



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

JOHN ELIAS BALDACCI
 GOVERNOR

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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE)	
#R041032 ISSUED TO:)	
)	ORDER TERMINATING
SAMUEL P. BROPHY)	PROBATION
)	
To practice registered professional)	
nursing in the State of Maine)	

WHEREAS, on **October 28, 2005**, License No. **R041032** issued to **Samuel P. Brophy** was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on **June 3, 2009**, the Board of Nursing duly considered all evidence presented to it concerning **Samuel P. Brophy's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Samuel P. Brophy** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **October 28, 2005** is hereby terminated.

DATED this **5th** day of **June 2009**.

MAINE STATE BOARD OF NURSING

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



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 EXECUTIVE DIRECTOR

IN RE: **SAMUEL P. BROPHY**)
 of Biddeford, Maine)
 License #R041032) **CONSENT AGREEMENT**
FOR REINSTATEMENT
AND PROBATION

INTRODUCTION

This document is a Consent Agreement regarding Samuel P. Brophy's license to practice registered professional nursing in the State of Maine. 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 to this Consent Agreement are Samuel P. Brophy ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with Mr. Brophy on September 28, 2005, regarding his petition for reinstatement of his registered professional nursing license.

FACTS

1. Samuel P. Brophy voluntarily surrendered his registered professional nursing license and entered a Consent Agreement with the Board on July 7, 2003, attached and marked as Exhibit A.
2. Samuel P. Brophy represents that he has been substance free since January 14, 2003.
3. Samuel P. Brophy has undergone professional outpatient treatment at Libra Substance Abuse Center located in Biddeford, Maine and continues in aftercare treatment, which is more specifically described in his petition for reinstatement dated May 23, 2005, attached and marked as Exhibit B.
4. Samuel P. Brophy has complied with the terms and conditions of the July 7, 2003, Consent Agreement.

REINSTATEMENT WITH CONDITIONS OF PROBATION

5. Samuel P. Brophy's license as a registered professional nurse in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence on Mr. Brophy's return to nursing practice, either through employment or pursuant to an educational program. The period of probation will be for a period of two years, to be 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. Brophy performs nursing services. Mr. Brophy's probationary license will be subject to the following conditions:



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

PHONE: (207) 287-1133

FAX: (207) 287-1149

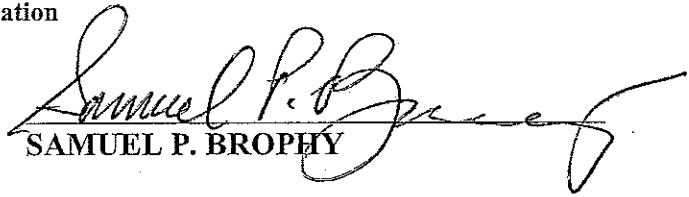
- a. Mr. Brophy will remain substance free, with the exception of prescribed medications by his physician and other health care providers who are aware of Mr. Brophy's substance abuse history.
 - b. Mr. Brophy will continue in an aftercare treatment program to such an extent and for as long as his treatment provider(s) recommend.
 - c. Mr. Brophy will arrange for and ensure the submission of quarterly reports to the Board by his treatment provider(s) for as long as he remains in treatment or until his probationary period terminates, whichever occurs first.
 - d. Mr. Brophy will immediately notify the Board in writing should he return to employment or enter an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change in employment or educational program.
 - e. Mr. Brophy will notify any and all of his nursing employers and notify the faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - f. Mr. Brophy will arrange for and ensure the submission to the Board of quarterly reports from his nursing employer regarding his nursing practice.
 - g. Mr. Brophy's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health care, school nursing, working as a traveling nurse or working within the correctional system.
6. The State of Maine is Mr. Brophy's home state of licensure. Except as provided further in this paragraph, Mr. Brophy agrees that during the pendency of this Consent Agreement his nursing practice is limited to the State of Maine. If Mr. Brophy wishes to practice in any other party state within the Nurse Licensure Compact he shall petition the Board for written authorization. In addition, Mr. Brophy will arrange to have the party state he intends to practice in provide the Board with written authorization that he has been approved to practice in that state.
 7. Samuel P. Brophy agrees and understands 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 his treatment for substance abuse which the Board deems necessary to evaluate Mr. Brophy's compliance with the Consent

Agreement and his continued recovery. Mr. Brophy 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 his care, counseling and employment as may be requested by the Board for the purpose of evaluating Mr. Brophy's compliance with the Consent Agreement and his continued recovery.

8. Mr. Brophy agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the two year probationary period, until and unless the Board, at Mr. Brophy's written request, votes to terminate Mr. Brophy's probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Brophy has complied with the provisions of this Agreement.
9. Mr. Brophy understands that this document is a Consent Agreement that affects his rights to practice nursing in the State of Maine. Mr. Brophy understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into the Consent Agreement.
10. If Mr. Brophy fails to meet any of the obligations of this Consent Agreement, 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.
11. Mr. Brophy affirms that he executes this Consent Agreement of his own free will.
12. Modification of this Consent Agreement must be in writing and signed by all parties.
13. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, SAMUEL P. BROPHY, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.


DATED: 10/20/05



SAMUEL P. BROPHY

FOR THE MAINE STATE
BOARD OF NURSING

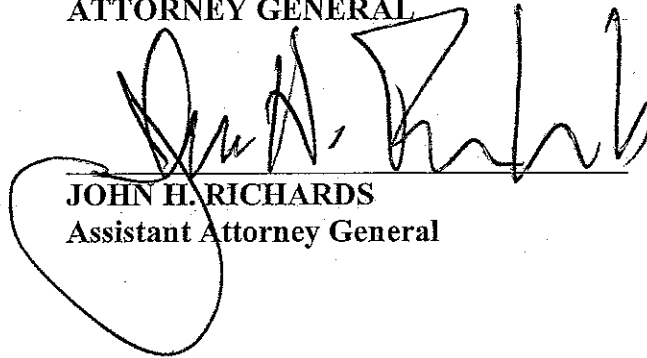
DATED: Oct 24, 2005



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: Oct. 28, 2005



JOHN H. RICHARDS
Assistant Attorney General