



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: CASSANDRA L. MAREK)
 of Houston, Texas)
 License #R041197)** **CONSENT AGREEMENT
 FOR PERMANENT
 SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Cassandra L. Marek's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(C) and 10 M.R.S.A. § 8003(5)(B), (5)(D). The parties to this Consent Agreement are Cassandra L. Marek ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of Ms. Marek's offer to permanently surrender her registered professional nurse license.

FACTS

1. Cassandra L. Marek has been licensed as a registered professional nurse to practice in Maine since June 27, 1997.
2. On June 29, 1997, Ms. Marek began employment at Eastern Maine Medical Center ("EMMC"), Bangor Maine as a registered professional nurse. On May 29, 2004, she resigned from EMMC during an ongoing investigation for deficiencies in the handling of controlled substances and suspected drug diversion. An investigation of 65 Emergency Department patient records and the administration of scheduled drugs to these patients by Ms. Marek, between January 2004 and May 2004, show several patterns of deficient drug administration practice:
 - a. On May 29, 2004 Cassandra L. Marek reported to work in the EMMC Emergency Department at 0700. At 1130 she requested that another RN working the shift witness a waste of a controlled substance with her. The RN who was requested to witness the waste reported that Ms. Marek had slurred speech, face was flushed and she was visibly perspiring. Ms. Marek removed injectable Dilaudid for Patient A. Patient A did not have a physician order for Dilaudid. Ms. Marek documented in the medical record that she had administered Dilaudid to Patient A. Patient A did not have IV access and thus could not have received injectable Dilaudid. Ms. Marek was questioned by a Physician Assistant regarding the documentation that she had administered Dilaudid to a patient with no order or IV access. She stated that she documented the Dilaudid on the wrong medical record. The nurse in charge of the Emergency Department on May 29, 2004 notified the Nursing Supervisor of the concern that Ms. Marek was impaired in the workplace and



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

Consent Agreement for Voluntary Surrender of License

Cassandra L. Marek

Page 2

had diverted injectable Dilaudid for her personal use. The Nursing Supervisor spoke with Ms. Marek. Ms. Marek denied any diversion and resigned her position at EMMC without notice.

- b. Fifty of the patients' records show that Ms. Marek ordered and administered the scheduled drugs to patients without a doctor's order.
 - c. An examination of 18 patient records that Ms. Marek documented that she administered scheduled drugs to the patients, show that in each of the 18 patient records, that the amount of drugs withdrawn from Pixis and the amount administered to the patient always resulted in unaccounted or missing drugs that were never wasted or the amount wasted is less than what is left over after the drug was administered to the patient. In several of these instances there is no documentation that the drug was administered to the patient.
 - d. Two of the patients' records show that Ms. Marek withdrew drugs for these patients that were not assigned to her. One of the records has no documentation that the drug was administered or wasted. The other record indicates that the drug was administered to the patient, however, there is no documentation in the nursing notes regarding the administration of the drug.
 - e. Thirty-six of the patients' records show that Ms. Marek withdrew drugs from the Pixis that were in excess of the amount that was administered to the patient, when lesser dosages of the drugs were available to match the proper dosage to be administered. In each of these instances there is either significant waste; insufficient waste; which results for unaccounted or missing drugs; no waste for drugs that were not administered; or, a record of wasting more drugs when there is nothing left to waste after you account for the amount withdrawn from Pixis and amount administered to the patient.
3. Based on these facts the Board finds that Ms. Marek misappropriated the scheduled drugs, Dilaudid and Morphine IVP from EMMC and that she diverted these drugs for her own personal use.
 4. The Board finds that Ms. Marek performed services as a registered professional nurse at EMMC while she was impaired.
 5. The Board also finds that Ms. Marek practiced beyond the scope of her license
 6. Cassandra L. Marek has offered to voluntarily surrender her registered professional nurse license.

Consent Agreement for Voluntary Surrender of License

Cassandra L. Marek

Page 3

AGREEMENT

7. The Maine State Board of Nursing will accept Cassandra L. Marek's offer to voluntary surrender of her registered professional nurse license.
8. Cassandra L. Marek neither admits nor denies the facts contained herein, but she acknowledges that if this matter went to a hearing before the Board that it is more likely than not that the facts would support the Board's findings in this Agreement.
9. Cassandra L. Marek understands that this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine under 32 M.R.S.A. § 2105-A(2)(A), 2(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(A), 3(F), 3(K), 3(N), 3(O), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing.
10. Cassandra L. Marek agrees and understands that this document is a Consent Agreement that permanently affects her rights to practice registered professional nursing in the State of Maine and that her registered professional nurse license will be surrendered permanently, and that she will not have the right to petition the Board for reinstatement.
11. Cassandra L. Marek understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering the Consent Agreement.
12. Cassandra L. Marek shall not work or volunteer, in any capacity, for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation, R.N. including, in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Marek is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
13. If Ms. Marek fails to meet the obligations in Paragraph No. 12 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.
14. Modification of this Consent Agreement must be in writing and signed by all parties.
15. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

Consent Agreement for Voluntary Surrender of License

Cassandra L. Marek

Page 4

16. Cassandra L. Marek affirms that she executes this Consent Agreement of her own free will.
17. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, CASSANDRA L. MAREK, 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: 1/31/2006



CASSANDRA L. MAREK

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Feb 2, 2006



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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: Feb. 6, 2006



JOHN H. RICHARDS
Assistant Attorney General