



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158

PAUL R. LEPAGE
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: BEVIN L. McNALLY, NP-PMH) **CONSENT AGREEMENT**
 Licenses #AP101002 & R055691) **FOR SURRENDER**

INTRODUCTION

This document is a Consent Agreement regarding disciplinary action against the licenses of Bevin L. McNally ("Ms. McNally") to practice registered professional and advanced practice nursing in the State of Maine. The parties to this Consent Agreement are Ms. McNally, the State of Maine Board of Nursing ("the Board"), and the Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 32 M.R.S. § 2105-A (1-A) (C), 10 M.R.S. § 8003 (5) (B), and 10 M.R.S. § 8003 (5) (D).

FACTS

1. Bevin L. McNally has been licensed as a registered professional nurse to practice in Maine since October 1, 2008. On January 14, 2010, Ms. McNally was licensed to practice as an advanced practice registered nurse in the State of Maine.
2. On or about August 19, 2010, Ms. McNally resigned from her employment with Correctional Medical Services as a psychiatric nurse practitioner at the Maine Correctional Center in Windham, Maine following the discovery of her inappropriate relationship with a patient/inmate.
3. On August 26, 2010, the Board was notified of Ms. McNally's inappropriate relationship with a patient/inmate.
4. While working as a psychiatric nurse practitioner at the Maine Correctional Center, Ms. McNally began regularly seeing patient/inmate A.B. in June 2010.
5. Soon thereafter, Ms. McNally became emotionally involved with A.B. and entered into a personal relationship with him.
6. Ms. McNally sent A.B. lengthy letters which were erotic and included sexual fantasy and in which she graphically confessed her love for A.B. and her desire to be with him.
7. While engaged in this improper relationship with A.B., Ms. McNally prescribed and administered scheduled drugs to A.B.
8. While engaged in this improper relationship with A.B., Ms. McNally attempted to have A.B. transferred out of the "pods" to medium security and attempted to have him placed in a minimum security facility instead of the Maine State Prison in Warren, Maine.
9. At a meeting of the Board on December 1, 2010, the Board voted to accept Ms. McNally's offer to surrender her nursing licenses in order to resolve this complaint in lieu of going to hearing.



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OFFICE LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

10. Absent acceptance of this Consent Agreement by Ms. McNally by signing, dating and returning it to Myra Broadway, Executive Director, Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or before February 1, 2011, the Board will resolve the complaint by holding an adjudicatory hearing.

COVENANTS

11. Ms. McNally acknowledges and admits to the facts as stated above and admits that her conduct makes her subject to discipline as follows:

- a. Pursuant to 32 M.R.S. § 2105-A (2) (E) (1) by engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a patient and the general public;
- b. Pursuant to 32 M.R.S. § 2105-A (2) (F) by engaging in unprofessional conduct; and
- c. Pursuant to 32 M.R.S. § 2105-A (2) (H) by violating a rule adopted by the Board, specifically,
 - (a) Board Rule Chapter 4 §3(F) by failing to follow policies and procedures in the practice situation designed to safeguard the patient; and
 - (b) Board Rule Chapter 4 §3(U) by engaging in behavior that exceeds professional boundaries.

12. As discipline for the conduct admitted in Paragraph #11 above, Ms. McNally agrees to accept the following DISCIPLINARY ACTION:

- a. The SURRENDER of her licenses, effective immediately upon her signing of this Consent Agreement, which original licenses Ms. McNally shall submit to the Board when she returns the signed Consent Agreement;
- b. An agreement not to apply for licensure of any kind with the Board for a period of one year; and
- c. In the event that the Board ever reinstates her licenses, she shall serve a probationary term to be determined by the Board, during which she shall be subject to restrictions and limitations deemed appropriate by the Board, which may include mental health evaluation, counseling and professional supervision.

13. Violation of any of the terms or conditions of this Consent Agreement shall constitute grounds for further discipline, including civil penalties.

14. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.

15. The Board and the Attorney General shall have access to Ms. McNally's practice records relating to this Consent Agreement.

16. The Board and the Attorney General may communicate and cooperate regarding Ms. McNally's practice or any other matter relating to this Consent Agreement.

17. This Consent 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.
18. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. McNally'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. McNally understands this Consent Agreement affects her rights to practice nursing in the State of Maine and any remote party state in the Nurse Licensure Compact.
19. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
20. The Board and Ms. McNally agree that no further agency action will be initiated against her by the Board for the specific violations of law admitted to herein, except or unless she fails to comply with the terms and conditions of this Consent Agreement. The Board may, however, consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Ms. McNally. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Ms. McNally's licenses.
21. Ms. McNally acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will, and that she agrees to abide by all terms and conditions set forth herein.

DATED: 01/24/11

Bevin L. McNally
BEVIN L. McNALLY, NP-PMH, RN

DATED: 01/22/11

Janet E. Michael
JANET E. MICHAEL, R.N., M.S., J.D.
 Attorney for Bevin L. McNally, NP-PMH, RN

FOR THE MAINE STATE BOARD OF NURSING

DATED: ~~01/24/11~~ ^{brm}

Myra A. Broadway Jan 25, 2011
MYRA A. BROADWAY, J.D., M.S., R.N.
 Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 1/26/2011

Andrew L. Black
ANDREW L. BLACK
 Assistant Attorney General