



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

**BEFORE THE MAINE STATE BOARD OF NURSING**

IN THE MATTER OF LICENSE NO. )  
 R038520 ISSUED TO: )  
 )  
**Joseph M. Davis** )  
 )  
 To practice professional nursing in the )  
 State of Maine )  
 ----- )

**ORDER TERMINATING  
 PROBATION**

WHEREAS, on **March 6, 1996**, License No. R038520 issued to Joseph M. Davis was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on **December 10, 1998**, the Board of Nursing duly considered all evidence presented to it concerning Joseph M. Davis' compliance with the conditions of said probation; and

WHEREAS, the Board found that Joseph M. Davis has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **November 15, 1996** is hereby terminated.

DATED this **11th day of December 1998**.

**MAINE STATE BOARD OF NURSING**

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



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JEAN C. CARON, M.S., R.N.  
 EXECUTIVE DIRECTOR

In re: )  
**Joseph M. Davis, R.N.** )  
 of Eddington, Maine )  
 License #R038520 ) **CONSENT AGREEMENT**  
**REGARDING PROBATIONARY STATUS**  
**OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement regarding Joseph M. Davis' 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 Consent Agreement are: Joseph M. Davis, R.N., the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

By letter dated June 21, 1995, Mr. Davis was advised by the Board that it had received a copy of a newspaper article that contained information suggesting that Mr. Davis may have violated 32 M.R.S.A. Section 2105-A(2)(B) and (2)(E). Mr. Davis' counsel responded to the Board in a letter dated July 11, 1995. Subsequently, the Board requested that Mr. Davis attend an informal conference pursuant to 32 M.R.S.A. Section 2105-A(1-A). The informal conference was held on March 6, 1996. Mr. Davis was present and was represented by Richard D. Violette, Esq.

**FINDINGS OF FACT**

As a result of the informal conference the Board made the following findings of fact:

1. Mr. Davis states that he has been clean and sober since May 30, 1995.
2. At the time of the informal conference Mr. Davis was taking Paxil, an antidepressant medication, with a daily dosage of 20 mg.
3. Mr. Davis states that he has completed a formal outpatient substance abuse rehabilitation program at Acadia Hospital.
4. Mr. Davis states that he is active in aftercare and self-help recovery programs as well as individual counseling, and states that he has completed marital counseling with his spouse.
5. Mr. Davis was convicted of Criminal Threatening With a Weapon and received a two-year sentence with the entire period of incarceration suspended and a four-year period of probation.
6. At that time of the informal conference Mr. Davis was employed as a per diem Respiratory Therapist in the Department of Respiratory Medicine at the Eastern Maine Medical Center, and is subject to random drug testing as a condition of that employment.
7. Mr. Davis has never worked as a registered nurse.

8. The incident that lead to Mr. Davis' criminal conviction took place outside of the work place.
9. Mr. Davis is subject to random drug testing as a condition of his criminal probation.
10. Prior to this incident, Mr. Davis had a 24-year history of substance abuse.
11. Mr. Davis states that he has never used substances nor been impaired while on duty.

### **COVENANTS**

Based on the above findings of fact, the Board voted to enter into an agreement with Mr. Davis under which his license is placed on a probationary status for a period of two years with the following conditions:

1. Mr. Davis will remain completely substance-free, with the exception of prescribed medications.
2. Mr. Davis will arrange for quarterly reports to the Board from his nurse employer. Mr. Davis waives any claims of confidentiality and privilege which he may have with respect to these reports.
3. Mr. Davis will immediately notify the Board of any change in his employment.
4. Mr. Davis will continue in his aftercare and self-help recovery programs.
5. Mr. Davis will arrange for quarterly reports to the Board from his substance abuse counselor for so long as such counseling is prescribed.
6. Mr. Davis will provide to the Board the results of all random drug screens that are performed.
7. The Board agrees to take no further action upon these facts so long as Mr. Davis fully complies with these conditions.

Mr. Davis understands that this document is a Consent Agreement which affects his rights to practice nursing in Maine. Mr. Davis understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering this Consent Agreement. Mr. Davis affirms that he executes this Consent Agreement of his own free will.

DATED: 10-28-96

Joseph M. Davis, R.N.  
JOSEPH M. DAVIS, R.N.

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

DATED: 11/14/96

Jean C. Caron  
JEAN C. CARON, M.S., R.N.  
Executive Director

**FOR THE DEPARTMENT OF  
ATTORNEY GENERAL:**

DATED: 11/15/96

Timothy W. Collier  
TIMOTHY W. COLLIER  
Assistant Attorney General  
Counsel to the Board