



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

IN RE: **HENRI P. DESROSIERS, R.N.**) **NON-DISCIPLINARY**
 of Brewer, Maine) **CONSENT AGREEMENT**
 License No. R037059)

INTRODUCTION

This document is a Consent Agreement regarding Henri P. DesRosiers' license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5) (B). The parties to this Consent Agreement are Henri P. DesRosiers ("Licensee" or "Mr. DesRosiers"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on November 20, 2007.

FACTS

1. Henri P. DesRosiers has been a registered professional nurse licensed to practice in Maine since 1994. Mr. DesRosiers is certified as a Registered Nurse Anesthetist.
2. The Board has received several provider reports regarding Mr. DesRosiers' inability to meet performance standards for his position as a Certified Registered Nurse Anesthetist.
3. Henri P. DesRosiers' states that he has a health condition, which he referred to as sleep apnea.

AGREEMENT

4. Henri P. DesRosiers agrees and understands that based upon the above-stated facts this document does not impose discipline regarding his license to practice registered professional nursing. However, Mr. DesRosiers' nursing practice will be monitored by the Board regarding his health condition and safety to practice.
5. Henri P. Mr. DesRosiers understands and agrees that the Board will require him to undergo an evaluation within 30 days of the effective date of this Consent Agreement, at his own expense, addressing sleep apnea or other disorder regarding inattentive behavior or inability to stay awake and alert. Mr. DesRosiers will notify the Board of his evaluation date and will arrange and ensure that the Board is provided a copy of the evaluation and any recommended treatment plan.



PRINTED ON RECYCLED PAPER

Henri P. DesRosiers
Consent Agreement for Probation with Conditions
Page 2

6. Henri P. DesRosiers will provide the Board with quarterly reports from his principal treating physician regarding health issue relative to any sleep disorder and his inability to be attentive and alert.
7. Henri P. DesRosiers will immediately notify the Board in writing his 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 educational program. If during the period of this Consent Agreement, Mr. DesRosiers' employment as a nurse terminates or should his educational program in the field of nursing terminate, he shall notify the Board of this change, or any subsequent change, to ensure that he remains in compliance with his employment and/or educational quarterly reports to the Board.
8. Henri P. DesRosiers 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.
9. Henri P. DesRosiers 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 medical treatment which the Board deems necessary to evaluate Mr. DesRosiers' compliance with the Consent Agreement. In addition, Mr. DesRosiers 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. DesRosiers' nursing practice.
10. Henri P. DesRosiers' understands and agrees that his license as a registered professional nursing in the State of Maine is subject to this Consent Agreement indefinitely, until and unless the Board, at Mr. DesRosiers' written request, votes to terminate this Consent Agreement. When considering whether to terminate the Consent Agreement, the Board will consider Mr. DesRosiers' nursing practice and the extent to which Mr. DesRosiers has complied with the provisions of this Consent Agreement.
11. If Mr. DesRosiers fails to meet any of the obligations of this Consent Agreement, the Board will give written notice to the Licensee 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 failure to comply. The Board will review the Licensee's timely response to determine what action, if any, the Board 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.

12. If Mr. DesRosiers 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.
13. 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. DesRosiers' "home state" of licensure and primary state of residence, which means that Mr. DesRosiers has declared that the State of Maine is his fixed permanent and principle home for legal purposes; his domicile. Other party states that are in the Compact are referred to as a "remote state," which means a party state, other than the home state that has adopted the Compact. Mr. DesRosiers understands that this document is a Consent Agreement that is subject to the Compact. Mr. DesRosiers agrees that during the pendency of this Consent Agreement his nursing practice may be limited to the State of Maine as it pertains to the Compact. If Mr. DesRosiers 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.
14. This Consent 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.
15. Henri P. DesRosiers 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.
16. Henri P. DesRosiers affirms that he executes this Consent Agreement of his own free will.
17. Modification of this Consent Agreement must in writing and signed by all the parties.
18. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

19. This Consent Agreement becomes effective upon the date of the last necessary signature below.

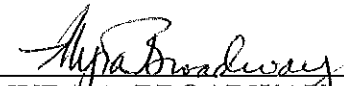
I, HENRI P. DESROSIERS, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT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

DATED: March 1, 2008


HENRI P. DESROSIERS, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: March 6, 2008


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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: March 7, 2008


JOHN H. RICHARDS
Assistant Attorney General