N.
 EXECUTIVE DIRECTOR

IN RE: BARBARA C. BISHOP)
 of Bowdoinham, ME)
 License No. RN33701)

CONSENT AGREEMENT
 FOR REINSTATEMENT
 ON PROBATION

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. § 8008, the Legislature provided that the sole purpose of the Board is to “protect the public health and welfare” and that “other goals or objectives may not supersede this purpose.”

This document is a Consent Agreement (“Agreement”) regarding Barbara C. Bishop’s license as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Barbara C. Bishop (“Ms. Bishop”), 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) and 10 M.R.S. § 8003(5).

FACTS

- Ms. Bishop was first licensed to practice as an RN in Maine on August 29, 1990.
- Disciplinary History.** On June 1, 2011, the Board entered into a Consent Agreement for Voluntary Surrender (“June 2011 Agreement”) with Ms. Bishop for habitual substance abuse that had or could affect her patients, practicing nursing while impaired, and diversion, among other things. Ms. Bishop also pled guilty to Endangering the Welfare of a Dependent Person (Class D) in the Androscoggin Superior Court based on her patient care.
- On January 23, 2017, the Board received Ms. Bishop’s written request for reinstatement of her nursing license.
- On March 8, 2017, the Board met with Ms. Bishop to review her January 23, 2017 request for reinstatement. After careful consideration, the Board agreed to reinstate Ms. Bishop’s nursing license on probation for two (2) years.

AGREEMENT

- As consideration for the reinstatement of her nursing license, Ms. Bishop agrees that unless this Agreement is modified in writing by all of the parties hereto, following the execution of this Agreement **her license to practice as a registered professional nurse shall be probationary for two (2) years of nursing employment and/or enrollment in a nursing education program**, and shall be subject to the following conditions:
 - Education.** Ms. Bishop must successfully complete, at her own expense, an RN refresher course that includes a clinical component. The course must be preapproved by the Board’s Executive Director. Ms. Bishop must provide documentation of her successful completion of the course prior to returning to nursing employment.
 - Nurse Supervisor and Reporting.** For at least two (2) years of nursing employment and/or enrollment in a nursing education program, Ms. Bishop is restricted to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health care, school nursing, work as a travel nurse, or within the correctional system.



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The nurse supervisor must be in direct contact with Ms. Bishop (i.e., physically on site) and be able to observe her nursing performance. The nurse supervisor shall inform the Board if Ms. Bishop demonstrates any issues with regard to attendance, inability to concentrate, inappropriate decision-making, medication administration/documentation, or any other concerns. The supervising nurse shall report such information to the Board in writing within 24 hours or as soon thereafter as possible. In addition, the nurse supervisor shall provide the Board with a written report regarding Ms. Bishop's nursing performance every three (3) months, with the first report due three (3) months from the date of the execution of this Agreement. It is **Ms. Bishop's responsibility** to ensure that these reports are provided to the Board in a timely manner.

- c. Abstinence. Ms. Bishop agrees to completely abstain from the use of alcohol or drugs with the exception of substances used in accordance with a valid prescription from her health care treatment providers who are aware of her history.
- d. Notification to Nursing Employer(s)/Potential Employers/Licensing Jurisdictions. Ms. Bishop shall provide a copy of this Agreement to any nursing employers or potential nursing employers, and to any jurisdiction in which she holds or seeks a nursing license.
- e. Current Contact Address/Change of Contact Address – Notification Requirement. Ms. Bishop shall provide the Board with a current address at which she may be contacted by the Board. Ms. Bishop shall inform the Board **in writing within 15 days** of any change of her contact address/information.
- f. Employment Change – Notification Requirement. Ms. Bishop will notify the Board **in writing within five (5) business days** of any change in her nursing employment and/or enrollment in a nursing education program. Notice under this section shall include the place and position of employment and/or the nursing educational program.
- g. Privilege to Practice Restrictions. 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. Ms. Bishop understands and agrees that this Agreement is applicable to her multi-state licensure privilege to practice nursing in Compact states.

IT IS FURTHER AGREED that while Ms. Bishop's license is subject to this 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.

6. Violation of any of the terms or conditions of this Agreement by Ms. Bishop shall constitute unprofessional conduct and shall be grounds for discipline including, but not limited to, modification, suspension, or revocation of licensure or the denial of licensure renewal.
7. In the event Ms. Bishop is alleged to have violated any conditions of her probation, the Board will give written notice to her regarding her failure to comply, sent to the last known address that is on file with the Board. Ms. Bishop shall, within 30 days from receipt of this notification, submit a written response to the Board regarding the alleged violation. The Board will review Ms. Bishop's timely response to determine what action, if any, it will take. If Ms. Bishop fails to timely respond to the Board's notification regarding noncompliance, her license may be immediately suspended by the Board pending hearing at the next regularly scheduled Board meeting. If after notice and hearing, the Board finds that Ms. Bishop has failed to meet probationary conditions, the Board may take any disciplinary action that it deems appropriate and impose any of the sanctions including, but not limited to, those found in 10 M.R.S. § 8003 and 32 M.R.S. § 2105-A.
8. Ms. Bishop understands and agrees that if any member of the Board, the Board's Executive Director, or the Attorney General's Office receives reasonably reliable information suggesting that she has not remained substance-free in accordance with this Agreement, **her license will be immediately and automatically suspended pending further review by the Board**. In the event any member of the Board, the Board's Executive Director, or the Attorney General's Office receives such information, it will be immediately forwarded to Ms. Bishop for response. She understands and agrees that in such an event, her license shall remain suspended pending a hearing, which will be held within 60 days of the automatic suspension unless both

Ms. Bishop and the Board agree to hold the hearing at a later date, or the Executive Director and/or Attorney General's Office earlier determine that such information is without merit. If the information received is proven to be inaccurate or incorrect, either through hearing or determination by the Executive Director and/or Attorney General's Office, Ms. Bishop's license will be immediately reinstated retroactive to the date of the suspension.


9. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. This Agreement cannot be modified orally. It can be modified only in writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Ms. Bishop may file a written request, together with any supporting documentation, to modify the terms and conditions of this Agreement. The Board retains the sole discretion to: (a) deny Ms. Bishop's request; (b) grant Ms. Bishop's request; and/or (c) grant Ms. Bishop's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Ms. Bishop's request to modify this Agreement need not be made pursuant to a hearing and is not appealable to any court.
10. The Board and the Attorney General may communicate and cooperate regarding Ms. Bishop's practice or any other matter relating to this Agreement.
11. 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-A.
12. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB).
13. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
14. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
15. Ms. Bishop acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement, that she has executed this Agreement of her own free will and that she agrees to abide by all the terms and conditions set forth in this Agreement.
16. Ms. Bishop's license will be reinstated upon final execution of this Agreement, subject to her satisfaction of all other license reinstatement requirements.

DATED: 7/7/17


BARBARA C. BISHOP


FOR THE MAINE STATE BOARD OF NURSING

DATED: 7/10/17


KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 7-12-17


LAUREN F. LAROCHELLE
Assistant Attorney General