MAINE STATE BOARD OF NURSING

IN RE: Stephanie D. Memel, R.N.)	DECISION AND ORDER
Licensure Disciplinary Action		DECISION AND ORDER
Electistic Disciplinary Action	,	

I. PROCEDURAL HISTORY

Pursuant to the authority found in 32 M.R.S.A. Sec. 2105-A(1-A)(D), et seq., 5 M.R.S.A. Sec. 9051, et seq. and 10 M.R.S.A. Sec. 8001, et seq., the Maine State Board of Nursing (Board) met in public session at the Board's offices located in Augusta, Maine on January 7, 2004. The purpose of the hearing was to determine whether grounds exist to take disciplinary action against Stephanie Memel's Maine license as a registered nurse as more specifically stated in the Notice of Hearing dated December 16, 2003. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Chairwoman Jeanne B. Delicata, R.N.C., Jody Deegan, R.N., Charyl Doughty, L.P.N., Bruce O'Donnell, C.R.N.A. and Karen Tripp (public representative). Ms. Memel was present and was not represented by counsel. James E. Smith, Esq. served as Presiding Officer.

Following the determination that none of the Board had conflicts of interest which would bar them from participating in the hearing, the Board heard testimony and made the following findings of fact by a preponderance of the credible evidence regarding the violations alleged in the Complaint.

II. <u>FINDINGS OF FACT</u>

Stephanie Memel was first licensed as a registered nurse to practice nursing in the State of Maine on June 21, 1999 and remained in that status until December 10, 2003 at which time the Board suspended her license pending hearing on the instant allegations. Her license expires on November 7, 2004. Ms. Memel admitted the allegations of substance abuse. She began abusing drugs approximately one year ago. The substances of choice were Percocet and Vicodin. She testified that she diverted drugs once, but never from a patient. She last ingested a prohibited substance on December 16, 2003 and has no prior record of such abuse.

Currently, Ms. Memel testified that she is drug free and receiving counseling for her problem. Additionally, she attends New Directions, Narcotics Anonymous for support.

III. <u>CONCLUSIONS OF LAW</u>

The relevant statutory and regulatory provisions regarding the above matter and as stated in the Complaint/Notice of Hearing are as follows:

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/8, 2004

Jeanne B. Delicata, R.N.C. Chairwoman

Maine State Board of Nursing

IV. <u>APPEAL RIGHT'S</u>

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.

2

23/11/13