



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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE NO.
 R038454 ISSUED TO:

MARK J. LELAKOWSKI

To practice registered professional
 nursing in the State of Maine

**ORDER TERMINATING
 PROBATION**

WHEREAS, on November 13, 2002, License No. R038454 issued to Mark J. Lelakowski was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on June 2, 2005, the Board of Nursing duly considered all evidence presented to it concerning Mark J. Lelakowski's compliance with the conditions of said probation; and

WHEREAS, the Board found that Mark J. Lelakowski has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on December 20, 2002 is hereby terminated.

DATED this 2nd day of June 2005.

MAINE STATE BOARD OF NURSING

BY: *Myra Broadway*
 Myra A. Broadway, J.D., M.S., R.N.
 Executive Director



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ANGUS S. KING, JR.
 GOVERNOR

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

IN RE: MARK J. LELAKOWSKI, R.N.)
 of Dresden, Maine)
 License #R038454)

**CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Mark J. Lelakowski's 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. § 2105A(1A)(B), 10 M.R.S.A. § 8003(5)(A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Mark J. Lelakowski ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on November 13, 2002. The parties reached this Consent Agreement based on information submitted by Parkview Hospital by a letter dated July 24, 2002.

FACTS

1. Mark J. Lelakowski has been a registered professional nurse licensed to practice in Maine since 1995.
2. Mark J. Lelakowski admits that he has a substance abuse problem and is currently in treatment.
3. Mark J. Lelakowski completed the program provided through his employer and relapsed. Mr. Lelakowski has been sober since July 18, 2002 and attends 1 - 2 AA meetings per week.

AGREEMENT WITH CONDITIONS OF PROBATION

4. Mark J. Lelakowski agrees and understands that this document imposes discipline regarding his license to practice registered professional nursing and the above described conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(B) and (2)(H) and Chapter 4(1)(A)(2) of the Rules and Regulations of the Maine State Board of Nursing.
5. Mark J. Lelakowski's license to practice registered professional nursing in the State of Maine will be placed on a probationary status with conditions. The period of probation



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will be for a period of two years, to be effective only while he is employed in nursing practice or enrolled in a nursing education program. For purposes of this Consent Agreement, nursing employment is any employment during which Mr. Lelakowski performs nursing services. Mr. Lelakowski's probationary license will be subject to the following conditions:

- a. Mark J. Lelakowski will immediately notify the Board in writing regarding any change in his nursing employment or entry into an educational program in the field of nursing. Notification under this section shall include the place and position of employment or the educational program and the same notification shall apply to any subsequent change in employment or change in educational program.
- b. Mark J. Lelakowski will notify any and all of his 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.
- c. Mark J. Lelakowski will arrange for and ensure the submission to the Board of quarterly reports from his direct nursing supervisor or clinical faculty regarding his nursing practice.
- d. Mark J. Lelakowski 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 Mr. Lelakowski's substance abuse history.
- e. Mark J. Lelakowski will continue in his aftercare treatment program to such an extent and for as long as his treatment providers recommend. He will notify the Board if he changes treatment provider(s).
- f. Mark J. Lelakowski will arrange for and ensure the submission of monthly reports to the Board by his treatment providers regarding his recovery for the first six months of his treatment and then quarterly reports thereafter until his probation is terminated.
- g. Mark J. Lelakowski agrees and understands that the Board and the Office of the Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to his treatment for substance abuse which the Board deems necessary to evaluate Mr. Lelakowski's compliance with the Consent Agreement and his continued recovery. Mr. Lelakowski 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 his care, counseling and employment as may be requested by the Board for the purpose of evaluating Mr. Lelakowski's compliance with the Consent Agreement and his continued recovery.

6. Mark J. Lelakowski agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the two year probationary period, until and unless the Board, at Mr. Lelakowski's written request, votes to terminate Mr. Lelakowski's probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Lelakowski has complied with the provisions of this Consent Agreement.
7. Mark J. Lelakowski understands that this document is a Consent Agreement that affects his rights to practice nursing in Maine. Mr. Lelakowski understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into the Consent Agreement.
8. If Mr. Lelakowski fails to meet any of the obligations 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.
9. Mark J. Lelakowski affirms that he executes this Consent Agreement of his own free will.
10. Modification of this Consent Agreement must in writing and signed by all the parties.
11. This Consent Agreement is not subject to appeal or review 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, MARK LELAKOWSKI, R.N., 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: 13 December
2002

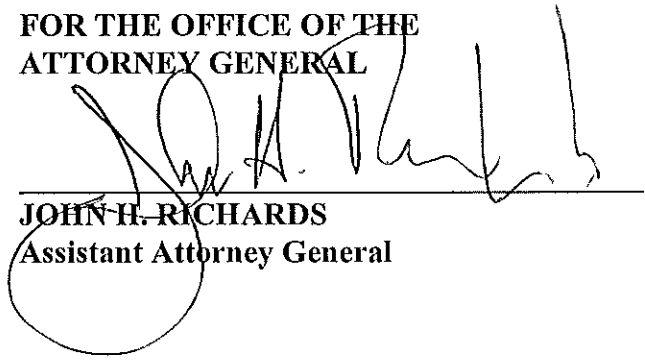
Mark J. Lelakowski
MARK J. LELAKOWSKI, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 12/19/02

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

FOR THE OFFICE OF THE
ATTORNEY GENERAL



JOHN H. RICHARDS
Assistant Attorney General

DATED: 12/20/07

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