

STATE OF MAINE
BOARD OF NURSING

IN RE:)
)
HENRI DESROSIERS, CRNA.) INTERIM CONSENT AGREEMENT
COMPLAINT 2013-158)
)

PARTIES

This document is an Interim Consent Agreement, effective when signed by all parties, pertaining to Henri Paul Desrosiers' license to practice as a Certified Registered Nurse Anesthetist ("CRNA") in the State of Maine. The parties to this Interim Consent Agreement are: Henri Paul Desrosiers ("Licensee"), the Maine State Board of Nursing ("the Board") and the Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B).

PURPOSE

The purpose of this agreement is to maintain the status quo regarding the suspension of the Licensee's Nurse Anesthetist license ordered on December 6, 2013 in order to accommodate the Licensee's request for a continuance of the hearing scheduled for January 17, 2014 because of his counsel's unavailability due to the fact that he will be out of the country. The suspension ordered on December 6, 2013 is due to expire on January 5, 2014. The Licensee agrees to the continuance of the suspension beyond January 5, 2014 in order to accommodate the rescheduling of the January 17, 2014 hearing. In so doing, the Licensee does not admit to any of the allegations that provided the reasons for the suspension and reserves all rights to contest those allegations at hearing.

BACKGROUND

1. Licensee is licensed by the Board as CRNA, which, on the basis of specialized education and experience, authorizes the practice of expanded professional health care. The licensing as a CRNA authorizes the provision of anesthesia to the public. The provision of anesthesia services during the normal course of practice requires an elevated degree of care to prevent serious physical harm to patients. .
2. On December 6th, 2013 the Board suspended the License of the Licensee without hearing pursuant to 5 MRS §10004(3) finding that immediate jeopardy existed and that acting in accordance with subchapter IV or VI of Title 5 of the Maine Revised Statutes would fail to adequately respond to a known risk to the public safety. The reasons for the suspension are stated in the Board's Notice of Immediate Suspension dated December 6, 2013.
3. Licensee's license suspension will terminate on January 4, 2014.
4. An adjudicatory hearing on the license suspension has been scheduled for January 17, 2014.
5. The Board and the Licensee wish to evaluate alternatives in lieu of formal adjudication of license revocation.
6. The Licensee also requests a continuance of the hearing scheduled for January 17, 2014 on the grounds that his counsel will be out of the country.
7. A hearing continuance order is, in of itself, insufficient to extend the suspension of the license and absent execution of this Agreement the hearing scheduled on January 17, 2014 must proceed as scheduled in order to continue the suspension.

8. The Licensee has agreed that his license will remain suspended during the continuance pending final disposition of this matter.
9. The State of Maine agrees to the continuance provided that the license suspension shall continue beyond the 30 day limitation contained in 5 MRS §10004(3).
10. By signing this Interim Consent Agreement, Licensee , in his personal capacity and through legal counsel, hereby consents to the continuation of his suspension.
11. For the avoidance of doubt, this suspension does not apply to Licensee's registered nurse license (License Number RN37059) and is limited to Licensee's Certified Registered Nurse Anesthetist license (License Number RNA83263).

COVENANTS

12. Licensee agrees that the suspension of his license as a **Certified Registered Nurse Anesthetist** ordered on December 6, 2013 will remain in effect pending final disposition of this matter. Licensee understands and agrees that he will not provide nurse anesthetist treatment to any person in the State of Maine during the term of this Interim Consent Agreement.
13. At the request of either party, but in no event sooner than January 27, 2014, the Board shall reset this matter for an adjudicatory hearing. The Board will provide the parties with at least thirty (30) days' notice of the new hearing date.
14. This Interim Consent Agreement is not appealable, and is effective until modified or rescinded by the parties hereto or until the Board takes final action regarding the suspension.

15. Nothing in this Interim Consent Agreement shall restrict in any way the Board's or the Attorney General's authority or ability to investigate this matter further.
16. This Interim Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.
17. Except for the agreement continuing the suspension, nothing in this Interim Consent Agreement shall be construed to affect any right or interest of any party hereto or any person not a party hereto.
18. Licensee acknowledges by his signature hereto that he has read this Interim Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Interim Consent Agreement, that he executed this Interim Consent Agreement of his own free will, and that he agrees to abide by all terms and conditions set forth herein.

DATED: 12/30/13 Henri DesRosiers
HENRI DESROSIERS, CRNA

DATED: 12/30/13 Phillip E. Johnson
Phillip E. Johnson
Attorney for Henri DesRosiers

DATED: Jan 10, 2014 Myra A. Broadway
MYRA A. BROADWAY, JD, MS, RN
Executive Director
Board of Nursing

DATED: 1/3/14
12/30/13 Ronald O. Guay
RONALD O. GUAY
Assistant Attorney General