



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: MARY C. DURLAND-MCDERMOTT) **DECISION AND ORDER**
 of Lewiston, Maine) **OF**
 License #R054601) **SUSPENSION**

INTRODUCTION

On March 18, 2009, the Maine State Board of Nursing (“ME Board”) met at the Board office located at 161 Capitol Street, Augusta, Maine, to consider the above-captioned matter. The Board reviewed the following information: 1) a complaint from the Texas Board of Nursing (“TX Board”) dated March 12, 2009, regarding a criminal matter involving Ms. Durland-McDermott and her failure to abstain from the use of alcohol or drugs; 2) a copy of a FAX dated March 9, 2009 from the Clerk of the Circuit/District Courts, Boone County in the State of Kentucky, regarding a charge of “Alcohol Intoxication in a Public Place” on September 14, 2008; 3) a Notice of Complaint from the ME Board dated December 16, 2008, regarding Ms. Durland-McDermott’s hospitalization for alcohol detoxification in Jacksonville, FL in November 2008 and an arrest in Lewiston, ME in August 2008; and 4) Ms. Durland-McDermott’s January 11, 2008 Consent Agreement with the ME Board. Each of these items is attached as Exhibit A.

FACTS

1. Mary C. Durland-McDermott has been licensed to practice in Maine as a registered professional nurse since January 16, 2008.
2. On January 11, 2008, Ms. Durland-McDermott entered into a Consent Agreement with the ME Board for probation with conditions.
3. Mary C. Durland-McDermott has failed to adhere to the terms and conditions of her January 2008 Consent Agreement with the ME Board. Specifically, she is not in compliance with the conditions stated in Paragraphs 6.a., 6.b., 6.d., 6.e., 6.f. and 6.g. which are:

“6. Mary Durland-McDermott’s license to practice registered professional nursing in the State of Maine will be placed on a probationary status with conditions. The period of probation will be for a period commensurate with her New York license probation, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Consent Agreement, nursing employment is any employment during which Ms. Durland-McDermott performs nursing services. Ms. Mary Durland-McDermott’s probationary license will be subject to the following conditions:

- a. Mary Durland-McDermott will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a



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treatment provider(s) who is aware of Ms. Durland-McDermott's substance abuse history.

b. Mary Durland-McDermott will continue in her treatment program to such an extent and for as long as her treatment provider(s) recommend and will arrange for and ensure the submission to the Board quarterly reports from her treatment provider(s).

d. Mary Durland-McDermott will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her nursing practice.

e. Mary Durland-McDermott will immediately notify the Board in writing regarding any material change in her nursing employment or entry into an educational program in the field of nursing. Notification under this section shall include the place and position of employment or the educational program and the same notification shall apply to any subsequent change in employment or change in educational program.

f. The State of Maine is now Mary Durland-McDermott's home state of licensure. Ms. Durland-McDermott agrees that during the pendency of this Consent Agreement her nursing practice may be limited to the State of Maine for the purposes of the Nurse Licensure Compact. If Ms. Durland-McDermott wishes to practice in any other party state within the Nurse Licensure Compact she shall petition this Board for written authorization. In addition, Ms. Durland-McDermott will arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.

g. Mary Durland-McDermott will arrange and ensure that she provide copies of any documentation to the Maine State Board of Nursing that she provides to the New York Board regarding her compliance with the New York Board Consent Order."

APPLICABLE LAW

1. Pursuant to 32 M.R.S.A. § 2105-A (2), "The Board may suspend or revoke a license pursuant to Title 5, section 10004."
2. Pursuant to 5 M.R.S.A. § 10004(3), "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

Pursuant to 5 M.R.S.A. § 10004 (3), the Board concludes that based upon the information contained in Exhibit A, Ms. Durland-McDermott's behavior fails to conform to legal 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 her conduct reflects adversely on the health and welfare of the public, such that, the licensee and the public she serves is in immediate jeopardy, and that acting in accordance with subchapter IV or VI of Title 5 of the Maine Revised Statutes Annotated would fail to adequately respond to a known risk.

DECISION AND ORDER

By a unanimous vote of the Board, Mary C. Durland-McDermott's registered professional nurse license is suspended effective immediately. A Notice of Hearing will be sent to Mary C. Durland-McDermott for a scheduled adjudicatory hearing to be held on April 23, 2009.

RECORD VOTE

CARMEN CHRISTENSEN	Affirmative
SUSAN BRUME	Affirmative
DOROTHY MELANSON	Affirmative
MARGARET HOURIGAN	Affirmative
LYNN F. TURNBULL	Affirmative
BRUCE R. O'DONNELL	Affirmative
ROBIN BROOKS	Affirmative

DATED: 25 MARCH 2009



**BRUCE R. O'DONNELL, Chair
MAINE STATE BOARD OF NURSING**

NOTICE OF APPEAL RIGHTS

Mary C. Durland-McDermott 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.