



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: SARA A. CLARKE, RN)
 of Portland, ME)
 License No. RN31286)

CONSENT AGREEMENT
 FOR VOLUNTARY
 SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Sara A. Clarke’s license as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Sara A. Clarke (“Licensee” or “Ms. Clarke”), 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. Clarke met with the Board on March 20, 2012 in an informal conference and the parties reached this Agreement on the basis of a Board Complaint dated January 23, 2012 regarding the terms and conditions of her June 1, 2009 Consent Agreement for Probation. The Board Complaint is attached hereto, incorporated herein and marked as Exhibit A.

FACTS

1. Licensing History. Sara A. Clarke has been licensed to practice in Maine as an RN since January 7, 1988. Ms. Clarke is currently under a Consent Agreement for Probation with the Board dated June 1, 2009 (“June09 CA”). Condition 6(a) of the June09 CA states that: *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.* Attached hereto is the June09 CA, marked as Exhibit B.
2. On January 18, 2012, the Board received information regarding three separate occurrences in which Sara was out of recovery and had sought treatment, the most recent of which was on or about December 15, 2011. Ms. Clarke admits that she has a substance abuse problem with alcohol and is in the process of reformulating a plan of recovery which will include continued counseling and treatment to address her substance abuse relapses.
3. Sara A. Clarke was hired in October 2010 as a per diem RN at Maine Medical Center’s Prenatal Center and Labor and Delivery. She states she has never worked while impaired, but admits that work is a stress factor.
4. Sara A. Clarke waives her right to a hearing and wishes to resolve this matter by surrendering her RN license.

AGREEMENT

5. The Maine State Board of Nursing will accept Sara A. Clarke’s offer to voluntarily surrender her registered professional nursing license. Ms. Clarke 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



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her nursing practice in the State of Maine. Based upon the above-stated facts, the grounds for discipline are found under Title 10 M.R.S. § 8003(5)(C)(3), Title 32 M.R.S. § 2105-A (2)(B), (2)(F), and (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 (“Board Rule”). Specifically, the violations are:

- a. 10 M.R.S. § 8003(5)(C)(3). Ms. Clarke breached Condition 6(a) of the June09 Consent Agreement.
 - b. 32 M.R.S. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. See also: Board Rule Chapter 4, Section 1.A.2.
 - c. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. By violating the June09 Consent Agreement, Ms. Clarke has 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.
 - d. 32 M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. See also: Board Rule Chapter 4, Section 1.A.8.
6. Sara A. Clarke 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. Clarke understands and agrees that if the Board reinstates her license, it will be for a probationary period.
 7. Sara A. Clarke will remain substance-free, continue with her treatment providers and counseling, and undergo monitoring with random urine testing through Catholic Charities Substance Abuse Services (“Catholic Charities”) or other Board-approved testing facilities. If Ms. Clarke changes her residence to an area not served by Catholic Charities, she will notify the Board before ending the monitoring, re-establish monitoring with another testing facility, and obtain Board approval within one month of establishing her new residence.
 8. 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 medical condition and any recommended treatment which the Board deems necessary to evaluate her ability to engage in the practice of nursing. Ms. Clarke 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 medical condition and treatment as may be requested by the Board.
 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. 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 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 this Agreement is subject to the Compact.
 10. Sara A. Clarke 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. Sara A. Clarke 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. Sara A. Clarke affirms that she executes this Agreement of her own free will.
16. Upon execution of this Agreement, its effective date is April 29, 2012 at 12:00 AM.

I, SARA A. CLARKE, 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 REGISTERED PROFESSIONAL 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: 5/30/12

Sara A. Clarke RN
SARA A. CLARKE, RN

DATED: 5/30/12

Anne Carney
ANNE M. CARNEY, ESQ.
Attorney for Sara A. Clarke, RN

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 5/31/12

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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 6/4/12

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General