



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: Application for Reinstatement)
 of Licensure of Eric M. Johnson)
 Case # 2012-189, RN44924)

CONSENT AGREEMENT
 FOR PROBATIONARY
 LICENSE

INTRODUCTION

This document is a Consent Agreement that grants a probationary license to practice registered professional nursing in the State of Maine to Eric M. Johnson. The parties to this Agreement are Eric M. Johnson ("Mr. Johnson"), Maine State Board of Nursing ("the 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)(B) and § 8003(5)(B).

FACTS

1. License History: On June 26, 2000, the Board issued Mr. Johnson a license to practice as a registered professional nurse ("RN").
2. On March 13, 2003, the Board received a letter from Mr. Johnson in which he offered to voluntarily surrender his nursing license based upon his diversion and use of narcotic medications while employed as an emergency department nurse at Anna Jaques Hospital (AJH) in Newburyport, Massachusetts in February 2002. According to Mr. Johnson, at that time, he had been a recovering drug addict for seven years, having abused marijuana and alcohol from age 12 to 20. Mr. Johnson indicated that AJH suspended his employment and subsequently questioned him regarding "a medication discrepancy involving [his] account and some missing Demerol." According to Mr. Johnson, he was forthcoming to AJH with the truth of his recent behavior and substance abuse history and asked for help. As a result, Mr. Johnson stated that he was "placed on a leave of absence and referred to a program" called the "Substance Abuse Rehabilitation Program" (SARP). According to Mr. Johnson, he did not end up enrolling in the SARP due to scheduling conflicts and financial issues. According to Mr. Johnson, he had contacted the Maine State Board of Nursing and inquired as to the next course of action and was informed that he should have involved the Board sooner.
3. On July 18, 2003, Mr. Johnson surrendered his Maine nursing license pursuant to a Consent Agreement for Voluntary Surrender of License (the "2003 Consent Agreement") entered into with the Board and the Office of the Attorney General as a result of "an admitted diversion and substance abuse problem." Paragraph 7 of that Consent Agreement provided that:

Eric M. Johnson may petition the Board for reinstatement of his license. Mr. Johnson agrees and understands that his license will not be reinstated until and unless the Board, upon Mr. Johnson's written request, votes to reinstate Mr. Johnson's license.

4. On August 28, 2012, the Board received a letter from Mr. Johnson requesting reinstatement of his Maine nursing license. In that letter, Mr. Johnson described the dire consequences that his addiction caused him and his family, which included near financial destitution. Mr. Johnson also described his involvement with Narcotics Anonymous and with his church, which he expressed brought him "serenity that many addicts strive to obtain through 12 step programs and the acknowledgement of a 'higher power.'" According to Mr. Johnson, he has remained clean and sober for years from the use of alcohol and all mind-altering



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substances, and even quit smoking. Mr. Johnson also offered his leadership within his church, his successful promotions through work, and his supportive family and community members as evidence demonstrating his rehabilitation and commitment to sobriety. In addition to Mr. Johnson's letter, the Board received many letters of reference corroborating Mr. Johnson's commitment to sobriety and his leadership within his church and community, all of which advocated for the reinstatement of his nursing license. One such letter came from a physician who has known Mr. Johnson since 2005 and is familiar with chemical addiction. According to this physician:

Although Mr. Johnson has not attended a formal addiction treatment plan, he has relied heavily upon the support structure within his church to provide him with the correct teachings and motivations to make the necessary changes... I recommend him for [reinstatement] without reservation.

5. On September 18, 2012, the Board met with Mr. Johnson regarding his request for reinstatement of his RN license. At that time, the Board reviewed Mr. Johnson's written request for reinstatement, the letters in support of his reinstatement, and the 2003 Consent Agreement. Following its review of this information and its discussion with Mr. Johnson, the Board voted to grant Mr. Johnson's application to reinstate his license to practice as an RN pursuant to a Consent Agreement for Probation. In so doing, the Board made a determination that, even in the absence of substance abuse counseling or a current substance abuse evaluation, Mr. Johnson is safe to return to the practice of nursing under probation and conditions that will allow the Board to monitor his nursing practice.
6. Eric M. Johnson wishes to resolve his application for reinstatement of his RN license by accepting this Consent Agreement.

