



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: **STEPHANIE D. BRETON**)
f/k/a MEMEL) **CONSENT AGREEMENT**
 of Fairfield Center, Maine) **FOR REINSTATEMENT**
 License #R043659) **AND PROBATION**

INTRODUCTION

This document is a Consent Agreement regarding Stephanie D. Breton’s (f/k/a Memel) 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 Board met with Ms. Breton on June 2, 2005 regarding her request for reinstatement of her nursing license. The parties to this Consent Agreement are Stephanie D. Breton (“Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine.

FACTS

1. On January 18, 2004, the Board held an adjudicatory hearing in the matter of In re: Stephanie D. Memel, Licensure Disciplinary Action. After a hearing, the Board voted to accept Ms. Memel’s offer to voluntarily surrender her registered professional nurse license. A copy of the Board’s Decision and Order dated January 18, 2004, is attached hereto and marked as Exhibit A.
2. Stephanie D. Breton pled guilty to one felony count of Stealing Drugs (17-A M.R.S.A. § 1109(1)) in the Kennebec County Superior Court in Docket No. CR04-584 on March 23, 2005. Ms. Breton received a sentence of six months imprisonment, all but 20 days of that sentence suspended and the imposition of probation for a term of one year. The Judgment and Commitment are attached hereto and marked as Exhibit B.
3. Stephanie D. Breton has been substance free since May 2004.
4. Stephanie D. Breton continues in aftercare treatment for substance abuse. Ms. Breton is under the care of Stanley J. Evans, M.D., a physician specializing in addiction. The current treatment plan consists of attending Alcoholic’s Anonymous (AA) twice per week and attending counseling at PROTEA on a weekly basis.
5. The parties agree to enter into this Consent Agreement to reinstate Ms. Breton’s registered professional nurse license for a term of probation with conditions.



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REINSTATEMENT WITH CONDITIONS OF PROBATION

6. Stephanie D. Breton's license to registered professional nursing in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence on Ms. Breton's return to nursing practice, either through employment or pursuant to an educational program. The period of probation will be for a period of five years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Breton performs nursing services. Ms. Breton's probationary license will be subject to the following conditions:
 - a. Stephanie D. Breton 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. Breton's substance abuse history.
 - b. Stephanie D. Breton will continue in her aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
 - c. Stephanie D. Breton will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s).
 - d. Stephanie D. Breton will immediately notify the Board in writing should she return to employment or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change in employment or educational programs.
 - e. Stephanie D. Breton will notify any and all of her 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.
 - f. Stephanie D. Breton's employment is restricted during the period of probation to structured settings with on-sight supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.
 - g. Stephanie D. Breton will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her general nursing practice.
 - h. Stephanie D. Breton agrees and understands that the Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate Ms. Breton's compliance with the Consent Agreement and her continued recovery. Ms. Breton 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, counseling and employment as may be requested by the Board for the purpose of evaluating Ms. Breton's compliance with the Consent Agreement and her continued recovery.

- i. Stephanie D. Breton shall be in compliance with the terms and conditions of her criminal probation.
7. The State of Maine is Stephanie D. Breton's home state of licensure. Except as provided further in this paragraph, Ms. Breton agrees that during the pendency of this Consent Agreement her nursing practice is limited to the State of Maine. If Ms. Breton wishes to practice in any other party state within the compact she shall petition the Board for written authorization. In addition, Ms. Breton will arrange to have the party state she intends to practice in, to provide the Board with written authorization that she has been approved to practice in that state.
8. Stephanie D. Breton agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the five year probationary period, until and unless the Board, at Ms. Breton's written request, votes to terminate Ms. Breton's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Breton has complied with the provisions of this Agreement.
9. Stephanie D. Breton understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Breton understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
10. Stephanie D. Breton affirms that she executes this Consent Agreement of her own free will.
11. This Consent Agreement is not subject to review or appeal 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, STEPHANIE D. BRETON, 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: _____

6/24/05


STEPHANIE D. BRETON

DATED: June 22, 2005 Janet E. Michael
JANET E. MICHAEL, ESQ.
Attorney for Stephanie D. Breton

FOR THE MAINE STATE
BOARD OF NURSING

DATED: June 27, 2005 Myra Broadway
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: June 29, 2005 John H. Richards
JOHN H. RICHARDS
Assistant Attorney General

E. Incompetence in the practice for which the licensee is licensed. A licensee is considered incompetent in the practice if the licensee has:

1. Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public.

