

MAINE STATE BOARD OF NURSING

In re:)
Barbara Chaplow, R.N.) DECISION AND ORDER
)

Pursuant to authority found in 32 M.R.S.A. § 2105(A) (1-A) *et seq.*, 5 M.R.S.A. § 9051 *et seq.*, and 10 M.R.S.A. § 8003(5), the Maine State Board of Nursing (“the Board”) met in public session at the Board’s offices located in Augusta Maine on September 28, 2005 for the purposes of determining whether grounds existed for the Board to take disciplinary action against the license held by Barbara Chaplow, R.N. An adjudicatory hearing was held in accordance with 5 M.R.S.A. § 9051 *et seq.* A quorum of the Board was in attendance during all stages of the proceeding. Participating and voting board members were Board Chair Therese B. Shipps, R.N., Betty Kent-Conant, R.N., Diane L. Dalton, R.N.C., Richard Sheehan, R.N., Dorothy Melanson, R.N., Bruce O’Donnell, C.R.N.A., and Karen L. Tripp, public member. John Richards, Assistant Attorney General, presented the State’s case. Barbara Chaplow was not present and was not represented by counsel at the hearing. Susan Sparaco, Assistant Attorney General, served as the Board’s hearing officer.

At the hearing, seven exhibits were entered into evidence. Exhibit #1 was a copy of the profile record maintained by the Maine State Board of Nursing on Barbara Chaplow. Exhibit #2 was a copy of the Notice of Hearing dated August 17, 2005 with a copy of the return receipt indicating that the notice, sent certified mail, was unclaimed. Exhibit #3 is a copy of the procedural timeline in this case, as prepared by Board staff.

Exhibit #4 is a copy of a provider report dated February 3, 2004 from Julie Whiting, B.S.N. under cover letter dated February 11, 2004 from Executive Director Myra Broadway to Ms. Chaplow. Exhibit #4A consisted of copies of Executive Director Myra Broadway's March 10, 2004 letter to Barbara Chaplow. Exhibit #5 was a copy of an "Employee Notice of Disciplinary Action" signed by June Pickering dated 2/3/04. Exhibit #6 was a report by Detective Gerard "Red" Therrien from the Attorney General Health Care Crimes Unit. Exhibit #7 is a copy of a schedule II controlled substances policy with attached nursing notes. Two witnesses testified at the hearing: the Board's Executive Director Myra Broadway and the Director of Nursing Services at South Ridge Rehabilitation and Living Center, Julie Whiting.

FINDINGS OF FACT

Based upon the exhibits and testimony at hearing, the Board found the following facts.

- 1) Barbara Chaplow forged the signatures of at least three nurses on narcotics sheets. The forged names were signed in the space reserved for the signature of the nurse witnessing the disposal of a narcotic.
- 2) During the investigation by Ms. Chaplow's employer, Ms. Chaplow admitted that she wasted the narcotics alone and signed the other nurses' signatures without their knowledge.
- 3) The Board's Executive Director sent Ms. Chaplow copies of the reports prepared by South Ridge Rehabilitation and Living Center and the Department of Human

Services Division of Licensing and Certification regarding this incident and specifically advised of her legal obligation to respond to these reports within thirty days.

4) Ms. Chaplow has never filed a written response to the allegations in this case.

5) The Board attempted, on at least two occasions, to meet with Ms. Chaplow in an informal conferences to address the allegations.

6) Ms. Chaplow has never responded to the Board about the allegations or any other matter concerning this complaint despite several opportunities to do so.

CONCLUSIONS OF LAW

Barbara Chaplow's conduct constitutes the following violations:

1) Practice of fraud or deceit in violation of 32 M.R.S.A. § 2105-A (2) (A) and Chapter 4 §§ 1(A) (1), and 3(K);

2) Incompetence within the meaning of 32 M.R.S.A. § 2105-A (2) (E) and Chapter 4 § 1(A) (5);

3) Unprofessional conduct in violation of 32 M.R.S.A. § 2105-A (2) (F) and Chapter 4 § 1(A) (6) and § 3(H);

4) Violations of the laws and rules governing the practice of nursing within the meaning of 32 M.R.S.A. § 2105-A (H).¹

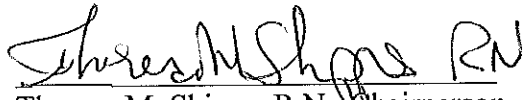
¹ Assistant Attorney General Richards withdrew the alleged charges involving 32 M.R.S.A. § 2105-A (2) (B) and (C).

DISCIPLINARY SANCTION

Based on the above findings of fact and conclusions of law, the Board voted unanimously to revoke Barbara Chaplow's license to practice nursing.

SO ORDERED.

Dated: 10-12-05


Therese M. Shipp, R.N., Chairperson
Maine State Board of Nursing

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. § 10051(3) and 10 M.R.S.A. § 8003(5)(F), any party may appeal this Decision and Order by filing a Petition for Review within thirty (30) days of the receipt of this order with the District Court having jurisdiction. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action in which they wish reviewed. It shall contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought, and a demand for relief. Copies of the Petition for Review shall be served by certified mail, return receipt requested, upon the Maine State Board of Nursing, all parties to the agency proceedings, and the Maine Attorney General.