



PAUL R. LEPAGE
GOVERNOR

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

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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE)	
RN52963 ISSUED TO:)	
)	ORDER TERMINATING
MICHAEL J. MCDONOUGH)	
)	PROBATION
)	
To practice registered professional)	
nursing in the State of Maine)	

WHEREAS, on **October 20, 2010**, License #R052963 [RN52963] issued to **Michael J. McDonough** was placed on "probation" pursuant to 32 M.R.S. Section 2105-A (1-A); and

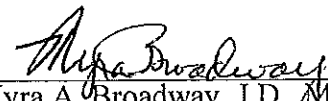
WHEREAS, on **June 6, 2012** the Board of Nursing duly considered all evidence presented to it concerning **Michael J. McDonough's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Michael J. McDonough** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **October 20, 2010** is hereby terminated.

DATED this **8th day of June, 2012**.

MAINE STATE BOARD OF NURSING

BY: 
Myra A. Broadway, J.D., M.S., R.N.
Executive Director



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STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
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JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: MICHAEL J. MCDONOUGH, R.N.) **CONSENT AGREEMENT**
 of Westbrook, Maine) **FOR**
 License #R052963) **PROBATION**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Michael J. McDonough’s license to practice registered professional nursing in the State of Maine. The parties to this Consent Agreement are Michael J. McDonough (“Mr. McDonough” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on July 8, 2010. The parties enter into this 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 reached this Agreement on the basis of a self-reported Criminal Conviction in the State of Arizona for Count Four, Possession of Marijuana, on January 7, 2010.

FACTS

1. Michael J. McDonough has been a registered professional nurse licensed to practice in Maine since September 2006. At all times relevant herein, Mr. McDonough’s license was in full force and effect; his license will expire on May 23, 2012 unless renewed.
2. On January 7, 2010, Michael J. McDonough was convicted of Count Four, Possession of Marijuana, a Class Six Felony in Arizona, in its Yuma County Superior Court, Docket Number S1400CR200900562. He received a sentence of Supervised Probation for a period of 18 months commencing January 7, 2010 [Exhibit A].
3. Michael J. McDonough admits that he has not had any illegal substances since January 7, 2010. He completed an Out-Patient evaluation assessment at Charities of Maine on April 27, 2010 with three follow-up counseling sessions and a negative random drug screen on June 22, 2010.
4. Michael J. McDonough wishes to resolve this complaint by entering into this Agreement and waives his right to a hearing before the Board.

AGREEMENT

5. Michael J. McDonough agrees and understands that based upon the above-stated facts, his conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(F), (2)(G) (2)(H) and Chapter 4, sections 1(A)(6), 1(A)(7) and 1(A)(8) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Mr. McDonough engaged in unprofessional conduct because he violated a standard of professional behavior that has been established in the practice for which he is licensed regarding the use of illegal drugs. (See also Rule Chapter 4, Section 1.A.6.)



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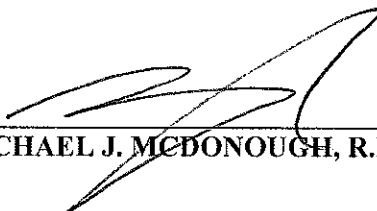
- b. M.R.S.A. § 2105-A (2) (G). Mr. McDonough was convicted of a crime that relates directly to the practice for which he is licensed.
 - c. M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6.)
6. Michael J. McDonough's license as a registered professional nurse in the State of Maine is placed on probationary status with conditions commensurate with those of his court-ordered probation in Arizona. His probationary license will be subject to the following conditions:
- a. Michael J. McDonough shall fully cooperate with the representatives of the Board in its monitoring and investigation of his compliance with probation. He shall inform the Board in writing within 15 days of any address change.
 - b. Michael J. McDonough will abstain completely from the use of illicit drugs, with the exception of substances used in accordance with a valid prescription from a healthcare provider who is aware of his history.
 - c. Michael J. McDonough must be evaluated by the Maine Professionals Health Program to determine whether he has a substance abuse problem. If it is determined that he does, he must submit to treatment and continue in any aftercare treatment programs to such an extent and for as long as his treatment providers recommend.
 - d. If it is determined that he has a substance abuse problem, Michael J. McDonough 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 his treatment is terminated during his probation, he shall notify the Board and provide written documentation.
 - e. Michael J. McDonough will notify the Board in writing within five business days after he obtains any 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. McDonough'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.
 - f. Michael J. McDonough 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. Michael J. McDonough 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, adherence to policies and procedures relative to standards of practice, and clinical documentation.
 - h. Michael J. McDonough'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, school nursing, work as a travel nurse, or within the correctional system.

- i. Michael J. McDonough must remain compliant with the conditions of his Supervised Probation in the State of Arizona and will arrange for and ensure the submission to the Board of quarterly reports from his supervising probation officer.
7. Michael J. McDonough agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement beyond the above-referenced probationary period until and unless the Board, at his written request, votes to terminate his probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. McDonough has complied with the provisions of this Agreement.
8. Michael J. McDonough understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that he 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, it will be immediately forwarded to Mr. McDonough for response. Mr. McDonough understands and agrees that in such an event, his license shall remain suspended pending a hearing. The Board shall hold a hearing within 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. McDonough's license will be immediately reinstated retroactive to the date of suspension.
9. If Mr. McDonough violates any other condition of his probation, the Board will give written notice to the Licensee regarding his failure to comply. 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 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.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
10. 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. McDonough'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. McDonough understands this Agreement is subject to the Compact. He agrees that during the pendency of this Agreement, his nursing practice will be limited to the State of Maine as it pertains to the Compact. If Mr. McDonough wishes to practice in any other party state within the Compact, he shall arrange to have the party state in which he intends to practice provide the Board with written authorization that he has been approved to practice in that state; the Board will then make a determination.

11. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
12. Michael J. McDonough understands that he does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
13. Michael J. McDonough affirms that he executes this Agreement of his own free will.
14. Modification of this Agreement must in writing and signed by all parties.
15. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
16. This Agreement becomes effective upon the date of the last necessary signature below.

I, MICHAEL J. MCDONOUGH, R.N., 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: 10/10/10



MICHAEL J. MCDONOUGH, R.N.

**FOR THE MAINE STATE
BOARD OF NURSING**

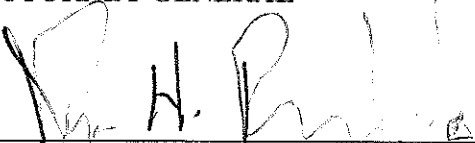
DATED: 10/14/10



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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: 10/20/10



JOHN H. RICHARDS
Assistant Attorney General