



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.

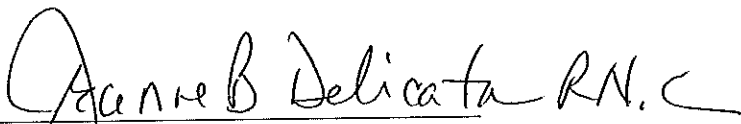
Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

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 18, 2004

  
Jeanne B. Delicata, R.N.C. Chairwoman  
Maine State Board of Nursing

IV.

**APPEAL RIGHTS**

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.