



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

PAUL R. LEPAGE  
 GOVERNOR

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

**IN RE: ROLAND J. ROY, JR.** )  
 of Fort Kent Mills, Maine )  
 License No. RN31963 ) **CONSENT AGREEMENT FOR**  
**LICENSE REINSTATEMENT &**  
**PROBATION WITH CONDITIONS**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Roland J. Roy, Jr.’s registered professional nurse (“RN”) license in the State of Maine. The parties to this Agreement are Roland J. Roy, Jr. (“Licensee” or “Mr. Roy”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Mr. Roy on November 29, 2011 regarding his request for reinstatement of his RN license. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (B) and 10 M.R.S. § 8003(5) (B).

**FACTS**

1. **License History:** Roland J. Roy, Jr. was originally licensed by the Board as a RN on August 22, 1988. On March 3, 2011, the Board summarily suspended Mr. Roy’s RN license based upon his admission that he diverted hydrocodone from Northern Maine Medical Center for his own personal use. Subsequently, he entered into a Consent Agreement surrendering his RN license on April 5, 2011, which is attached hereto and marked as Exhibit A.
2. On November 3, 2010, Mr. Roy signed a five (5) year contract with the Medical Professionals Health Program (“MPHP”), which oversees his substance abuse recovery treatment and random urine screen tests. Since October 2010, Mr. Roy has maintained sobriety; has been engaged in substance abuse counseling, attending Alcoholics Anonymous/Narcotics Anonymous; and has become involved in the 12-Step Program. As of November 29, 2011, Mr. Roy is in compliance with the MPHP requirements and his random urine tests have been negative since January 2011.
3. The Board has determined that Mr. Roy has made significant progress in his recovery warranting reinstatement of his RN license.

**AGREEMENT WITH CONDITIONS OF PROBATION**

4. Roland J. Roy, Jr.’s license as a registered professional nurse (License No. RN31963) in the State of Maine is reinstated on probationary status with conditions. The period of probation will commence upon Mr. Roy’s return to nursing practice, either through employment or pursuant to an educational program. The term of probation will be for a period of five (5) years, effective only while he is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Mr. Roy performs nursing services. Mr. Roy’s probationary license will be subject to the following conditions:
  - a. Roland J. Roy, Jr. shall fully comply with the conditions of the probation in this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of his compliance with probation. Mr. Roy shall inform the Board in writing within 15 days of any address change.
  - b. Roland J. Roy, Jr. will notify the Board in writing within five business days of any change in nursing employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, Mr. Roy’s employment as a nurse or his educational program in the field of nursing terminates, he shall notify the Board, in writing, within five business days after he is terminated or separated, regardless of cause, with a full explanation of the circumstances.



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- c. Roland J. Roy, Jr. will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from his health care treatment providers who are aware of Mr. Roy's substance abuse history.
  - d. Roland J. Roy, Jr. will continue in his treatment program to such an extent and for as long as his treatment providers recommend. He will arrange for and ensure the submission of quarterly reports to the Board by his treatment providers and such reports shall continue until his probation is terminated. If Mr. Roy's treatment is terminated during his probation, he shall notify the Board and provide written documentation.
  - e. Roland J. Roy, Jr.'s employment is restricted during the period of probation to structured settings with on-site supervision by a registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health care, school nursing, work as a travel nurse or within the correctional system.
  - f. Roland J. Roy, Jr. will notify any and all of his nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
  - g. Roland J. Roy, Jr. will arrange for and ensure the submission to the Board of quarterly reports from his nursing employer and/or clinical faculty regarding his general nursing practice, which is to include clinical competency, medication administration and documentation.
  - h. Roland J. Roy, Jr. agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement beyond the five (5) year probationary period, until and unless the Board, at Mr. Roy's written request, votes to terminate his probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Roy has complied with the provisions of this Agreement.
5. Roland J. Roy, Jr. agrees and understands that the Board and the Office of the Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to his evaluation for substance abuse and any recommended treatment which the Board deems necessary to evaluate his compliance with the Agreement. Mr. Roy shall provide such information, authorize the release of such records and information, and authorize any such discussions and communications with any and all persons involved in his evaluation, treatment, counseling and employment as may be requested by the Board.
  6. If Mr. Roy violates the conditions of his probation, the Board will give written notice to him regarding his failure to comply. Notice will be sent by certified mail, return receipt requested, to the last known address of the Licensee that is on file with the Board. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's timely response to determine what action, if any, it determines to take. If the Licensee fails to timely respond to the Board's notification regarding his failure to comply, his license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, 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. § 8003 and Title 32 M.R.S. § 2105-A.
  7. Roland J. Roy, Jr. understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Mr. Roy has not remained substance-free in accordance with this Agreement, his license will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such information, the information will be immediately forwarded to Mr. Roy for response. Mr. Roy understands and agrees that in such an event, his license shall remain suspended pending a hearing. The Board shall hold a hearing within sixty (60) days of the automatic suspension unless both the Licensee and the Board agree to hold the hearing later, or the Executive Director and/or the Office of the Attorney General earlier determine that such information is without merit. If the information received is proven to be inaccurate or

