



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158

PAUL R. LEPAGE
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: TANYA M. MARQUIS
 of Glenburn, ME
 License No. RN41386

Case No. 2012-096

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**CONSENT AGREEMENT TO
 SURRENDER LICENSE**

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Tanya M. Marquis's license to practice as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Tanya M. Marquis ("Ms. Marquis"), the Maine State Board of Nursing ("the Board") and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A(1-A)(C) and 10 M.R.S. §§ 8003(5)(B). This Agreement resolves the above-referenced case, which arises from a Provider Report from Dorothea Dix Psychiatric Center ("Dorothea Dix") dated April 26, 2012 and supplemental information received by the Board from Dorothea Dix on May 2, 2012. The Provider Report and supplemental information are attached hereto as Exhibit A.

FACTS

Background

1. Tanya M. Marquis has been licensed to practice as an RN in Maine since July 28, 1997.
2. On May 28, 2002, Ms. Marquis entered into a consent agreement with the Board in which she admitted to diverting scheduled drugs (Morphine and Demerol) from her employer, Maine Medical Center, for her own personal use.
3. As discipline for this drug diversion, Ms. Marquis agreed to surrender her registered professional nursing license.
4. On June 26, 2003, Ms. Marquis entered into a consent agreement with the Board in which the Board agreed to reinstate Ms. Marquis's license to practice registered professional nursing subject to conditions of probation for a period of three (3) years.
5. The conditions of probation required Ms. Marquis to, among other things, remain substance free, continue treatment for substance abuse, and work only in structured settings with on-site supervision by another registered professional nurse.
6. On April 8, 2005, after receiving reports that Ms. Marquis was not complying with the terms of her license probation, the Board held a hearing to determine whether Ms. Marquis had violated the terms of her probation.



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PHONE: (207) 287-1133

FAX: (207) 287-1149

7. After hearing evidence that Ms. Marquis had missed counseling appointments and engaged in inappropriate avoidance behavior, the Board found that Ms. Marquis had failed to comply with the requirements of her treatment program and concluded that she had violated the terms of her probation.
8. As a sanction for her probation violation, the Board extended the period of her probation from October 6, 2007 to October 6, 2008.
9. On March 24, 2009, Ms. Marquis's license probation was terminated.

The Dorothea Dix Complaint

10. On March 21, 2012, Ms. Marquis began her scheduled work shift from 11:00 p.m. to 7:00 a.m. at Dorothea Dix in Bangor, Maine.
11. On the previous night, March 20, 2012, Ms. Marquis consumed alcohol to the extent that she "definitely felt the effects early."
12. Dorothea Dix reported that Ms. Marquis admitted to getting drunk that night.
13. At this time, Ms. Marquis was using prescribed pain killers (Vicodin), but "was also restarted on Neurontin for pain in an attempt to wean off pain medication."
14. Ms. Marquis's "dosage of the Neurontin had been recently increased to 600mg TID and [she] was having some issues acclimating to the higher dose."
15. Ms. Marquis had not gotten any rest prior to her shift and was "exhausted" so had "several cups of coffee as well as an energy drink."
16. In her rush to report for her shift, Ms. Marquis double dosed her medications.
17. Dorothea Dix reported that at 1:30 a.m. on March 22, 2012, Ms. Marquis exhibited the following: "forehead sweating, speech rapid with slurring, poor eye contact, writing in large fonts and irregular, inability to sit still, flight of ideas, seemed to be jumping out of her skin, bumping into furniture, sliding down in her chair, rambling speech, could not concentrate, said she needed to get out, stated she was not right and had gotten drunk the night before."
18. Dorothea Dix reported that Ms. Marquis stated that she was "all over the place and disorganized."
19. Dorothea Dix reported that Ms. Marquis admitted that she was impaired on her shift on March 21-22, 2012.
20. Dorothea Dix reported that Ms. Marquis admitted that she "fell off the wagon" during the summer and fall of 2011.

