



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

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**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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- 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. JANDREAU, ESQ.
Attorney for Roland J. Roy, Jr.

FOR THE MAINE STATE
BOARD OF NURSING

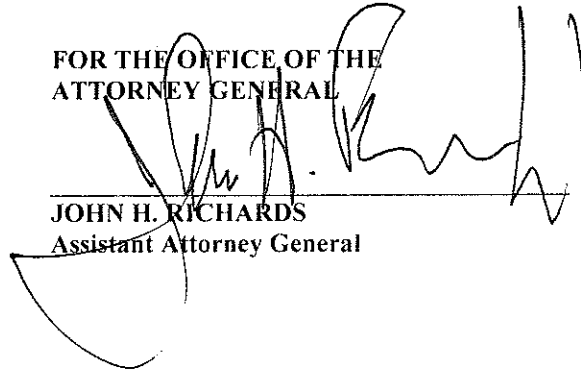
DATED: 4/4/11



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