



STATE OF MAINE
 BOARD OF NURSING
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 AUGUSTA, MAINE
 04333-0158

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 GOVERNOR

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

IN RE: SHEILA M. HARLOW)
 of Pownal, Maine)
 License No. RN48703)

CONSENT AGREEMENT
 FOR VOLUNTARY
 SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Sheila M. Harlow’s license to practice as a registered professional nurse (“RN”) in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (C) and 10 M.R.S. § 8003(5) (B), (5) (D). The parties to this Agreement are Sheila M. Harlow (“Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of information provided to the Board regarding Ms. Harlow’s noncompliance with her May 8, 2008 Consent Agreement with the Board.

FACTS

1. Licensing History. Sheila M. Harlow has been an RN licensed to practice in Maine since June 17, 2003. On October 26, 2006, Ms. Harlow entered into a Consent Agreement with the Board surrendering her nursing license following her admitted diversion of scheduled medications (Hydrocodone/Acetaminophen 5/500 TAB) while employed at Maine Medical Center (“MMC”).
2. On September 28, 2009, Ms. Harlow pled guilty to two counts of Unlawful Possession of Scheduled Drugs (Class D misdemeanor) while employed at MMC. The Cumberland County Superior Court imposed two consecutive 364-day terms of imprisonment with all days suspended, one year probation, and a \$1,200 fine.
3. Ms. Harlow participated in Mercy Hospital’s Intensive Outpatient Program in the spring of 2006, but was subsequently readmitted in October 2006 after two relapses. After further treatment and continued aftercare, her physician indicated the chance of relapse was highly unlikely. Therefore, on May 8, 2008, the Board entered into the May 2008 Consent Agreement (“May08 CA”) with Ms. Harlow, reinstating her RN license and placing it on probation for a term of five years.
4. Sheila Harlow was rehired at MMC to work in the Cardiothoracic ICU effective October 6, 2008.
5. Conditions 4(a), 4(b), 4(c) and 4(f) of Ms. Harlow’s May08 CA state:
 - a. *Sheila M. Harlow 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 Ms. Harlow’s substance abuse history.*
 - b. *Sheila M. Harlow will continue in her aftercare treatment program to such an extent and for as long as her treatment providers recommend.*
 - c. *Sheila M. Harlow will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers and such reports shall continue until her probation is terminated. If Ms. Harlow’s treatment is terminated, she shall notify the Board.*
 - f. *Sheila M. Harlow 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. If during the period of probation, Ms. Harlow’s employment as a nurse*



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terminates...she shall notify the Board of this change to ensure that she remains in compliance with her employment quarterly reports.

6. Sheila M. Harlow relapsed in October 2011 and is therefore out of compliance with Condition 4(a) of the May08 CA. In addition, the Board has learned that Ms. Harlow dropped out of treatment in November 2011 and did not resume counseling until January 2012, which is out of compliance with Condition 4(b) of her Agreement.
7. Sheila M. Harlow resigned from her nursing position at MMC November 3, 2011 and failed to notify the Board until March 26, 2012, when the Board's Probation Compliance Officer contacted her regarding continued noncompliance with treatment provider and nursing employer quarterly reporting as cited in Conditions 4(c) and 4(f) of her Agreement.
8. Sheila M. Harlow's nursing license was placed on Inactive status per her request on February 10, 2012. Following Board correspondence dated March 19, 2012, Ms. Harlow spoke with the Probation Compliance Officer to advise her of the October 2011 relapse and offered to voluntarily surrender her RN license, thereby waiving her right to hearing.

AGREEMENT

9. The Maine State Board of Nursing accepts Sheila M. Harlow's offer to voluntarily surrender her RN license, RN48703.
10. Sheila M. Harlow understands that based upon the above-stated facts, this document imposes discipline regarding her RN license in the State of Maine. The grounds for discipline are for violations under 10 M.R.S. § 8003 (A-1) (4), 32 M.R.S. § 2105-A 2 (B), (2) (F), (2) (H) and Chapter 4, Sections 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, Section 3(Q) of the Rules and Regulations of the Maine State Board of Nursing ("Board Rule"). Specifically, the violations are:
 - a. 10 M.R.S. § 8003 (A-1) (4). Failure to comply with the conditions of probation is a ground for disciplinary action against a licensee or registrant. Ms. Harlow failed to comply with the probationary conditions of the May08 CA.
 - 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. Ms. Harlow engaged in unprofessional conduct because she violated standards of professional behavior 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). Ms. Harlow violated a Maine Revised Statute in Title 32, Chapter 31 and Rule adopted by the Board. See also: Board Rule Chapter 4, Section 1.A.8.
 - e. Board Rule: Chapter 4, Section 3 defines "Unprofessional Conduct" as *nursing behavior which fails to conform to legal standards and accepted standards of the nursing profession, which could reflect adversely on the health and welfare of the public* and includes:

Chapter 4, Section 3(Q). Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
11. Sheila M. Harlow understands and agrees that her RN license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at Ms. Harlow's written request, votes to reinstate her license. Ms. Harlow agrees and understands that if the Board reinstates her license, it will be for a probationary period.

12. 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. Harlow's "Home state" of licensure and primary state of residence, which means that Ms. Harlow 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. Harlow understands this Agreement is subject to the Compact.
13. Sheila M. Harlow understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
14. Sheila M. Harlow 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", including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Harlow is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
15. 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.
16. Modification of this Agreement must be in writing and signed by all parties.
17. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
18. Sheila M. Harlow affirms that she executes this Agreement of her own free will.
19. This Agreement becomes effective upon the date of the last necessary signature below.

I, SHEILA M. HARLOW, 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: 8/6/2012


SHEILA M. HARLOW

FOR THE MAINE STATE BOARD OF NURSING

DATED: 8/13/12


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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 8/15/12


JOHN H. RICHARDS
Assistant Attorney General