21. Dorothea Dix maintains a specific policy that prohibits the use of alcohol, drugs, or any other substances that would impair function while on duty or before duty so that the effects exist on duty.
22. Ms. Marquis submitted her resignation as a registered professional nurse at Dorothea Dix on April 11, 2012.
23. On September 24, 2012, the Board issued an Order of Immediate Suspension pursuant to 5 M.R.S. §10004(3) based upon the Dorothea Dix report, which order is attached hereto as Exhibit B.


COVENANTS

24. Ms. Marquis admits to the Facts as stated above and admits that these facts constitute a basis for the Board to impose discipline against her as follows:
 - a. Pursuant to 32 M.R.S. §2105-A(2)(B) for habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health and safety of patients;
 - b. Pursuant to 32 M.R.S. §2105-A(2)(E) for engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or the general public;
 - c. Pursuant to 32 M.R.S. §2105-A(2)(H) for engaging in unprofessional conduct as specified in Board Rules, Chapter 4, §3(N) by practicing nursing when unfit to perform procedures and make decisions in accordance with the license held because of physical, psychological, or mental impairment; and
 - d. Pursuant to 32 M.R.S. § 2105-A(2)(H) for engaging in unprofessional conduct as specified in Board Rules, Chapter 4, §3(F) by failing to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.
25. As DISCIPLINE for the violations of law admitted to above, Ms. Marquis agrees to surrender her license to practice as a registered professional nurse.
26. Ms. Marquis understands and agrees that she no longer has a license and is subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Marquis understands and agrees that if the Board reinstates her license, it may be for a probationary period.
27. The State of Maine is a "Party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Board Rules. The State of Maine is Ms. Marquis's "Home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other Party states in the Compact are referred to as "Remote states," which means

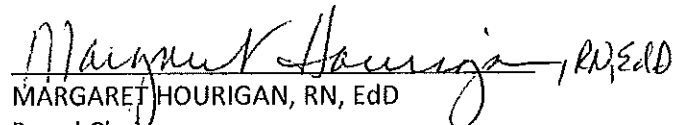
Party states other than the Home state that have adopted the Compact. Ms. Marquis understands this Agreement is subject to the Compact.

28. Ms. Marquis shall not work or volunteer in any capacity for a health care provider as defined by 24 M.R.S. § 2502(2) or in any position holding herself out as a registered professional nurse or with the designation "RN" while she does not hold a nursing license.
29. This 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.
30. This Agreement is subject to the federal reporting requirements pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61 and any other interstate/national reporting requirements.
31. This Agreement may be modified only by written agreement signed by all parties.
32. This Agreement is not subject to review or appeal, and may be enforced by an action in the Superior Court.
33. This Agreement becomes effective upon the date of the last necessary signature below.
34. Ms. Marquis acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement, that she executed this Consent Agreement of her own free will, and that she agrees to abide by all terms and conditions set forth herein.

Dated: 10/9/12

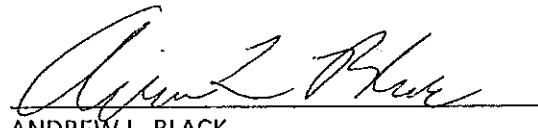

TANYA M. MARQUIS
FOR THE MAINE STATE
BOARD OF NURSING

Dated: 10/15/12

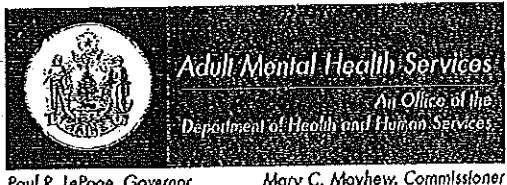

MARGARET HOURIGAN, RN, EdD
Board Chair

FOR THE OFFICE OF THE
ATTORNEY GENERAL

Dated: 10/18/2012


ANDREW L. BLACK
Assistant Attorney General

STATE'S EXHIBIT
A
PEN040 800-631-6989



Department of Health and Human Services
Dorothea Dix Psychiatric Center
656 State Street
P.O. Box 926
Bangor, Maine 04402-0926
Tel. (207) 941-4000
Fax (207) 941-4062; TTY (888) 774-5290