H. A violation of this chapter or a rule adopted by the board.

“Rules and Regulations of the Maine State Board of Nursing, Chapter 4.”

1. Disciplinary Action.

3. Definition of Unprofessional Conduct. Nursing behavior which fails to conform to legal standards and accepted standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but not be limited to, the following:

P. Diverting drugs, supplies or property of patients or health care provider.

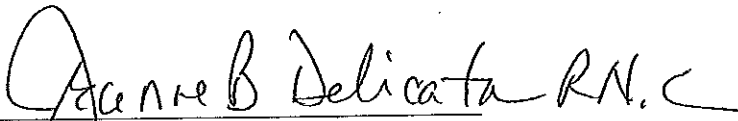
Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

The Board, by a vote of 5-0, based on the above recited facts and its training and expertise, concluded that Stephanie Memel, R.N., violated the above statutory and regulatory standards of nursing and poses a threat to the health of the public and to her. The Board voted to accept the surrender of her license to practice as a registered nurse pursuant to 10 M.R.S.A. Sec. 8003. The Board further ordered that Stephanie Memel:

1. Remain sober and refrain from illegal substances.
2. Remain in a treatment program until her licensed counselor advises otherwise.
3. Provide any medical, dental or other health related employers with a copy of this decision.
4. Not work in any health care or veterinarian setting where drugs may be obtained.
5. Continue attending New Directions, Narcotics Anonymous, on a regular basis.
6. Petition the Board after December 16, 2004 for reinstatement.

SO ORDERED.

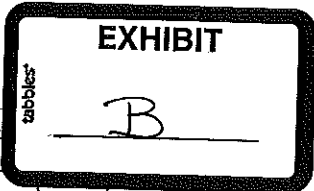
Dated: January 18, 2004


Jeanne B. Delicata, R.N.C. Chairwoman
Maine State Board of Nursing

IV.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. Sec. 10051.3, any party that decides to appeal this Decision and Order must file a Petition for Review within 30 days of the date of receipt of this Order with the Superior Court having jurisdiction. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Nursing, all parties to the agency proceedings, and the Maine Attorney General.



STATE OF MAINE SUPERIOR COURT DISTRICT COURT JUDGMENT AND COMM

Docket No. CR04-584

County/Location Kennebec Superior

Date: 3-23-05

State of Maine v. Defendant's Name Stephanie Breton (f/k/a Memel)

Residence Fairfield Center, ME

Offense(s) charged: STEALING DRUGS 17-A §1109 CLASS C

Charged by: indictment information complaint

Verdict(s): Guilty Nolo Not Guilty Date of Violation(s): 8/1/03

Convicted on: plea jury verdict court finding

IT IS ADJUDGED THAT THE DEFENDANT IS GUILTY OF THE OFFENSES AS SHOWN ABOVE AND CONVICTED.

IT IS ADJUDGED THAT THE DEFENDANT BE HEREBY COMMITTED TO THE SHERIFF OF THE WITHIN NAMED COUNTY OR HIS AUTHORIZED REPRESENTATIVE WHO SHALL WITHOUT NEEDLESS DELAY REMOVE THE DEFENDANT TO:

- The custody of the Commissioner of the Department of Corrections, at a facility designated by the Commissioner, to be punished by imprisonment for a term of _____
- The County jail to be punished by imprisonment for a term of 6 months
- This sentence to be served (consecutively to) (concurrently with) _____
- Execution stayed to on or before: 4-6-05 at 9:00 (a.m.) (p.m.)

