



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: CHARLES W. MCGEE** ) **CONSENT AGREEMENT FOR**  
 of Gorham, Maine ) **PROBATION WITH CONDITIONS**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Charles W. McGee’s applica-  
 tion to be licensed as a registered professional nurse in the State of Maine. The parties enter into  
 this Agreement pursuant to 10 M.R.S.A. § 8003 (5), (A-1) (4) and 10 M.R.S.A. § 8003 (5) (B).  
 The parties to this Agreement are Charles W. McGee (“Applicant”), Maine State Board of  
 Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with  
 Mr. McGee on September 4, 2008. The parties reached this Agreement based on information  
 submitted in Mr. McGee’s application for licensure as a registered professional nurse.

**FACTS**

1. Charles W. McGee filed an application for licensure as a registered professional nurse with the Maine State Board of Nursing on January 4, 2008.
2. Charles W. McGee graduated from the University of Southern Maine located in Portland with a Baccalaureate Degree in December of 2007.
3. Charles W. McGee disclosed the following misdemeanor convictions on his application:
 

|                      |  |
|----------------------|--|
| a. June 28, 2001     | Theft by Unauthorized Taking or Transfer (Class E) |
| b. May 24, 2001      | Operating After Suspension (Class E)               |
| c. April 30, 2004    | Operating Under the Influence(Class D)             |
| d. September 4, 2007 | Theft by Unauthorized Taking or Transfer (Class E) |
| e. May 21, 2007      | Violating Condition of Release (Class E)           |
| f. May 30, 2007      | Violating Condition of Release (Class E)           |
| g. December 13, 2007 | Operating Under the Influence (Class D)            |
4. Charles W. McGee admits that he has a substance abuse problem. He has been substance free since August 2007.
5. Charles W. McGee attended 13 sessions of the Day Intensive OutPatient Program at Mercy Recovery Center from August 13, 2007 to August 31, 2007. He currently attends community-based aftercare support meetings three times a week and has two program sponsors. He also receives weekly individual counseling from a clinician to support his ongoing recovery, in addition to treatment for Attention Deficit Hyperactivity Disorder (“ADHD”).

*KWL*  
*specifically AA meetings,*  
*CWM*



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<http://www.maine.gov/boardofnursing/>

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6. The Board considered the following information in determining Mr. McGee's license application:
  - 1.) Letter of support from Ralph W. Hughes, PA-C, dated January 16, 2008;
  - 2.) Letter of support from Darlene Glover, RN, MSN, dated January 29, 2008;
  - 3.) Correspondence from David Veillette, LMSW/LADC with the Mercy Recovery Center, dated January 31, 2008, regarding Mr. McGee's treatment and recovery;
  - 4.) Letter of support from Steven F. Hambley, dated February 1, 2008;
  - 5.) Letter of support from Reverend Joyce A. Long with the Casco Village Church, United Church of Christ, dated February 1, 2008;
  - 6.) Correspondence from Michele Kell, MS, LADC, CCS with the Food Addiction Chemical Dependency Consultants, LLC, dated August 15, 2008, regarding Mr. McGee's treatment and recovery;
  - 7.) Correspondence from Greg Finch, PhD, dated August 18, 2008, regarding Mr. McGee's treatment and recovery;
  - 8.) Correspondence from Timothy D. Carnes, Jr., MD with the Oxford Hills Internal Medicine Group, dated August 29, 2008, regarding Mr. McGee's treatment and recovery; and
  - 9.) Correspondence from Karen Heroux, LCSW with the Mercy Recovery Center, dated August 29, 2008, regarding Mr. McGee's treatment and recovery.
7. On September 4, 2008, the Board voted to approve Mr. McGee's application as a registered professional nurse in the State of Maine and to offer him this Agreement to place his license on probation for a period of five years.

#### **AGREEMENT WITH CONDITIONS OF PROBATION**

8. Charles W. McGee understands and agrees that this document imposes discipline regarding his license to practice registered professional nursing in the State of Maine and any state in the Nurse Licensure Compact.
9. Charles W. McGee's license as a registered professional nurse in the State of Maine is placed on probationary status with conditions. The period of probation will commence upon Mr. McGee's entrance into nursing practice, either through employment and/or pursuant to a clinical nursing educational program. The period of probation will be for five years, effective only while he is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Mr. McGee performs nursing services. Mr. McGee's probationary license will be subject to the following conditions:
  - a. Charles W. McGee shall fully comply with the conditions of the probation in this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of the Licensee's compliance with probation. He shall inform the Board in writing within 15 days of any address change.

- b. Charles W. McGee will abstain completely from the use of alcohol or drugs with the exception of substances used in accordance with a valid prescription from a treatment provider(s) who is aware of Mr. McGee's substance abuse history.
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- c. Charles W. McGee will continue in his aftercare treatment program to such an extent and for as long as his treatment provider(s) recommend.
- d. Charles W. McGee will arrange for and ensure the submission of quarterly reports to the Board by his treatment provider(s) and such reports shall continue until his probation is terminated. If Mr. McGee's treatment is terminated during his probation, he shall notify the Board.
- e. Charles W. McGee will notify the Board in writing within five business days after he obtains any nursing 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 nursing educational program. If during the period of probation, Mr. McGee's employment as a nurse or his educational program in the field of nursing terminates, he shall notify the Board in writing within five business days after he is terminated or separated, regardless of cause, from any nursing employment or nursing educational program with a full explanation of the circumstances surrounding the termination or separation.
- f. Charles W. McGee will notify any and all of his nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.
- g. Charles W. McGee 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.
- h. Charles W. McGee agrees and understands that the Board and the Office 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 his compliance with the Agreement and continued recovery. Mr. McGee 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.
10. Charles W. McGee agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement beyond the five-year probationary period until and unless the Board, at Mr. McGee's written request, votes to terminate his probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. McGee has complied with the provisions of this Agreement.
11. If Mr. McGee violates the conditions of his probation, 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 violation. 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. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, 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.


12. 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. McGee'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 that are in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Mr. McGee understands that this document is an Agreement that is subject to the Compact. He agrees that during the pendency of this Agreement, his nursing practice may be limited to the State of Maine as it pertains to the Compact. If Mr. McGee 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.
13. This 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.
14. Charles W. McGee understands that he does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
15. Charles W. McGee affirms that he executes this Agreement of his own free will.
16. Modification of this Agreement must in writing and signed by all parties.
17. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
18. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, CHARLES W. MCGEE, 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: 10-22-2008

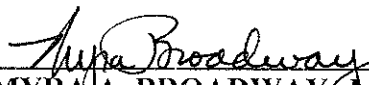
  
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CHARLES W. MCGEE

DATED: 10-22-2008

  
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KENNETH W. LEHMAN, ESQ.  
Attorney for Charles W. McGee

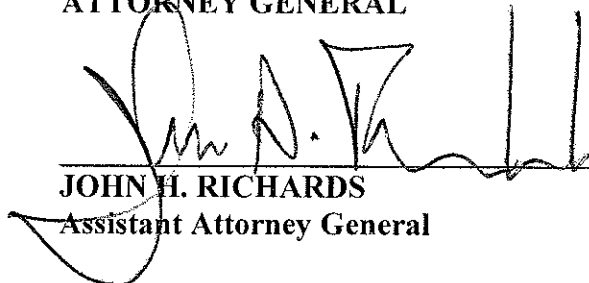
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 10/23/08

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 10/24/08

  
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JOHN H. RICHARDS  
Assistant Attorney General