



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: APRIL R. SHEEN, RN)
of Litchfield, ME)
License No. RN44926)

CONSENT AGREEMENT
FOR
VOLUNTARY SURRENDER

Complaint 2012-228

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding April R. Sheen's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are April R. Sheen ("Licensee" or "Ms. Sheen"), 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) (C) and 10 M.R.S. §§8003 (5) (B) and (5) (D) in order to resolve Complaint 2012-228.

FACTS

1. April R. Sheen was licensed to practice in Maine as an RN on June 26, 2000.
2. On October 12, 2012, the Board received a telephone call from Arcadia Home Care & Staffing ("Arcadia") advising that one of its employees, April R. Sheen, was on work assignment as a charge nurse at Rumford Community Home ("Rumford") on October 11, 2012 when she was transported to Rumford Hospital for a possible drug overdose.

On October 16, 2012, the Board received written notification from Arcadia documenting the above incident. Ms. Sheen stated to an Arcadia representative that she was experiencing a great deal of pain when working on October 11, 2012. Ms. Sheen was advised by a floor nurse to stay the night at the facility as it was getting late and her behavior was 'strange.' Ms. Sheen stated that she did remain at the facility, taking her prescribed Percocet prior to retiring for the night. The pain did not subside so she took three more. At that time, she could not get to sleep and also took her Klonopin. When a nurse checked on her, Ms. Sheen's pulse was rapid, her breathing shallow, and she did not readily awaken; 911 was called (against her will). Arcadia's correspondence to the Board also noted Rumford had contacted the local police and the Department of Health & Human Services.

On October 24, 2012, the Board received a provider report from Rumford confirming the incident concerning Ms. Sheen on October 11-12, 2012 further stating that when the EMTs arrived to transport Ms. Sheen to the hospital, they were not able to arouse her and administered two doses of Narcan, after which she became responsive. On October 30, 2012, the Board initiated Complaint 2012-228 and sent it to Ms. Sheen for response.

3. On January 24, 2013, Rumford submitted a copy of its Investigative Report dated October 17, 2012 to the Board. The Report noted several red flags regarding drug disposal procedures, e.g.,



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Ms. Sheen's insistence drugs be destroyed before a quarterly CQI meeting, her inappropriate disposal of drugs, and her nervous, shaking behavior.

4. On January 25, 2013, during an interview with the Board's investigator, Ms. Sheen confessed to taking too much of her prescribed medication on October 12, 2012, as well as to diverting medication from the facility on October 11, 2012. In her written e-mail response dated January 25, 2013, Ms. Sheen further stated that she had been prescribed Oxycodone and Percocet for pain following numerous surgeries, the most recent in September 2012. She was in a great deal of pain on October 11, 2012 and chose to stay at Rumford rather than try to make the two-hour drive home. She recalled taking ten Klonopin and ten Percocet/Oxycodone over the course of 10-12 hours. She admitted that she took too much and overdosed.

Ms. Sheen further stated in her response that she did divert medications that were to be wasted, as well as empty syringes with residue liquid oral morphine. She stated she was treated in the hospital for four days and then went to in-patient rehabilitation to treat her addiction. Ms. Sheen states that she is enrolled in the Addiction Resource Center, graduated from its daily Intensive Out-patient Program, continues in weekly aftercare group meetings, and sees an addictionologist who monitors random urine drug screens.

5. April R. Sheen has agreed to voluntarily surrender her RN license and enters into this Agreement based upon the above-stated facts, thereby waiving her rights to an adjudicatory hearing.

AGREEMENT

6. April R. Sheen understands and agrees that should this matter go to a hearing before the Board on the above-stated facts and the underlying investigative 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 her conduct in the above-stated facts constitutes grounds for discipline regarding her nursing practice in the State of Maine. Specifically, the violations are:
 - a. Pursuant to 32 M.R.S. §2105-A (2) (A) for engaging in the practice of fraud or deceit in connection with service rendered within the scope of the license issued. See also: Board Rule Chapter 4, §1.A.1.
 - b. Pursuant to 32 M.R.S. §2105-A (2)(B) for 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, §1.A.2.
 - c. Pursuant to 32 M.R.S. §2105-A (2) (E) (1) for engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public. See also: Board Rule Chapter 4, §1.A.5.a.
 - d. Pursuant to 32 M.R.S. §2105-A (2) (F) for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which she is licensed. See also: Board Rule Chapter 4, §1.A.6.

- e. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(K) by inaccurately recording, falsifying, or altering a patient or health care provider record;
 - f. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(O) by practicing nursing when physical or mental ability to practice is impaired by alcohol or drugs;
 - g. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(P) by diverting drugs, supplies, or property of a patient or health care provider; and
 - h. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(Q) by possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
7. As discipline for the conduct admitted in Paragraph 6 above, Ms. Sheen agrees to **SURRENDER** her Maine RN license, effective on the date of the final execution of this Agreement. Ms. Sheen understands and agrees that as a result of surrendering her license, she no longer has a nursing license and is subject to the terms of this Agreement until and unless the Board, at her written request, votes to reinstate her license. Ms. Sheen further understands and agrees that the Board shall have the sole discretion to grant or deny such a request or to grant her a license with probation and conditions as it determines appropriate to protect the public.
 8. The State of Maine is a "Party state" that has adopted the Nurse Licensure Compact ("the Compact"), which is set out in Chapter 11 of the Board Rules. The State of Maine is Ms. Sheen'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. Sheen understands this Agreement is subject to the Compact.
 9. Ms. Sheen 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 she does not hold a nursing license. In addition, she is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
 10. 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.
 11. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
 12. Modification of this Agreement must be in writing and signed by all parties.

13. This Agreement is not subject to review or appeal by Ms. Sheen, but may be enforced by an action in the Superior Court.
14. April R. Sheen affirms that she executes this Agreement of her own free will.
15. This Agreement becomes effective upon the date of the last necessary signature below.

I, APRIL R. SHEEN, RN, 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, INTELLIGENTLY AND AGREE TO BE FOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.


Dated: 4/30/13



APRIL R. SHEEN, RN

FOR THE MAINE STATE BOARD OF NURSING

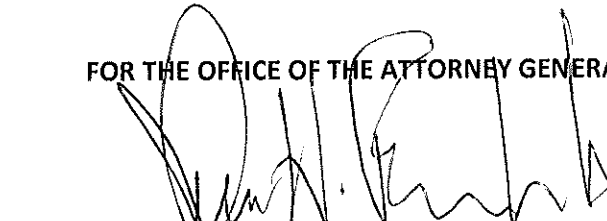
Dated: May 1, 2013



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

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: May 2, 2013



JOHN H. RICHARDS
Assistant Attorney General