



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: DANIEL D. MELLAND)
of Hudson, Maine) DECISION AND ORDER
License No. R040428) OF REVOCATION

INTRODUCTION

On July 9, 2007, the Maine State Board of Nursing ("Board") met at the Board's offices located at 161 Capitol Street, Augusta, Maine to consider the above captioned matter.

FACTS

1. Daniel D. Melland has been licensed as a registered professional nurse in Maine since 1996.
2. On or about June 25, 2007, Mr. Melland was taped on a video surveillance camera at St. Andrews Nursing Home, The Gregory Wing ("St. Andrews"), diverting morphine from a container and replacing it with water. On June 26, 2007, Mr. Melland was arrested by the Boothbay Harbor Police Department for stealing drugs from St. Andrews. He later confessed to the drug diversion from St. Andrews and several other facilities for which he had worked as a registered professional nurse. Mr. Melland also disclosed that he has been addicted to opiates for about six years.
3. Pursuant to 5 M.R.S.A. § 10004 (3) the Board concludes that based upon this recent event of drug diversion and Mr. Melland's admitted drug addiction, that Mr. Melland's behavior fails to conform to legal standards and accepted standards of the nursing profession, and such conduct is substantially related to the qualifications, functions or duties of a registered professional nurse, and that such conduct reflects adversely on the health and welfare of the public.

APPLICABLE LAW

Pursuant to 5 M.R.S.A. § 10004(3), "an agency may revoke, suspend or refuse to renew any license without proceedings in conformity with subchapters IV or VI, when: the health or physical safety of a person or the continued well-being of a significant natural resource is in immediate jeopardy at the time of the agency's action, and acting in accordance with subchapter IV or VI would fail to adequately respond to a known risk, provided that the revocation, suspension or refusal to renew shall not continue for more than 30 days."



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CONCLUSIONS OF LAW

The Board has the authority to suspend or revoke Daniel D. Melland's registered professional nurse license Pursuant to 5 M.R.S.A. § 10004 (3).

Daniel D. Melland's conduct described in the above-stated facts is grounds for summary suspension of Mr. Melland registered professional nurse license.


DECISION AND ORDER

A motion was made and seconded to immediately revoke Daniel D. Melland's registered professional nurse license. By a unanimous vote of the Board, Daniel D. Melland's registered professional nurse license is revoked effective immediately. A Notice of Hearing will be sent to Daniel D. Melland for a scheduled adjudicatory hearing on August 15, 2007.

RECORD VOTE

THERESE B. SHIPPS	Affirmative
KAREN L. TRIPP	Affirmative
SUSAN L. BRUME	Affirmative
CARMEN CHRISTENSEN	Affirmative
BRUCE R. O'DONNELL	Affirmative
ROBIN BROOKS	Affirmative

DATED: July 19, 2007



THERESE B. SHIPPS, Chair
FOR THE MAINE STATE
BOARD OF NURSING

NOTICE OF APPEAL RIGHTS

Daniel D. Melland may appeal this Decision and Order summarily revoking his license by filing a petition for review of final agency action in the Superior Court pursuant to 5 M.R.S.A. §§ 11001, *et seq.* within thirty (30) days after receipt of notice of this Decision and Order. Any other person aggrieved by this Decision and Order may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision and Order.