

# Maine State Board of Nursing

# 295 WATER STREET AUGUSTA, MAINE 04330 TEL. 289-5324

| In Re:                   | ) | CONSENT AGRE | EMENT        |
|--------------------------|---|--------------|--------------|
| Stephen D. Marston, R.N. | ) | PURSUANT TO  |              |
| of Mechanic Falls, ME    | ) | 32 M.R.S.A.  | 2105-A(1)(C) |

This document is a Consent Agreement concerning the license to practice nursing (R.N. license) of Stephen Marston. The parties to this Consent Agreement are Stephen D. Marston ("Mr. Marston"), the Maine State Board of Nursing (the "Board") and the Department of the Attorney General (the "Attorney General").

#### RECITALS

- 1. The Board received notification dated April 20, 1988, from John A. Mitchell, Esq., General Counsel to Stephens Memorial Hospital, of termination of Stephen Marston's employment as a nurse because of his impaired judgment due to taking substantial amounts of librium which was prescribed to help him detoxify from alcohol addiction. In addition, Mr. Marston failed to make arrangements to enter Jackson Brook Institute's substance abuse treatment program as he had agreed to do.
- 2. Mr. Marston subsequently did enter and complete the 21 day detoxification and rehabilitation inpatient program for substance abuse at Jackson Brook Institute.
- 3. Mr. Marston responded to the complaint by letter to the Board received May 16, 1988. He acknowledged that he was terminated at Stephens Memorial for failure to enter treatment for alcoholism, that he subsequently did enter and complete the program, that he was to begin one on one treatment with a counselor, and that he was attending AA and after-care group meeting.
- 4. The Board met with Mr. Marston on June 17, 1988 in an informal conference, pursuant to 32 M.R.S.A. 2105-A(1)(C), to discuss the complaint and Mr. Marston's nursing practice.

## FINDINGS OF FACT

Following the informal conference, the Board made the following findings of fact:

- 1. Mr. Marston has a long history of alcohol abuse;
- 2. Mr. Marston is chemically impaired;
- 3. Mr. Marston voluntarily entered and completed the 21 day detoxification and rehabilitation program at Jackson Brook Institute;
- 4. Mr. Marston did not divert drugs and no patient was harmed as a result of his substance abuse;
- 5. Mr. Marston was an Emergency Room nurse at Stephens Memorial Hospital and his employers report that he has a history of good judgment and sound nursing practice;
- 6. Mr. Marston has 62 days sobriety and he has a positive support system;
- 7. Mr. Marston is currently in a counseling treatment program with an RSAC and attend an after-care group and AA.

## COVENANTS

Following the informal conference, the Board requested that Mr. Marston voluntarily surrender his license for suspension for four months commencing June 17, 1988. Mr. Marston agreed to voluntarily surrender his license to the Board under the following conditions:

- 1. Mr. Marston shall remain chemical-free;
- 2. Mr. Marston shall arrange for reports to be submitted to the Board immediately and every two months, indicating his progress with his disease, from his counselor. Mr. Marston shall waive any claim of privilege or confidentiality he may have in regard to these reports;
- 3. Mr. Marston shall remain active in AA and shall follow his after-care treatment plan as determined by Jackson Brook Institute and his counselor;
- 4. At the end of the four-month period, Mr. Marston may apply to the Board to have the suspension lifted. He understands and accepts that conditions may be placed on his license at that time.

| DATED:_ | 9/1/88  |
|---------|---------|
| DATED:_ | 9/26/88 |

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DATED: 9/27/88

MATNE STATE BOARD OF NURSING

Jean C. Caron, R.N. By: Executive Director

MARTHA F. WILLARD

Assistant Attorney General Counsel for the Board