



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

ANGUS S. KING, JR.  
 GOVERNOR

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

In re: )  
 Marilyn R. McNally )  
 of Presque Isle, Maine )  
 License #R031916 )

**CONSENT AGREEMENT  
 REGARDING VOLUNTARY  
 SURRENDER OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement regarding Marilyn R. McNally's 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: Marilyn R. McNally, the Maine State Board of Nursing ("Board") and the Department of Attorney General. The parties reach this Agreement following an informal conference held on September 10, 1997 regarding the letter dated January 23, 1997 from Muriel Davis, R.N., Vice President, Nursing Services, The Aroostook Medical Center.

**FACTS**

1. Ms. McNally admits that she diverted drugs for her own use for approximately 6 to 8 months.
2. Ms. McNally admits to a past history of alcohol abuse.
3. Ms. McNally has a history of depression and migraine headaches.
4. Ms. McNally admits that she falsified records.
5. Ms. McNally denies that she ingested drugs while on duty. She also denies substituting drugs or depriving patients of drugs.
6. There is no documented patient harm.
7. Ms. McNally was in counseling but stopped due to reasons involving her insurance. She is scheduled, however, to begin counseling again. Ms. McNally continues to be involved in narcotics anonymous.
8. Ms. McNally has been clean and sober since January 22, 1997.

**AGREEMENT**

1. Ms. McNally's conduct constitutes grounds for discipline under 32 M.R.S.A. Section 2105-A(2)(B), (2)(E) and (2)(F).
2. Ms. McNally agrees voluntarily to surrender her license to practice nursing for a minimum period of two (2) years and the Board agrees to Ms. McNally's voluntary surrender of license subject to the following conditions:
  - a. **Substance free:** Ms. McNally will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a physician who is aware of Ms. McNally's substance abuse history.

- b. **Aftercare:** Ms. McNally will continue in her self-help recovery process.
  - c. **Quarterly reports:** Ms. McNally will arrange for and ensure that quarterly reports are submitted to the Board from her counselor(s).
  - d. **Confidentiality and release of records:** Ms. McNally waives any claims of confidentiality and privilege which she may have with respect to reports provided to the Board from her treatment provider(s). Ms. McNally further agrees that the Board shall have access to any and all medical and treatment records and all otherwise confidential or medically privileged information pertaining to her substance abuse and chemical dependency which the Board deems necessary to evaluate Ms. McNally's compliance with this Consent Agreement and her continued recovery. Ms. McNally 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 her care and counseling as may be requested by the Board for the purposes of evaluating Ms. McNally's compliance with this Consent Agreement and her continued recovery.
  - e. **Employment:** Ms. McNally will not work in any capacity in the health care field (including a veterinarian's office).
  - f. **Request for reinstatement:** After two years from the effective date of this Agreement, Ms. McNally may petition the Board for reinstatement of her license on probationary status. Ms. McNally agrees and understands that her license will not be reinstated until and unless the Board, upon Ms. McNally's written request, votes to reinstate Ms. McNally's license. When considering whether to reinstate Ms. McNally's license on probationary status, the Board will consider the degree to which Ms. McNally has complied with these conditions.
3. **Further action:** The Board agrees to take no further disciplinary action upon these facts so long as Ms. McNally fully complies with these conditions.
  4. **Miscellaneous provisions:** Ms. McNally understands that this document is a Consent Agreement which affects her rights to practice nursing in Maine. This Consent Agreement may be amended only in writing, signed by all the parties. Ms. McNally understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering this Consent Agreement. Ms. McNally affirms that she executes this Consent Agreement of her own free will.

5. **Effective date:** This Consent Agreement becomes effective upon the last necessary signature below.

DATED: Sept. 21, 1997

Marilyn R. McNally  
MARILYN R. MCNALLY

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

DATED: 10/20/97

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

**FOR THE DEPARTMENT OF ATTORNEY GENERAL:**

DATED: 10/20/97

Susan A. Sparaco  
SUSAN A. SPARACO  
Assistant Attorney General  
Counsel to the Board