



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

ANGUS S. KING, JR.  
 GOVERNOR

JEAN C. CARON, M.S., R.N.  
 EXECUTIVE DIRECTOR

In re: )  
**James P. Marcoux** )  
 of Minot, ME )  
 License #R024866 )

**CONSENT AGREEMENT  
 REGARDING VOLUNTARY  
 SURRENDER OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement regarding James Marcoux's license to practice professional nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. Section 2105-A(1-A)(B) and 10 M.R.S.A. Section 8003(5)(B). The parties to this agreement are James P. Marcoux, R.N., the Maine State Board of Nursing ("Board") and the Department of Attorney General. The parties reached this agreement following an informal conference held on December 11, 1996 regarding the letter dated June 10, 1996, with attachments, filed by Leon F. Deisering, CRNA, Program Director, School of Nurse Anesthesia, University of New England.

**FACTS**

1. Mr. Marcoux admits to diverting Ketamine from St. Mary's Hospital while he was on clinical rotation as a student nurse anesthetist.
2. Mr. Marcoux admits that dating back to 1992 there has been other instances when he has diverted narcotics from St. Mary's Regional Medical Center.
3. Mr. Marcoux's current employer is a home health agency.
4. At the time of his appearance before the Board, Mr. Marcoux had been substance free only for approximately six and a half months, having become substance free on May 30, 1996.
5. Mr. Marcoux's lengthy history of substance abuse dates back to age 14.
6. In his most recent process of recovery, Mr. Marcoux has admitted to his substance abuse problem; this admission has been validated by his counselor.
7. In June, 1996, Mr. Marcoux attended an intensive outpatient program; he is currently participating in an aftercare program.
8. Mr. Marcoux has a strong family support system.
9. At the time of Mr. Marcoux's appearance before the Board, he had not disclosed his substance abuse problem to his current employer.

10. Mr. Marcoux was dismissed from St. Mary's Regional Medical Center for consuming illegal substances on and obtained from the premises.
11. The representative from the University of New England would consider readmitting Mr. Marcoux as a student in a year or two, contingent upon Mr. Marcoux's completion of a recovery program and the availability of a clinical placement.

### **AGREEMENT**

1. Mr. Marcoux's conduct constitutes grounds for discipline under 32 M.R.S.A § 2105-A(2)(B), (2)(E) and (2)(F).
2. Mr. Marcoux agrees voluntarily to surrender his license to practice nursing for a minimum period of one (1) year and the Board agrees to accept Mr. Marcoux's voluntary surrender subject to the following conditions:
  - a. **Substance free:** Mr. Marcoux 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. Marcoux's substance abuse history.
  - b. **Aftercare:** Mr. Marcoux will continue in his aftercare program.
  - c. **Quarterly reports:** Mr. Marcoux will arrange and ensure that quarterly reports are submitted to the Board from his substance abuse treatment provider(s).
  - d. **Confidentiality and release of records:** Mr. Marcoux waives any claims of confidentiality and privilege which he may have with respect to the reports provided to the Board from his substance abuse treatment provider(s). Mr. Marcoux further agrees that the Board shall have access to any and all medical and treatment records and all otherwise confidential or medically-privileged information pertaining to his substance abuse and chemical dependency which the Board deems necessary to evaluate Mr. Marcoux's compliance with this Consent Agreement and his continued recovery. Mr. Marcoux 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 and counseling as may be requested by the Board for the purposes of evaluating Mr. Marcoux's compliance with this Consent Agreement and his continued recovery.
  - e. **Employment:** Mr. Marcoux will not work in any capacity in the health care field (including a veterinarian's office).
  - f. **Request for reinstatement:** After one year from the effective date of this agreement, Mr. Marcoux may petition the Board for reinstatement of his license on probationary status. Mr. Marcoux agrees and understands that his license will not be reinstated until and unless the Board, upon Mr. Marcoux's written request, votes to reinstate Mr. Marcoux's license. When considering whether to reinstate Mr. Marcoux's license on probationary status, the Board will consider the degree to which Mr. Marcoux has complied with these conditions.

3. **Further action:** The Board agrees to take no further disciplinary action upon these facts so long as Mr. Marcoux fully complies with these conditions.
4. **Miscellaneous provisions:** Mr. Marcoux understands that this document is a Consent Agreement which affects his rights to practice nursing in Maine. This Consent Agreement may be amended only in writing, signed by all the parties. Mr. Marcoux understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering this Consent Agreement. Mr. Marcoux affirms that he executes this Consent Agreement of his own free will.
5. **Effective date:** This Consent Agreement becomes effective upon the last necessary signature below.

DATED: 12/26/96

James P. Marcoux  
JAMES P. MARCOUX

**FOR THE MAINE STATE BOARD  
OF NURSING:**

DATED: 12/30/96

Jean C. Caron  
JEAN C. CARON, M.S., R.N.  
Executive Director

**FOR THE DEPARTMENT OF  
ATTORNEY GENERAL:**

DATED: 1/2/97

Susan A. Sparaco  
SUSAN A. SPARACO  
Assistant Attorney General  
Counsel for the Board