April 26, 2012

Ms. Myra Broadway, MS, RN, Exec. Dir.
Maine State Board of Nursing
161 Capitol St. SHS #158
Augusta, ME 04333-0158

Dear Ms. Broadway,

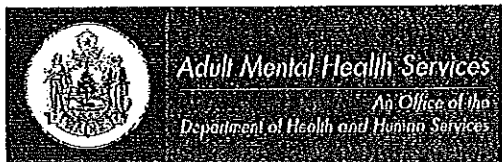
Re: Tanya Marquis, License Number: RN41386

This letter is to inform you that Tanya Marquis resigned from Dorothea Dix Psychiatric Center (DDPC) in Bangor pending an investigation by the hospital on allegations of working while impaired and unprofessional conduct. Ms. Marquis submitted her resignation as a Registered Nurse at DDPC on April 11, 2012.

Respectfully,
JC
Joni Crossman, RN, BC, BSN, MPA

Joni Crossman, RN, BC, BSN, MPA
Director of Nursing a/c
Dorothea Dix Psychiatric Center
656 State Street
Bangor, Maine 04402-0926
(207) 941-4318

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Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services
Dorothea Dix Psychiatric Center
656 State Street
P.O. Box 926
Bangor, Maine 04402-0926
Tel. (207) 941-4000
Fax (207) 941-4062; TTY (888) 774-5290

April 27, 2012

Attention: Mary MacMaster
Maine State Board of Nursing
161 Capitol St. SHS #158
Augusta, ME 04333-0158

Dear Ms. MacMaster,

Re: Tanya Marquis, License Number: RN41386

Per our phone conversation of April 27, 2012, I have enclosed the documents you requested.
Please feel free to contact me if you have any further questions.

Respectfully,

Joni Crossman, RN, BC, BSN, MPA

Joni Crossman, RN, BC, BSN, MPA
Director of Nursing a/c
Dorothea Dix Psychiatric Center
656 State Street
Bangor, Maine 04402-0926
(207) 941-4318

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BOARD OF NURSING

Investigation # 3-12
April 2012

EMPLOYEE UNDER INVESTIGATION: Tanya Marquis

INVESTIGATORS: Sharon Sprague, Director of Therapeutic Services
Mark Faulkner, Plant Maintenance Engineer I

CHRONOLOGY OF INVESTIGATION

On March 26 DDPC Superintendent Linda Abernethy notified DHHS/DDPC Personnel Officer Ruth Mullaney that Tanya Marquis, Nurse Supervisor, may have been working impaired during her March 21-22 night shift. Ms. Marquis was issued a letter on March 26 informing her that an investigation would be conducted regarding the allegation that she was working while impaired.

During the course of the investigation an allegation of unprofessional conduct was added. Ms. Marquis was notified of the additional allegation on April 9.

WITNESS INTERVIEWS:

Angela Peloski, MHW
Kathy Marquis, RN
Cindy Gaudet, RN
Karen Trimm, RN
David Duane, RN
Claude Melanson, RN
Vicki Boudreau, RN
Ruth McCue, RN
Alan Bull, Security
Nicholas Oakes, Security
Andrew Pinkham, Security

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SUMMARY OF INTERVIEWS:

Staff voiced concerns regarding Tanya Marquis behavior while she was working the 11-7 shift on the evening of March 21. Due to Ms. Marquis odd behavior other DDPC staff became concerned about whether she should be working. Mr. Duane and Mr. Melanson report her behavior as personally witnessed at approximately 0130 on March 22 as follows: "forehead sweating, speech rapid with slurring, poor eye contact, writing in large fonts and irregular, inability to sit still, flight of ideas, seemed to be jumping out of her skin, bumping into furniture, sliding down in her chair, rambling speech, could not concentrate, said she needed to get out, stated she was not right and had gotten drunk the night before". Ms. Marquis asked them to cover her shift and left the hospital at 0150.