incorrect, either through hearing or determination by the Executive Director and/or the Office of the Attorney General, Mr. Roy's license will be immediately reinstated retroactive to the date of suspension.

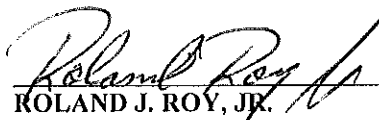
8. The State of Maine is a "Party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Mr. Roy's "Home state" of licensure and primary state of residence, which means he has declared the State of Maine as his fixed permanent and principle home for legal purposes; his 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. Mr. Roy understands and agrees that this Agreement is applicable to his multistate licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Mr. Roy's license is subject to this Agreement, he may not work outside the State of Maine pursuant to a multistate licensure privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state(s) in which the Licensee wishes to work.

9. This 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.
10. Roland J. Roy, Jr. understands that he does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
11. Roland J. Roy, Jr. affirms that he executes this Agreement of his own free will.
12. Modification of this Agreement must in writing and signed by all parties.
13. This Agreement is not subject to review or appeal by Mr. Roy, but may be enforced by an action in the Superior Court.
14. This Agreement becomes effective upon the date of the last necessary signature below.

**I, ROLAND J. ROY, JR. HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 2/15/12

  
ROLAND J. ROY, JR.

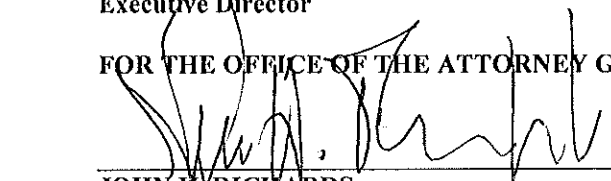
FOR THE MAINE STATE BOARD OF NURSING

DATED: 2/18/12

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

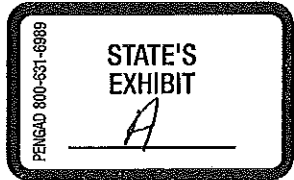
FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 2/23/12

  
JOHN H. RICHARDS  
Assistant Attorney General



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: ROLAND J. ROY, JR. )  
 of Fort Kent Mills, Maine )  
 License No. R031963 )

CONSENT AGREEMENT FOR  
 VOLUNTARY SURRENDER  
 OF LICENSE

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Roland J. Roy, Jr.'s license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Roland J. Roy, Jr. ("Mr. Roy" or "Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (C), 10 M.R.S. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S. § 8003 (5) (D). The parties reached this Agreement on the basis of the following: 1) Board Complaint dated November 16, 2010, with a Provider Report from Northern Maine Medical Center ("NMMC") dated October 24, 2010; a Board of Pharmacy report dated October 22, 2010; and 2) Mr. Roy's response dated January 13, 2011.

FACTS

1. During its meeting on March 3, 2011, the Board reviewed the Board Complaint dated November 16, 2010 with the above-noted attachments and Mr. Roy's January 13, 2011 response to the Complaint, all of which are attached hereto, incorporated herein and marked as Exhibit A. After its review, the Board voted to summarily suspend Mr. Roy's registered professional nurse ("RN") license to practice nursing effective March 3, 2011, pursuant to 5 M.R.S. § 10004 (3), because of the immediate jeopardy his continued practice of nursing poses to the health and physical safety of the public.
2. Roland J. Roy, Jr. has been licensed as a registered professional nurse since August 22, 1988. He is also licensed as a pharmacy technician and was employed at NMMC.
3. Roland J. Roy, Jr. admitted in his January 13, 2011 response to the Board Complaint that he diverted hydrocodone from NMMC, between the period of October 2008 and October 2010, while employed at NMMC. Mr. Roy also admitted that the hydrocodone was diverted for his own personal use and that he has a substance abuse problem. Exhibit A.
4. On January 24, 2011, Board staff sent a letter to Mr. Roy acknowledging his January 13, 2011 response and indicated that it would be brought to the attention of the Board at its meeting on March 2-3, 2011.

