



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: SARA A. CLARKE) **CONSENT AGREEMENT FOR**
 of Rumford Point, Maine) **LICENSE REINSTATEMENT**
 License #R031286) **AND PROBATION WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Sara A. Clarke’s license to practice as a registered professional nurse in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003 (5) (B). The parties to this Consent Agreement are Sara A. Clarke (“Ms. Clarke” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Ms. Clarke on March 18, 2009 regarding her request for reinstatement of her nursing license.

FACTS

1. Sara A. Clarke has been a registered professional nurse licensed to practice in Maine since January 1988; her nursing license lapsed on December 27, 2008.
2. On October 10, 2007, Ms. Clarke was charged with Driving While Intoxicated (“DWI”) in the State of New Hampshire; she pled guilty to this charge on August 11, 2008 in Superior Court of Rockingham County, State of New Hampshire, No. 08-S-22, R#51622. Ms. Clarke was sentenced to 12 months to the House of Corrections. Commencing September 15, 2008, all but 180 days of the sentence was deferred for a period of two years conditioned upon good behavior and compliance with the terms of her sentence.

Upon release from the House of Corrections, Ms. Clarke was committed to serve seven consecutive 24-hour periods at the Multiple DWI Offender Intervention Detention Center. She was fined \$750 and ordered to successfully complete, at her own expense, a 28-day residential treatment program or an intensive course of substance abuse treatment based on a LADAC evaluation and approved by the New Hampshire Department of Health and Human Services [Exhibit 1].

Sara A. Clarke’s criminal history regarding Driving Under the Influence of Alcohol (“DUI”) is as follows:

- a. DUI Date of Citation: 4/22/88 Conviction Date: 7/7/88;
- b. DUI Date of Citation: 12/22/00 Conviction Date: 5/14/01;



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- c. DUI Date of Citation: 10/26/00 Conviction Date: 5/14/01; and
 - d. DUI Date of Citation: 12/1/02 Conviction Date: 6/9/03.
3. On November 8, 2007, Sara A. Clarke was admitted to Mercy Recovery Center; she was discharged November 12, 2007 after completing the alcohol detoxification part of her recovery. On December 11, 2007, Ms. Clarke self-initiated outpatient treatment through Maine Medical Center. She was diagnosed for major depression, an anxiety disorder and alcohol dependence. She started treatment in December 2007 with her physician and was referred to Maine Medical Outpatient Psychiatry where she received individual psychotherapy from January 8, 2008 episodically through July 8, 2008.
4. The Board considered the following correspondence relating to Ms. Clarke's request for reinstatement of her registered professional nurse license:
- a. Correspondence from Ben Weinberg, M.D., Mercy Recovery Center, dated November 12, 2007;
 - b. Correspondence from Troy Clarke, LCSW, Staff Clinician at Maine Medical Center Outpatient Psychiatry, dated January 29 and March 9, 2009; and
 - c. Correspondence from Dena Whitesell, M.D., treating psychiatrist since December 2007 [Exhibit 2].

AGREEMENT AND CONDITIONS OF PROBATION

5. Sara A. Clarke understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine. The grounds for discipline for violations are under 32 M.R.S.A. § 2105-A (2) (B), (2) (F), (2) (H) and Chapter 4, sections 1(A) (2), 1(A) (6) and 1(A) (8) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
- a. M.R.S.A. § 2105-A (2) (B). Habitual substance abuse that is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2.)
 - b. M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Ms. Clarke engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - c. M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6.)

6. Sara A. Clarke's license as a registered professional nurse in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence upon her return to nursing practice, either through employment and/or pursuant to a clinical nursing educational program, and will be for a period of five years, effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Clarke performs nursing services. Her probationary license will be subject to the following conditions:
 - a. Sara A. Clarke will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a treatment provider who is aware of her substance abuse history.
 - b. Sara A. Clarke shall fully cooperate with the representatives of the Board in its monitoring and investigation of the Licensee's compliance with probation. She will inform the Board in writing within 15 days of any address change.
 - c. Sara A. Clarke will continue in her treatment program to such an extent and for as long as her treatment providers recommend and will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers until her probation is terminated. If Ms. Clarke's treatment is terminated during her probation, she shall notify the Board and provide written documentation.
 - d. Sara A. Clarke will notify the Board in writing within five business days after she obtains any nursing employment and/or an educational program in the field of nursing; notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, Ms. Clarke's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances surrounding the termination or separation.
 - e. Sara A. Clarke will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.
 - f. Sara A. Clarke will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice, which is to include clinical competency, ability to follow policies and procedures relative to standards of practice, and clinical documentation.
 - g. Sara A. Clarke understands and agrees that her license will remain on probationary status and subject to the terms of this Agreement beyond the five-year probationary period until and unless the Board, at Ms. Clarke's written request, votes to terminate her probation. When considering whether to terminate the

probation, the Board will consider the extent to which Ms. Clarke has complied with the provisions of this Agreement.

h. Sara A. Clarke's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse or within the correctional system.

i. Sara A. Clarke 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 substance abuse which the Board deems necessary to evaluate her compliance with the Agreement and continued recovery. Ms. Clarke 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.

7. If Ms. Clarke violates the conditions of her probation, the Board will give written notice to the Licensee regarding her failure to comply. Notice will be sent by certified mail, return receipt requested, to the last known address of the Licensee that is on file with the Board. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's timely response to determine what action, if any, the Board determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, 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.
8. Sara A. Clarke understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that she has not remained substance free in accordance with the Consent Agreement, her license will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such information, the information will be immediately forwarded to Ms. Clarke for response. Ms. Clarke agrees and understands that in such an event, her license shall remain suspended pending a hearing. The Board shall hold a hearing within 60 days of the automatic suspension unless both the Licensee and the Board agree to hold the hearing later, or the Executive Director and/or the Department of the Attorney General 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 the Department of the Attorney General, Ms. Clarke's license will be immediately reinstated retroactive to the date of suspension.

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 Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Clarke'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 that are in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Clarke understands that this document is an Agreement subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice may be limited to the State of Maine as it pertains to the Compact. If Ms. Clarke wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.
10. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
11. Sara A. Clarke understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
12. Sara A. Clarke affirms that she executes this Consent Agreement of her own free will.
13. Modification of this Consent Agreement must be in writing and signed by all parties.
14. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, SARA A. CLARKE, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE 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.

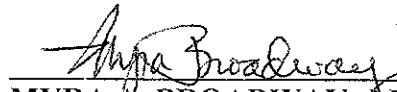
DATED: 5/23/09



SARA A. CLARKE

FOR THE MAINE STATE
BOARD OF NURSING

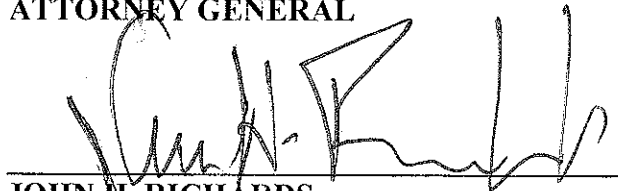
DATED: May 28, 2009



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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 6/1/09



JOHN H. RICHARDS
Assistant Attorney General