During the interview Ms. Marquis admits that she was impaired on her shift March 21-22 and requested to go home. Ms. Marquis denied any use of illicit substances and attributed her impairment to be the result of possibly taking 600mg of Neurontin with the prescribed 2 Vicoden instead of 300mg of Neurontin. Ms. Marquis stated that Mr. Duane and Mr. Melanson's description was an accurate description of how she felt. She stated that she was sure she was "all over the place and disorganized". Ms. Marquis discussed her prior problems with addiction and stated she "fell off the wagon last summer until November 14". Ms. Marquis denies illicit drug use since November 14. She stated that she was still trying to get off the Vicoden, prescribed for her back pain after surgery in January 2012.

Ms. Marquis stated that she had never heard of the Impaired Professionals Program but would be interested and would also be willing to step down to a unit nurse position on a day shift. Ms. Marquis acknowledged administrations concerns for patient safety.

Ms. Marquis second interview centered on the new allegation of unprofessional conduct as well as a closer examination of her medication history. After discussing her medication testimony with a DDPC pharmacist, Bruce Moore and a DDPC psychiatrist, Dr. Quigley it was determined that medication use prescribed by her doctor was not likely responsible for her behavior on March 22. Ms. Marquis was informed that several witnesses reported that she was rumored to be using bath salts which she denied.

Ms. Marquis was also questioned regarding alleged unprofessional conduct with security guard, Nicholas Oakes. Ms. Marquis denied the eye witness statements that she was behind closed doors and behaving in a flirtatious manner with Mr. Oakes. Investigators informed Ms. Marquis that on two occasions a witness reported that the door was locked and that the witnesses saw Mr. Oakes leaving. Ms. Marquis became quite defensive and agitated as the witness statements were discussed. Ms. Marquis was informed that multiple witness testimony regarding her inappropriate behavior was extremely serious. Ms. Marquis union representative, Donald Crossman suggested that the interview end and he counsel Ms. Marquis. Ms. Marquis resigned on April 10.

FINDINGS:

Working while impaired: Based on Ms. Marquis own admission that she was impaired while working and the corroborating testimony of several witnesses we find that Ms. Marquis was impaired while working.

Unprofessional Conduct: Based on several witnesses testimony regarding their observations of Ms. Marquis and Mr. Oakes we find that Ms. Marquis engaged in unprofessional conduct.

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BOARD OF NURSING

DOROTHEA DIX PSYCHIATRIC CENTER

DATE: December, 2009

POLICY NO: 2-12

PAGE: 1 of 2

SUBJECT: Use of Alcohol and Drugs
By Staff

INTRODUCTION:

In order to provide the highest quality service to our patients, and to ensure a safe and mutually supportive environment for co-workers, all of our employees must be capable of making sound decisions and exercising good judgment on the job or in the workplace. The use/abuse of alcohol and drugs has been found to impair physical, mental and emotional states in people, and reduces a person's ability to perform his/her duties in an acceptable manner.

POLICY:

1. The use of alcohol, drugs or any other substances that would impair function while on duty, or before duty so that the effects exist on duty, including lunch and work breaks is prohibited.
2. It is the responsibility of employees to inform Management if they are taking any physician-prescribed drugs that may impair functioning. Management should use discretion in assigning employees whose performance may be affected by prescribed medications.
3. Employees who are believed to have a substance abuse problem will be referred to/offered the Employee Assistance Program.
4. No unauthorized alcoholic beverages or drugs are permitted on the Institute grounds at any time.

PROCEDURE:

During the course of a duty period, should an employee become aware of the impaired functioning of any other employee, this should be immediately reported to the supervisor who will take immediate action consisting of:

1. The removal of the affected employee from the work area for safety and further assessment.
2. Notification of the appropriate department head if during normal office hours, or the nursing supervisor if outside of normal office hours.