AGREEMENT

5. In lieu of a hearing before the Board, Roland J. Roy, Jr. agrees to voluntarily surrender his RN license. The Maine State Board of Nursing will accept his offer to voluntarily surrender his RN license (License No. R031963).
6. Roland J. Roy, Jr. understands that based upon the above-stated facts, this document imposes discipline regarding his license to practice as a RN in the State of Maine. The grounds for discipline for violations are under 32 M.R.S. § 2105-A(2)(A), (2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, Sections 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:



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

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- a. M.R.S. § 2105-A (2) (A). The practice of fraud and deceit in connection with service rendered within the scope of the license issued to Mr. Roy by diverting scheduled drugs. (See also Rule Chapter 4, Section 1.A.1)
  - b. M.R.S. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in Mr. Roy performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2)
  - c. M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Mr. Roy engaged in unprofessional conduct because he violated a standard of professional behavior that has been established in the practice for which he is licensed. (See also Rule Chapter 4, Section 1.A.6)
  - d. M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8)
  - e. Rule Chapter 4, Section 3. Unprofessional Conduct: *Nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*
    - 1) Chapter 4, Section 3(P). Mr. Roy diverted drugs from a health care provider.
    - 2) Chapter 4, Section 3(Q). Mr. Roy possessed, obtained and administered prescription drugs to himself, except as directed by a person authorized by law to prescribe drugs.
7. Roland J. Roy, Jr. neither admits nor denies any other facts not contained herein; however, he acknowledges that if this matter went to a hearing before the Board, it is more likely than not the above-stated facts and underlying investigative information would support the licensing violations in this Agreement.
  8. Roland J. Roy, Jr. understands and agrees that his nursing license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at Mr. Roy's written request, votes to reinstate his license. Mr. Roy agrees and understands that if the Board reinstates his license, it will be for a probationary period.
  9. 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 Mr. Roy's "Home state" of licensure and primary state of residence, which means that he has declared the State of Maine as his fixed permanent and principle home for legal purposes; his 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. Mr. Roy understands this Consent Agreement is subject to the Compact.
  10. Roland J. Roy, Jr. understands that he does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
  11. Roland J. Roy, Jr. shall not work or volunteer, in any capacity, for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding himself out as a registered professional nurse or with the designation "R.N.," including in a veterinarian's office, while his nursing license is surrendered. In addition, Mr. Roy is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
  12. This 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.


13. Modification of this Agreement must be in writing and signed by all parties.
14. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. Roland J. Roy, Jr. affirms that he executes this Agreement of his own free will.
16. This Agreement becomes effective upon the date of the last necessary signature below.

I, ROLAND J. ROY, JR., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 4/1/11


  
\_\_\_\_\_  
ROLAND J. ROY, JR.

DATED: 4/1/11

  
\_\_\_\_\_  
TOBY D. JANDREAD, ESQ.  
Attorney for Roland J. Roy, Jr.

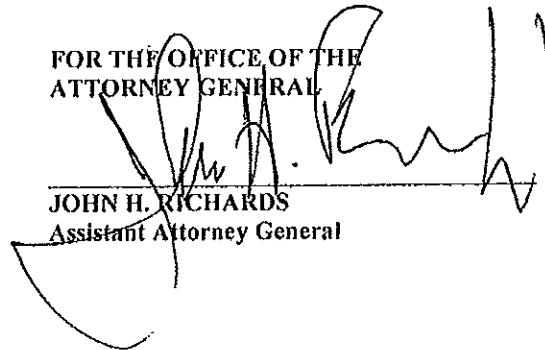
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 4/4/11

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 4/5/11

  
\_\_\_\_\_  
JOHN H. RICHARDS  
Assistant Attorney General