



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

JOHN ELIAS BALDACCI
 GOVERNOR

MYRAA. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE NO.)
 R040428 ISSUED TO:)
 DANIEL D. MELLAND)
 To practice registered professional)
 nursing in the State of Maine)

**ORDER TERMINATING
 PROBATION**

WHEREAS, on **December 4, 2002**, License No. **R040428** issued to **Daniel D. Melland** was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on **March 10, 2004**, the Board of Nursing duly considered all evidence presented to it concerning **Daniel D. Melland's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Daniel D. Melland** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **January 27, 2003** is hereby terminated.

DATED this 12th day of March 2004.

MAINE STATE BOARD OF NURSING

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



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ANGUS S. KING, JR.
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: DANIEL D. MELLAND, R.N.)
 of Hudson, Maine)
 License #R040428)

**CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Daniel D. Melland's license to practice registered professional nursing in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(B), 10 M.R.S.A. § 8003(5)(A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Daniel D. Melland ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on December 4, 2002. The parties reached this Consent Agreement based on information submitted by Ross Manor, Bangor, Maine by letter dated September 19, 2002.

FACTS

1. Daniel D. Melland has been a registered professional nurse licensed to practice in Maine since 1996.
2. Daniel D. Melland resigned from Ross Manor on July 25, 2002, because of an incident regarding 15 tablets of missing Vicodin. Mr. Melland denies taking the Vicodin and an internal investigation at Ross Manor did not substantiate that Mr. Melland diverted the Vicodin; however, it was determined that Mr. Melland did not waste the Vicodin in accordance with the policies and procedures adopted by Ross Manor and in compliance with accepted nursing practices. Mr. Melland was aware of the drug wasting policy and procedure adopted by Ross Manor.
3. Prior to the discovery of the missing Vicodin, Mr. Melland was reported to have glazed-over eyes which Mr. Melland explained was a result of lack of sleep. Mr. Melland stated that he was fatigued from working back-to-back shifts and had only four hours of sleep.

AGREEMENT WITH CONDITIONS OF PROBATION

4. Daniel D. Melland agrees and understands that this document imposes discipline regarding his license to practice registered professional nursing and the above-described conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(F) and (2)(H) and Chapter, 4(1)(A)(6) and (4)(3)(F) of the Rules and Regulations of the Maine State Board of Nursing.



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5. Daniel D. Melland's license to practice registered professional nursing in the State of Maine will be placed on a probationary status with conditions. The period of probation will be for a period of one year, to be effective only while he is employed in nursing practice or enrolled in a nursing education program. For purposes of this Consent Agreement, nursing employment is any employment during which Mr. Melland performs nursing services. Mr. Melland's probationary license will be subject to the following conditions:
 - a. Daniel D. Melland will immediately notify the Board in writing regarding any change in his nursing employment or entry into an educational program in the field of nursing. Notification under this section shall include the place and position of employment or the educational program and the same notification shall apply to any subsequent change in employment or change in educational program.
 - b. Daniel D. Melland will notify any and all of his nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - c. Daniel D. Melland will arrange for and ensure the submission to the Board of quarterly reports from his nursing employer or clinical faculty regarding his general nursing practice.
6. Daniel D. Melland agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the one year probationary period, until and unless the Board, at Mr. Melland's written request, votes to terminate Mr. Melland's probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Melland has complied with the provisions of this Consent Agreement.
7. Daniel D. Melland understands that this document is a Consent Agreement that affects his rights to practice nursing in Maine. Mr. Melland 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.
8. If Mr. Melland 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.
9. Daniel D. Melland affirms that he executes this Consent Agreement of his own free will.
10. Modification of this Consent Agreement must in writing and signed by all the parties.
11. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.

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

I, DANIEL D. MELLAND, 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: 1-7-02



DANIEL D. MELLAND, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

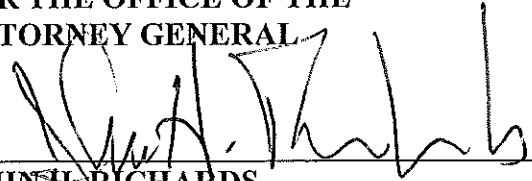
DATED: 1/28/03



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 1/27/03



JOHN H. RICHARDS
Assistant Attorney General