DOROTHEA DIX PSYCHIATRIC CENTER

DATE: December, 2009

POLICY NO: 2-12

PAGE: 2 of 2

SUBJECT: Use of Alcohol and Drugs
By Staff

3. Documentation by the supervisor of the observable behavior of the employee that would indicate impaired functioning. Such indicators might include:
 - slurred speech
 - unsteady gait
 - loss of concentration
 - slowed reaction time
 - odor of alcohol on breath
 - flushed face
 - redness of eyes
 - inability to comprehend normal conversation
 - uncoordinated body movements
 - erratic or unusual actions
 - wide swings in mood
4. Should the supervisor and department head or nursing supervisor conclude that the employee is impaired in the performance of his/her duties, then the Superintendent shall be notified, and permission shall be sought to place the employee on administrative leave for the duration of the shift. The employee should be instructed to return to work on his/her next scheduled shift. A ride should be provided for the employee to avoid placing an unsafe driver on the road. DDPC staff or vehicles shall not be utilized for this purpose.
5. The Bangor Police Department shall be notified if evidence indicates a violation of the law.

The Superintendent shall direct an investigation if it is believed that a violation of this policy has been committed. Any employee who is under the influence of alcohol or illegal drugs on the job or in the work place has the potential for disrupting his/her own, as well as co-workers', safe and efficient performance of duties. Such employees shall be subject to disciplinary action up to and including termination of employment.

| | |
|--------------------|---------------------------------|
| RESPONSIBILITY: | Superintendent |
| POLICY STORED IN: | Superintendent's Office |
| POLICY APPLIES TO: | Dorothea Dix Psychiatric Center |
| KEY SEARCH WORDS: | Alcohol/Drug Use |

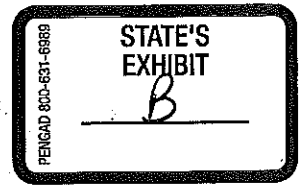
Superintendent

Original Policy Date: 07/1988

Review, Revision History: 11/2009, 05/2007, 10/2004, 01/2002, 03/1999, 11/1993, 01/1990



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158



PAUL R. LEPAGE
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE:)
 TANYA MARQUIS) ORDER OF IMMEDIATE SUSPENSION
 Case No. 2012-096)

On September 19, 2012, the Maine State Board of Nursing ("the Board") met and reviewed materials submitted in connection with the above referenced complaint filed against Tanya Marquis, License Number RN41386. On the basis of its review of these materials and the previous disciplinary history of Ms. Marquis, the Board concludes that the continued ability of Ms. Marquis to practice as a registered professional nurse constitutes an immediate jeopardy to the health and safety of the public who receives nursing services, and that it is necessary to immediately suspend her license pending a hearing in order to adequately respond to this risk.

This suspension is issued pursuant to 5 M.R.S. § 10004(3). Ms. Marquis's license will be suspended effective immediately upon issuance of this Order on September 24, 2012, for a thirty (30) day period ending on October 23, 2012, at 11:59 p.m., pending further Board action at an adjudicatory hearing, which will be scheduled shortly. A formal notice of hearing will be transmitted, which will outline the issues and procedures for that hearing.

PRELIMINARY FINDINGS

Specifically, the Board preliminarily finds, for purposes of this Order and pursuant to the materials submitted in the complaint process, in particular, Ms. Marquis's own written response, as follows:

1. On May 28, 2002, Ms. Marquis entered into a consent agreement with the Board in which she admitted to diverting scheduled drugs (Morphine and Demerol) from her employer, Maine Medical Center, for her own use.
2. As discipline for this drug diversion, Ms. Marquis agreed to surrender her registered professional nursing license.
3. On June 26, 2003, Ms. Marquis entered into a consent agreement with the Board in which the Board agreed to reinstate Ms. Marquis's license to practice registered professional nursing subject to conditions of probation for a period of three (3) years.
4. The conditions of probation required Ms. Marquis to, among other things, remain substance free, continue treatment for substance abuse, and work only in structured settings with on-site supervision by another registered professional nurse.
5. On April 8, 2005, after receiving reports that Ms. Marquis was not complying with the terms of her license probation, the Board held a hearing to determine whether Ms. Marquis had violated the terms of her probation.