IT IS ORDERED THAT ALL (BUT) 20 days OF THE SENTENCE (AS IT RELATES TO CONFINEMENT) (AS IT RELATES TO THE _____) BE SUSPENDED AND THE DEFENDANT BE PLACED ON A PERIOD OF PROBATION ADMINISTRATIVE RELEASE FOR A TERM OF 1 yr (YEARS) (MONTHS) UPON CONDITIONS ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN. SAID PROBATION TO COMMENCE (_____) (UPON COMPLETION OF THE UNSUSPENDED TERM OF IMPRISONMENT). SAID ADMINISTRATIVE RELEASE TO COMMENCE IMMEDIATELY. THE DEFENDANT SHALL SERVE THE INITIAL PORTION OF THE FOREGOING SENTENCE AT _____

IT IS ORDERED THAT THE DEFENDANT, HAVING BEEN CONVICTED OF A SEX OFFENSE OR A SEXUALLY VIOLENT OFFENSE, SATISFY ALL REQUIREMENTS IN THE SEX OFFENDER REGISTRATION & NOTIFICATION ACT. (34-A M.R.S.A. Ch. 15) THE DEFENDANT MUST SUBMIT TO THE TAKING OF FINGERPRINTS AND A PHOTOGRAPH AS SPECIFIED IN THE NOTICE OF DUTY TO REGISTER.

IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF \$ _____ AS A FINE TO THE CLERK OF THE COURT, PLUS APPLICABLE SURCHARGES AND ASSESSMENTS OF: 10% 12% (Eff. 7/4/96) 14% (Eff. 9/18/99) 15% SURCHARGE (Eff. 08/01/02) 20% (Eff. 07/30/04) \$30.00 \$125.00 SURCHARGE (29-A M.R.S.A. §2411) \$10. (7 M.R.S.A.) 10% (17 M.R.S.A.) \$10 ASSESSMENT(S) plus 1 \$25 ASSESSMENT(S) totalling \$ _____ (5 M.R.S.A. § 3360-1) All but \$ _____ suspended. Execution/payment stayed to pay in full by _____ or warrant to issue. To pay \$ _____ per week / month beginning _____ or warrant to issue. TOTAL DUE: \$ 25.00 (To be filled in by cashier).

IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF \$ _____ AS RESTITUTION, THROUGH THE (DEPARTMENT OF CORRECTIONS) (DISTRICT ATTORNEY'S OFFICE) FOR THE BENEFIT OF _____ (17-A M.R.S.A. § 1152-2-A)

Execution/payment stayed to pay in full by _____ or warrant to issue.

IT IS ORDERED PURSUANT TO APPLICABLE STATUTES, THAT THE DEFENDANT'S MOTOR VEHICLE OPERATOR'S LICENSE OR PERMIT TO OPERATE, RIGHT TO OPERATE A MOTOR VEHICLE AND RIGHT TO APPLY FOR AND OBTAIN A LICENSE AND/OR THE DEFENDANT'S RIGHT TO REGISTER A MOTOR VEHICLE IS SUSPENDED IN ACCORDANCE WITH NOTICE OF SUSPENSION INCORPORATED HEREIN.

IT IS ORDERED THAT THE DEFENDANT PERFORM _____ HOURS OF COMMUNITY SERVICE WORK WITHIN _____ (WEEKS) (MONTHS) FOR THE BENEFIT OF _____

IT IS ORDERED THAT THE DEFENDANT PAY \$ _____ FOR EACH DAY SERVED IN THE COUNTY JAIL, TO THE TREASURER OF THE ABOVE NAMED COUNTY. (UP TO \$80./DAY) (17-A M.R.S.A. § 1541)

Execution/payment stayed to pay in full by _____ or warrant to issue.

