



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:)
) **CONSENT AGREEMENT**
) **DANIEL W. MUNSEY**) **REGARDING VOLUNTARY**
) **of Gray, Maine**) **SURRENDER OF LICENSE**
) **License #R038527**)

INTRODUCTION

This document is a Consent Agreement regarding Daniel W. Munsey's license to practice professional nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. § 2105-A(1-A)(B) and 10 M.R.S.A. § 8003(5)(B). The parties to this Agreement are Daniel W. Munsey, R.N., the Maine State Board of Nursing ("Board") and the Department of Attorney General. The parties reached this agreement following an informal conference held on April 9, 1997 regarding a letter dated December 5, 1996 from Doris Skarka, R.N., Clinical Director, Maine Medical Center.

FACTS

1. Daniel Munsey admits to diverting narcotics from the Maine Medical Center during a period from October, 1995 through December, 1996.
2. Daniel Munsey admits that he falsified narcotic records.
3. Daniel Munsey admits that he used narcotics while on duty.
4. There is no evidence of documented patient harm.
5. Daniel Munsey admits to a long history of substance abuse, followed by eight years of abstinence without treatment.
6. Daniel Munsey states that he has been substance free since December 1, 1996.
7. Daniel Munsey states that he completed an inpatient treatment program at Mercy Hospital, completed three weeks at Ridgeview Institute and completed an outpatient treatment program. He continues to participate in an outpatient self-help recovery program.
8. Daniel Munsey states that he recognizes that if he were to return to nursing at this time he would have to plan to restrict his practice so as not to be exposed to controlled substances.

9. Daniel Munsey has a strong support system.
10. A representative from Maine Medical Center states that Mr. Munsey was a competent nurse and one who the employer might consider rehiring in the future.

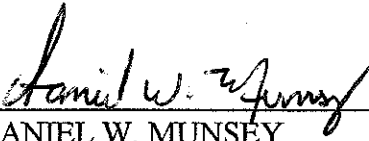
AGREEMENT

1. Daniel Munsey's conduct constitutes grounds for discipline under 32 M.R.S.A. §§ 2105-A(2)(B), (2)(E) and (2)(F).
2. Daniel Munsey agrees voluntarily to surrender his license to practice nursing for a minimum period of one (1) year, retroactive to December of 1996 when Mr. Munsey voluntarily submitted his license to the Board. The Board agrees to accept Mr. Munsey's voluntary surrender subject to the following conditions:
 - a. **Substance Free:** Mr. Munsey 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 Mr. Munsey's substance abuse history.
 - b. **Aftercare:** Mr. Munsey will continue with his aftercare treatment.
 - c. **Quarterly Reports:** Mr. Munsey will arrange and ensure that quarterly reports are submitted to the Board from qualified substance abuse treatment provider(s).
 - d. **Confidentiality in Release of Records:** Mr. Munsey waives any claims of confidentiality and privilege which he may have with respect to the reports provided to the Board from his substance abuse treatment provider(s). Mr. Munsey 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 his substance abuse and chemical dependency which the Board deems necessary to evaluate Mr. Munsey's compliance with this Consent Agreement and his continued recovery. Mr. Munsey 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 and counseling as may be requested by the Board for the purposes of evaluating Mr. Munsey's compliance with this Consent Agreement and his continued recovery.
 - e. **Employment:** Mr. Munsey will not work in any capacity in the health care field (including a veterinarian's office).
 - f. **Request for Reinstatement:** Mr. Munsey may petition the Board to consider a request for reinstatement of his license on probationary status at the time of the Board's meeting in December, 1997 or at a meeting thereafter. Mr. Munsey agrees and understands that his license will not be reinstated until and unless the Board, upon Mr. Munsey's written request, votes to reinstate Mr. Munsey's license. The Board will consider the degree to which Mr. Munsey has complied with these conditions when considering whether to reinstate Mr. Munsey's license on probationary status.
3. **Further Action:** The Board agrees to take no further disciplinary action upon these facts so long as Mr. Munsey fully complies with these conditions.

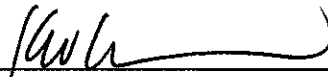
4. **Miscellaneous Provisions:** Mr. Munsey understands that this document is a Consent Agreement which affects his rights to practice nursing in Maine. This Consent Agreement may be amended only in writing, signed by all the parties. Mr. Munsey understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering this Consent Agreement. Mr. Munsey affirms that he executes this Consent Agreement of his own free will.

5. **Effective Date:** This Agreement becomes effective on the last necessary signature below.

DATED: 7/10/97

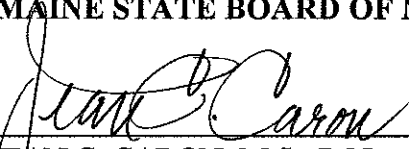

DANIEL W. MUNSEY

DATED: 7/10/97


KENNETH W. LEHMAN, Esq.
Attorney for Daniel W. Munsey

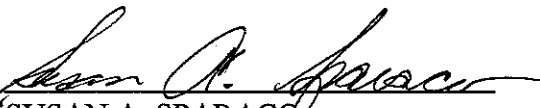
MAINE STATE BOARD OF NURSING:

DATED: 7/28/97


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

DEPARTMENT OF ATTORNEY GENERAL:

DATED: 9/29/97


SUSAN A. SPARACO
Assistant Attorney General
Counsel for the Board