



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 DURLAND-McDERMOTT)	CONSENT AGREEMENT FOR PROBATION WITH CONDITIONS
(A.k.a. Mary Connemara Durland)	
of Lewiston, Maine)	
License No. to be assigned after Consent)	
Agreement executed)	

INTRODUCTION

This document is a Consent Agreement regarding Mary Durland-McDermott's license to practice registered professional nursing in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B), 10 M.R.S.A. § 8003(5) (A-1) (4) and 10 M.R.S.A. § 8003(5) (B). The parties to this Consent Agreement are Mary Durland-McDermott ("Licensee" or "Ms. Durland-McDermott"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met on December 5, 2007, regarding her application for licensure as a registered professional nurse dated November 8, 2007. The parties reached this Consent Agreement based on information submitted by Ms. Durland-McDermott in her application, which is attached and incorporated within this Agreement and marked as Exhibit A.

FACTS

1. Mary Durland-McDermott is licensed as a registered professional nurse in the State of New York (N.Y. License No. 495197). Her license as a registered professional nurse in New York expires on April 30, 2009. On January 7, 2007, Ms. Durland-McDermott entered into a Consent Order for a probationary nursing license with the New York State Department of Education, Office of Professional Discipline, State Board of Nursing ("New York Board"). The New York Board approved the Consent Order on May 22, 2007. Exhibit A.
2. Pursuant to the Consent Order for a probationary license issued to Ms. Durland-McDermott from the New York Board, Ms. Durland-McDermott agreed to have her registered professional license suspended for a period of twenty-four months (24) and that execution of twenty-two months (22) be stayed; placing her license on probation with certain terms and conditions for the twenty-two month (22) probationary period; her probationary period to be effective only when she is employed as a registered professional nurse. Exhibit A.
3. The Maine State Board of Nursing voted to offer Ms. Durland-McDermott this Consent Agreement with terms and conditions, and in addition, to incorporate the requirements of her New York Consent Order.



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- 4. Mary Durland-McDermott has agreed to accept the Board's Consent Agreement.

AGREEMENT WITH CONDITIONS OF PROBATION

- 5. Mary Durland-McDermott's application for licensure as a registered professional nurse is approved.
- 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 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).
 - c. Mary Durland-McDermott will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - 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.

7. Mary Durland-McDermott agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the probationary period, until and unless the Board, at Ms. Durland-McDermott's written request, votes to terminate Ms. Durland-McDermott's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Durland-McDermott has complied with the provisions of this Consent Agreement and the New York Board's Consent Order.
8. Mary Durland-McDermott understands that this document is a Consent Agreement that may affect her rights to practice nursing in Maine. Ms. Durland-McDermott understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
9. If Mary Durland-McDermott fails to meet any of the obligations of this Consent Agreement, the Board may take any disciplinary action, which it deems appropriate and impose any of the sanctions, including but not limited to that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
10. Mary Durland-McDermott affirms that she executes this Consent Agreement of her own free will.
11. Modification of this Consent Agreement must be in writing and signed by all the parties to this Agreement.
12. Mary Durland-McDermott agrees that this Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.

13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

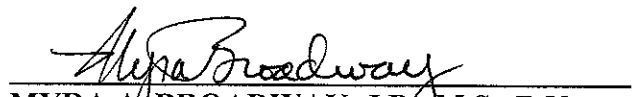
I, MARY DURLAND-MCDERMOTT, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

01/07/08
DATED: ~~01/07/07~~
(MD)


MARY DURLAND-MCDERMOTT

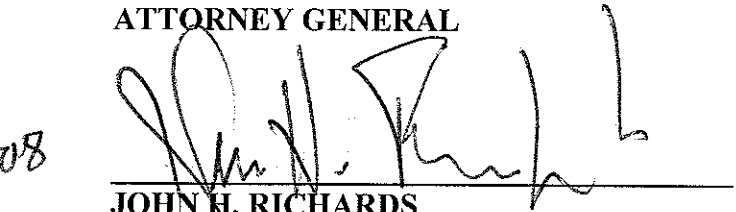
FOR THE MAINE STATE BOARD OF NURSING

DATED: Jan 10, 2008


MYRA A BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: Jan. 11, 2008


JOHN H. RICHARDS
Assistant Attorney General