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PHONE: (207) 287-1133

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6. After hearing evidence that Ms. Marquis had missed counseling appointments and engaged in inappropriate avoidance behavior, the Board found that Ms. Marquis had failed to comply with the requirements of her treatment program and concluded that she had violated the terms of her probation.
7. As a sanction for her probation violation, the Board extended the period of her probation from October 6, 2007 to October 6, 2008.
8. On March 24, 2009, Ms. Marquis's license probation was terminated.
9. On March 21, 2012, Ms. Marquis began her scheduled work shift from 11:00 p.m. to 7:00 a.m at the Dorothea Dix Psychiatric Center ("DDPC") in Bangor, Maine.
10. Ms. Marquis acknowledges that on the previous night, March 20, 2012, she consumed alcohol to the extent that she "definitely felt the effects early." Ms. Marquis does not dispute her employer's statement that she admitted to getting drunk that night.
11. Ms. Marquis acknowledges that at this time she was using prescribed pain killers (Vicodin), but "was also restarted on Neurontin for pain in an attempt to wean off pain medication."
12. Ms. Marquis acknowledges that the "dosage of the Neurontin had been recently increased to 600mg TID and [she] was having some issues acclimating to the higher dose."
13. Ms. Marquis acknowledges that she had not gotten any rest prior to her shift and was "exhausted" so had "several cups of coffee as well as an energy drink."
14. Ms. Marquis acknowledges that in her rush to report for her shift, she double dosed her medications.
15. Ms. Marquis does not dispute her employer's report that at 1:30 a.m. on March 22, 2012, she exhibited the following: "'forehead sweating, speech rapid with slurring, poor eye contact, writing in large fonts and irregular, inability to sit still, flight of ideas, seemed to be jumping out of her skin, bumping into furniture, sliding down in her chair, rambling speech, could not concentrate, said she needed to get out, stated she was not right and had gotten drunk the night before.'"
16. Ms. Marquis does not dispute her employer's report that she stated that she was "all over the place and disorganized."
17. Ms. Marquis does not dispute her employer's report that she admitted that she was impaired on her shift on March 21-22, 2012.
18. Ms. Marquis does not dispute her employer's report that she admitted that she "fell off the wagon" during the summer and fall of 2011.
19. DDPC maintains a specific policy that prohibits the use of alcohol, drugs, or any other substances that would impair function while on duty, or before duty so that the effects exist on duty.

20. Ms. Marquis submitted her resignation as a registered professional nurse at DDPC on April 11, 2012.

For the purposes of this Order of Suspension and subject to holding the aforementioned full adjudicatory hearing on this matter to determine if any violations have actually occurred, the Board finds that the actions of Ms. Marquis in light of her past history of substance abuse constitute immediate jeopardy of similar behavior occurring in the future. It is of great concern that Ms. Marquis reported to work even though she was aware of her impaired condition and lack of fitness to discharge her duties to her patients. Such a fundamental failure to meet the required priority of the public's safety creates a grave risk to patients.

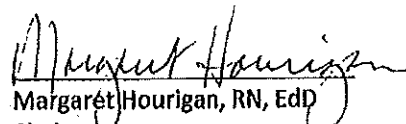
The above conduct constitutes violations of the following provisions applicable to Ms. Marquis's license to practice registered professional nursing:

- A. 32 M.R.S. § 2105-A(2)(B) for habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health and safety of patients.
- B. 32 M.R.S. § 2105-A(2)(E)(1) by engaging 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.
- C. 32 M.R.S. § 2105-A(2)(H) by engaging in unprofessional conduct as specified in Board Rules, Chapter 4, § 3(N) by practicing nursing when unfit to perform procedures and make decisions in accordance with the license held because of physical, psychological, or mental impairment.
- D. 32 M.R.S. § 2105-A(2)(H) by engaging in unprofessional conduct as specified in Board Rules, Chapter 4, § 3(F) by failing to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.

ORDER OF IMMEDIATE SUSPENSION

The Board ORDERS as follows:

1. Ms. Marquis's license is suspended effective immediately upon issuance of this Order on September 24, 2012, for a thirty (30) day period ending on October 23, 2012, at 11:59 p.m., pending further Board action at an adjudicatory hearing, which shall be scheduled shortly.
2. Ms. Marquis may not practice registered professional nursing during this suspension.


Margaret Hourigan, RN, EdD
Chairperson