IT IS ORDERED THAT THE DEFENDANT SHALL PARTICIPATE IN ALCOHOL AND OTHER DRUG EDUCATION, EVALUATION AND TREATMENT PROGRAMS FOR MULTIPLE OFFENDERS ADMINISTERED BY THE OFFICE OF SUBSTANCE ABUSE. (29 M.R.S.A. § 1312-B (2)(D-1), 29-A M.R.S.A. § 2411 (5)(F))

IT IS ORDERED THAT THE DEFENDANT FORFEIT TO THE STATE THE FIREARM USED BY THE DEFENDANT DURING THE COMMISSION OF THE OFFENSE(S) SHOWN ABOVE. (17-A M.R.S.A. § 1158)

IT IS ORDERED THAT THE DEFENDANT BE UNCONDITIONALLY DISCHARGED. (17-A M.R.S.A. § 1201)

If the defendant has been convicted of an applicable offense listed in 25 MRSA § 1574, then the defendant shall submit having a DNA sample drawn. The DNA sample may be drawn at any time following the commencement of the straight term or initial unsuspended portion of the term of imprisonment. If there is a period of probation but no immediate imprisonment, the DNA sample may be drawn at any time following commencement of the probation period as directed by the probation officer.

IT IS FURTHER ORDERED THAT THE CLERK DELIVER A CERTIFIED COPY OF THIS JUDGMENT AND COMMITMENT TO THE SHERIFF OF THE ABOVE NAMED COUNTY OR HIS AUTHORIZED REPRESENTATIVE AND THAT THE COPY SERVE AS THE COMMITMENT OF THE DEFENDANT. REASONS FOR IMPOSING CONSECUTIVE SENTENCES ARE CONTAINED IN THE COURT RECORD OR IN ATTACHMENTS HERETO.

TRUE COPY, ATTEST: _____
Clerk

[Signature]
Judge / Justice

I understand the sentence imposed herein and acknowledge receipt of a copy of this JUDGMENT AND COMMITMENT. hereby acknowledge that the disclosure of my Social Security number on this form is mandatory under 36 M.R.S.A. § 5276-A. My social Security number will be used to facilitate the collection of any fine that has been imposed upon me in this action if that fine remains unpaid as of the time I am due a State of Maine income tax refund. My Social Security number also may be used to facilitate the collection of money I may owe the State of Maine as a result of having had an attorney appointed to represent me. Collection of any fine or reimbursement of money which I owe to the State of Maine will be accomplished by offsetting money I owe to the State against my State of Maine income tax refund.

Social Security Number _____

Date: _____

Defendant *[Signature]*
Address _____

RETURN

By virtue of the within JUDGMENT AND COMMITMENT I have this day delivered the within-named Defendant to the _____

Date: _____

Deputy _____

By virtue of this warrant, the within-named Defendant has been removed to and received at the _____ on this day.

Date: _____

Authorized Officer/Supc, M.C.C./Warden M.S.P.

STATE OF MAINE

CONDITIONS OF PROBATION

COURT: Kennebec (Superior) (District) Docket No. CR04-584
DEFENDANT Stephanie Breton (f/k/a Memel), D.O.B. 11/7/68 SSN

You have been convicted of Stealing Drugs which (is a) (are) Class C crime(s). You are placed on probation and committed to supervision by the Department of Corrections for the term of 1 yr (months) (years) subject to the conditions listed below.

