



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: JANET HART-LECLERC, R.N.)
 (formerly Janet N. Hart) **DECISION AND ORDER**
 License No. 043361) **OF SUSPENSION**

INTRODUCTION

On June 14, 2007, the Maine State Board of Nursing (“Board”) met at the Board’s offices located at 161 Capital Street, Augusta, Maine to consider the above captioned matter.

FACTS

1. Janet Hart-LeClerc has been licensed as a registered professional nurse since 1999.
2. Janet Hart-LeClerc has entered two consent agreements with the Board placing her license as a registered professional nurse on probation. Her license was placed on probation because of drug diversion and substance abuse. The first Consent Agreement dated July 22, 2003, placed her license on probation for a period of two years, which required her to continue in a treatment program to such an extent and for as long as her treatment provider(s) recommend. In addition, Ms. Hart-LeClerc was required to arrange to have her nursing employer(s) provide quarterly reports to the Board regarding her nursing practice. The second Consent agreement dated February 23, 2004, extended her probation for an additional two years because she failed to abide by the requirement in the first Consent Agreement for continued treatment for substance abuse. Both Consent Agreements are attached and marked respectively A and B.
3. On May 17, 2006, the Board sent Ms. Hart-LeClerc a complaint from Brewer Rehab and Living Center, Brewer, Maine regarding an instance where Ms. Hart-LeClerc diverted drugs from the facility. The Board has made repeated attempts to contact Ms. Hart- LeClerc by phone and by correspondence without success regarding this instance.
4. Janet Hart-LeClerc has failed to provide the Board with quarterly report form her treatment provider(s) or her nursing employer(s).
5. Pursuant to 5 M.R.S.A. § 10004 (3) the Board concludes that based upon the recent disciplinary sanctions imposed on Ms. Hart-LeClerc’s license as a registered professional nurse for drug diversion and substance abuse, her continued conduct of drug diversion and her failure to remain in substance abuse treatment, that Ms. Hart-LeClerc’s behavior fails to conform to legal standards



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and accepted standards of the nursing profession, and such conduct is substantially related to the qualifications, functions or duties of a registered professional nurse, and that such conduct reflects adversely on the health and welfare of the public.

APPLICABLE LAW

Pursuant to 5 M.R.S.A. § 10004(3), "an agency may, revoke, suspend or refuse to renew any license without proceeding in conformity with subchapters IV or VI, an agency may revoke, suspend or refuse to renew any license without proceedings in conformity with subchapters IV or VI, when: the health or physical safety of a person or the continued well-being of a significant natural resource is in immediate jeopardy at the time of the agency's action, and acting in accordance with subchapter IV or VI would fail to adequately respond to a known risk, provided that the revocation, suspension or refusal to renew shall not continue for more than 30 days"

CONCLUSIONS OF LAW

The Board has the authority to suspend or revoke Janet Hart-LeClerc's registered professional nurse license Pursuant to 5 M.R.S.A. § 10004 (3).

Janet Hart-LeClerc's conduct described in the above-stated facts is grounds for summary suspension of Ms. Hart-LeClerc registered professional nurse license.

DECISION AND ORDER

A motion was made and seconded to immediately suspend Janet Hart-LeClerc's registered professional nurse license. By a unanimous vote of the Board, Janet Hart-LeClerc's registered professional nurse license is suspended effective immediately. A Notice of Hearing will be sent to Janet Hart-LeClerc for a scheduled adjudicatory hearing on July 9, 2007.

RECORD VOTE

THERESE B. SHIPPS	Affirmative
KAREN L. TRIPP	Affirmative
SUSAN L. BRUME	Affirmative
LYNN F. TURNBULL	Affirmative
BETTY A. KENT-CONANT	Affirmative
CARMEN CHRISTENSEN	Affirmative
BRUCE R. O'DONNELL	Affirmative
ROBIN BROOKS	Affirmative

DATED: 6-20-2007



THERESE B. SHIPPS, Chair
FOR THE MAINE STATE
BOARD OF NURSING

NOTICE OF APPEAL RIGHTS

Janet Hart-LeClerc may appeal this Decision and Order summarily suspending her license by filing a petition for review of final agency action in the Superior Court pursuant to 5 M.R.S.A. §§ 11001, *et seq.* within thirty (30) days after receipt of notice of this Decision and Order. Any other person aggrieved by this Decision and Order may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision and Order.