COVENANTS

7. Mr. Johnson acknowledges that the Board has the discretion to grant or deny his application for reinstatement of his RN license pursuant to the 2003 Consent Agreement. Mr. Johnson acknowledges that his prior disciplinary history and his lack of nursing practice for nearly 10 years constitute sufficient reasonable grounds for the Board to grant his application for the reinstatement of his RN license pursuant to this Consent Agreement for Probationary License.
8. In light of Mr. Johnson's prior disciplinary history and his lack of nursing practice for nearly 10 years, the Board agrees to issue and Mr. Johnson agrees to accept, effective upon the execution of this Consent Agreement, an RN license subject to **PROBATION** with the following conditions:
 - a. Mr. Johnson shall inform the Board in writing within 15 days of any address change.
 - b. Mr. Johnson shall, prior to returning to the active practice of nursing in any capacity, enroll in and successfully complete a nursing update/refreshers course that includes a hands-on/simulation clinical component pre-approved by the Executive Director of the Board. In complying with this condition, Mr. Johnson shall:
 1. Submit documentation of a proposed course (i.e., a course syllabus or the equivalent) to the Executive Director for review and approval; and
 2. Submit documentation of successful completion of any pre-approved course(s) to the Executive Director prior to engaging in the active practice of nursing in any capacity.
 - c. Mr. Johnson shall notify any and all of his nursing employers or prospective nursing employers of the terms of this Consent Agreement and provide them with a copy of it.


- d. Mr. Johnson understands that his employment during the term of this Agreement is restricted to structured settings with on-site supervision by an RN. Structured settings shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse, or within the correctional system.
 - e. Mr. Johnson shall notify the Board in writing within five (5) business days after he obtains any nursing employment and/or enrolls in a nursing education program. Notice under this section shall include the place and position of employment and/or the nursing educational program.
 - f. Mr. Johnson shall arrange for and ensure the submission to the Board of quarterly reports from his nursing employer regarding his general nursing practice. If during the period of probation, Mr. Johnson's employment as a nurse or his nursing education program terminates, he shall notify the Board in writing within five (5) business days after he is terminated or separated, regardless of cause, with a full explanation of the circumstances to ensure that he remains in compliance with his employment quarterly reports and nursing education requirements.
9. Mr. Johnson agrees and understands it is the parties' intent that the probation and conditions imposed by the Consent Agreement shall exist for at least a term of two (2) years of active nursing practice. However, Mr. Johnson agrees and understands that his license will remain on probationary status and subject to the terms of this Consent Agreement beyond the previously referenced probationary term of two (2) years 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. Johnson has complied with the terms and conditions of this Consent Agreement and the reports of his nursing employers.
 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 Board Rules. The State of Maine is Mr. Johnson'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 principal 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. Johnson understands and agrees that this Consent Agreement is applicable to his multi-state licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Mr. Johnson's license is subject to this Consent Agreement, he may not work outside the State of Maine pursuant to a multi-state privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state in which he wishes to work.
 11. Pursuant to 10 M.R.S. § 8003(5) violation by Mr. Johnson of any of the terms or conditions of probation of this Consent Agreement shall constitute grounds for disciplinary action against Mr. Johnson's nursing license including, but not limited to, suspension or revocation.
 12. Pursuant to 10 M.R.S. § 8003(5) Mr. Johnson agrees that the Board has the authority to suspend or revoke his license in the event that he violates any of the terms or conditions of probation of this Consent Agreement.
 13. This Consent Agreement constitutes final, non-appealable action regarding Mr. Johnson's application for the reinstatement of his RN license. This Consent Agreement cannot be amended orally. This Consent Agreement may only be amended or rescinded in writing by agreement of all the parties.
 14. This Consent 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.

15. This Consent Agreement constitutes adverse licensing action that is subject to the federal reporting requirements of Section 1128E of the Social Security Act and 45 C.F.R. Part 61 and any other interstate/national reporting requirements.
16. Eric M. Johnson 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 this Consent Agreement.
17. For the purposes of this Consent Agreement, the term "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

I, ERIC M. JOHNSON, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING 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: 10-23-12


ERIC M. JOHNSON

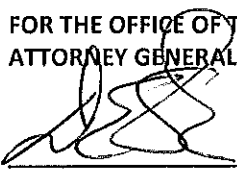
FOR THE MAINE STATE
BOARD OF NURSING

DATED: 10-27-12


MARGARET HOURIGAN, RN, EdD
Chair

FOR THE OFFICE OF THE
ATTORNEY GENERAL

11/2/12
DATED: ~~10/27/12~~


DENNIS E. SMITH
Assistant Attorney General

Effective Date: 11/2/12