



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

ANGUS S. KING, JR.
 GOVERNOR

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

IN RE:)
MARILYN R. MCNALLY, R.N.) **CONSENT AGREEMENT FOR**
 of Sherman Station, Maine) **REINSTATEMENT OF LICENSE**
 License #R031916)

INTRODUCTION

This document is a Consent Agreement regarding Marilyn McNally's license to practice professional nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. Section 2105-A(1-A)(B) and 10 M.R.S.A. Section 8003(5)(B). The parties to this Agreement are: Marilyn McNally, R.N., the Maine State Board of Nursing ("Board") and the Department of the Attorney General.

In October, 1997, Ms. McNally entered into a Consent Agreement for a voluntary surrender of license with conditions as a result of drug diversion and substance abuse. On April 8, 1999 Ms. McNally appeared before the Board requesting reinstatement of license, having been substance free for approximately two years. As a result of the April 8, 1999 meeting, the parties agreed to enter into this Consent Agreement to allow reinstatement of Ms. McNally's license on probation with conditions.

REINSTATEMENT OF LICENSE ON PROBATION WITH CONDITIONS

Ms. McNally's license to practice professional nursing in the State of Maine is reinstated on probationary status. The period of probation will continue a minimum of three years from the date that Ms. McNally resumes employment in nursing in Maine and will be subject to the following conditions:

1. **Substance Free:** Ms. McNally will abstain completely from the use of alcohol and/or drugs, with exception of substances used in accordance with a valid prescription from a physician who is aware of Ms. McNally's substance abuse history.
2. **Aftercare Program:** Ms. McNally will continue in her aftercare and self help recovery program.
3. **Counselor's Quarterly Evaluations and Reports:** Ms. McNally will continue in a structured formal counseling program and will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider for the period of treatment deemed necessary by her provider.



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OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME

PHONE: (207) 287-1133

TDD: (207) 287-1151

FAX: (207) 287-1149

4. **Notice to Employer:** Ms. McNally will notify any and all of her nursing employers of the terms of this Consent Agreement and shall provide them with a copy of it. For purposes of this Consent Agreement, nursing employment is any employment during which Ms. McNally performs nursing services or holds herself out as a nurse, such as through the designation "R.N." or "L.P.N."
5. **Employer Quarterly Reports:** Ms. McNally will arrange for and ensure the submission to the Board of quarterly reports addressing her job performance from her nursing employer(s).
6. **Notice of Employment Status:** Ms. McNally will immediately notify the Board in writing of any employment in the field of nursing, including the place and position of employment, and of any change in nursing employment.
7. **Confidentiality and Release of Records:** Ms. McNally agrees that the Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her substance abuse and chemical dependency which the Board deems necessary to evaluate Ms. McNally's compliance with this Consent Agreement and her continued recovery.

Ms. McNally shall provide such information, shall authorize the release of such records and information and shall authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board for the purpose of evaluating Ms. McNally's compliance with this Consent Agreement and her continued recovery.

8. **Automatic Suspension:** Ms. McNally agrees and understands that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Ms. McNally has not remained substance free in accordance with this Consent Agreement, Ms. McNally's license will be immediately and automatically suspended pending further review by the Board. In the event such information is received by any member of the Board or its Executive Director, the information will be forwarded to Ms. McNally for response. Ms. McNally agrees and understands that her license will remain suspended unless and until the Board is satisfied that Ms. McNally's license may be reinstated consistent with the public health and welfare in the area of nursing services.
9. **Term of Probationary Status:** Ms. McNally agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the minimum three year probationary period, until and unless the Board, at Ms. McNally's request, votes to terminate Ms. McNally's probation. When considering whether to terminate the probation, the Board will consider the degree to which Ms. McNally has complied with the provisions of this Agreement.
10. **Miscellaneous Provisions:** This Consent Agreement modifies and replaces the 1997 Consent Agreement entered into by and between Ms. McNally, the Board and the Department of the Attorney General. Ms. McNally understands that this document is a Consent Agreement which affects her rights to practice nursing in Maine. This Consent Agreement may be amended only in writing, signed by all the parties. Ms. McNally understands that she

does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering this Consent Agreement. Ms. McNally affirms that she executes this Consent Agreement of her own free will. A formal hearing in this matter is waived and no appeal will be taken. The Consent Agreement is an enforceable final agency action of the Board of Nursing.

DATED: April 23, 1999

Marilyn B. McNally
MARILYN R. MCNALLY

**FOR THE MAINE STATE BOARD
OF NURSING:**

DATED: April 27, 1999

Myra A. Broadway
MYRA A. BROADWAY, J.D., M.S., R.N.

**FOR THE DEPARTMENT OF
ATTORNEY GENERAL:**

DATED: 5-3-99

Catherine Bunin-Stevenson
CATHERINE BUNIN-STEVENSON
Assistant Attorney General
Counsel to the Board