THE CONDITIONS OF YOUR PROBATION ARE AS FOLLOWS: YOU SHALL

- 1. refrain from all criminal conduct and violation of federal, state and local laws.
2. report to the probation officer immediately and thereafter as directed and within 48 hours of your release from jail.
3. answer all questions by your probation officer and permit the officer to visit you at your home or elsewhere.
4. obtain permission from your probation officer before changing your address or employment.
5. not leave the State of Maine without written permission of your probation officer.
6. maintain employment and devote yourself to an approved employment or education program.
7. not possess or use any unlawful drugs and not possess or use alcohol (excessively).
8. identify yourself as a probationer to any law enforcement officer if you are arrested, detained or questioned for any reason and notify your probation officer of that contact within 24 hours.
9. waive extradition back to the State of Maine from any other place.
10. not own, possess or use any firearm or dangerous weapon if you have ever been convicted of a crime in any jurisdiction with a potential penalty of one year or more or any crime involving domestic violence or the use of a firearm or dangerous weapon.
11. pay to the Department of Corrections a supervision fee of \$ 10.00 per month.
12a. provide a DNA sample as required. 12b. Fully comply with the Sex Offender Registration and Notification Act.
13. pay to the Department of Corrections an (electronic monitoring fee) (substance testing fee) of \$
14. not own, possess or use any firearm or dangerous weapons.
15. submit to random search and testing for (alcohol) (drugs) (firearms) (dangerous weapons) (sexually-oriented material) at the direction of a probation or law enforcement officer.
16. complete (evaluation and) counselling and treatment as an (out-patient / in-patient) (at or a similar facility) as directed by your probation officer for (substance abuse) (sexual offender) (psychological) (domestic abuse) (certified batterer's intervention) (anger management) (medical) issues and sign any releases requested by your probation officer.
17. pay restitution in the [maximum] amount of \$ through the (Department of Corrections) (Office of District Attorney) by on a schedule set by the court or your probation officer for the benefit of (joint and several with).
18. pay all fines, fees, surcharges and assessments in full (and counsel fees as ordered) to the clerk of this court not later than (date), on a schedule set by the court or your probation officer.
19. not operate or attempt to operate any motor vehicle (including ATV, snowmobile, motorboat, powerboat or aircraft) (until properly licensed by the Secretary of State).
20. not associate with any other person who is on probation or parole without written permission of your probation officer.
21. have no contact with (male) (female) children under the age of. Have no direct or indirect contact or enter the residence, place of work, or educational location of (and their family) except with the written permission of your probation officer and pursuant to a court order.
22. not be present in an establishment that serves liquor for on-premises consumption (after AM / PM).
23. support your dependents and meet family responsibilities.
24. not view or possess any sexually oriented material or utilize access to the internet.
25. not have any possessory interest in any bank account except as authorized in writing by your probation officer.
26. appear for periodic judicial review as directed by the court or your probation officer.
27. perform hours of public service work within months as directed by your probation officer.
28. Other: Comply with Pharmacy Conditions attached

If you violate or fail to fulfill any of the above conditions you may be arrested, your probation may be revoked and you may be required to serve the rest of your sentence in jail or prison.

ORDERED: All conditions of probation are incorporated into the judgment and docket by reference.

Date: 3/23/05 Justice / Judge

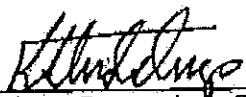
I acknowledge receipt of these conditions and accept them as written.

Witness: Nancy A. Desjardins Probationer: Stephanie Breton

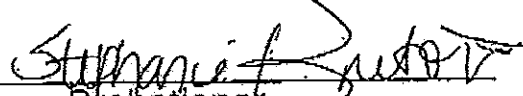
PHARMACY CONDITIONS

- If prescribed any medication by a physician, the medication must be taken in the manner and quantities directed by the physician and/or pharmacist and must only be possessed in the bottle they were dispensed in.
- All medications prescribed must be made known to the probation officer the same day the medications are prescribed.
- Must designate to the probation officer a primary physician. No other physician, PA or FNP may be seen without a written referral from the primary physician.
- Must execute medical release forms to allow the probation officer to have an open line of communication with the primary physician and professions to whom they may be referred.
- Must designate one (1) pharmacy that will be used to dispense all medications. No other pharmacy may be used without PRIOR approval of probation officer.
- Must personally retrieve all medications from the pharmacy. May not retrieve medications of another person without PRIOR approval of probation officer.
- Must maintain a drug log in which shall be recorded the date, time, place and amount of any prescription medication ingested. The drug log is to be available for inspection by the probation officer up request.
- Must keep proof of all properly prescribed narcotics on his/her person at all times.

Dated: 3/23/05


 Justice Superior Court

Dated:


 Probationer