



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

ANGUS S. KING, JR.  
 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.  
 R024866 ISSUED TO:

**JAMES P. MARCOUX**

To practice registered professional nursing  
 in the State of Maine

**ORDER TERMINATING  
 PROBATION**

WHEREAS, on **February 12, 1998**, License No. R024866 issued to James P. Marcoux was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on **April 13, 2000**, the Board of Nursing duly considered all evidence presented to it concerning James P. Marcoux's compliance with the conditions of said probation; and

WHEREAS, the Board found that James P. Marcoux has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **February 24, 1998** is hereby terminated.

DATED this 18th day of April 2000.

**MAINE STATE BOARD OF NURSING**

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



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OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME  
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 EXECUTIVE DIRECTOR

IN RE: )  
**JAMES P. MARCOUX** )  
 of Minot, Maine ) **CONSENT AGREEMENT FOR**  
 License # R024866 ) **REINSTATEMENT 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. § 2105-A and 10 M.R.S.A. § 8003(5). The parties to this Consent Agreement are James P. Marcoux, the Maine State Board of Nursing ("Board") and the Department of Attorney General.

By Consent Agreement effective January 2, 1997, the Board agreed to accept Mr. Marcoux's voluntary surrender of license for one year subject to certain conditions. On February 11, 1998, at Mr. Marcoux's request, the Board met with him to determine whether Mr. Marcoux's license should be reinstated on probation. Mr. Marcoux informed the Board that should his license be reinstated he intended to re-enroll in the nurse anesthetist program at the University of New England and complete his clinical work at St. Mary's Regional Medical Center in Lewiston.

As a result of the meeting held on February 12, 1998, the parties agreed to enter into this Consent Agreement allowing for the reinstatement on probation with conditions of Mr. Marcoux's license.

**REINSTATEMENT WITH CONDITIONS OF PROBATION**

Mr. Marcoux's license to practice professional nursing in the State of Maine is reinstated on a probationary status. The period of probation will be a minimum of 24 months of nursing practice. Mr. Marcoux's probationary license is subject to the following conditions:

1. **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.
2. **Notice to Clinical Faculty:** Mr. Marcoux will notify faculty involved in his clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
3. **Quarterly Reports from Clinical Faculty:** While pursuing his degree, Mr. Marcoux will arrange for and ensure that the Board receives quarterly reports from his clinical faculty.



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4. **Counselor's Quarterly Reports:** Mr. Marcoux will arrange for and ensure the submission of quarterly reports from his counselor.
5. **Aftercare:** Mr. Marcoux will continue in his treatment program.
6. **Notice of Employment Status:** Mr. Marcoux will immediately notify the Board in writing of any employment in the field of nursing, including the place and position of employment, and any change in nursing employment thereafter.
7. **Notice to Employer:** Mr. Marcoux will notify any and all of his nursing employers of the terms of this Consent Agreement and shall provide them with a copy of it. For purposes of this Consent Agreement, nursing employment is any employment during which Mr. Marcoux performs nursing services or holds himself out as a nurse, such as through the designation "R.N."
8. **Employer Quarterly Reports:** Mr. Marcoux will arrange for and ensure the submission to the Board of quarterly reports addressing his job performance from any of his nursing employers.
9. **Confidentiality and Release of Records:** Mr. Marcoux agrees and understands that the Board and the Department of 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. 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, counseling and employment as may be requested by the Board for the purpose of evaluating Mr. Marcoux's compliance with this Consent Agreement and his continued recovery.
10. **Automatic Suspension:** Mr. Marcoux agrees and understands that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that Mr. Marcoux has not remained substance free in accordance with this Consent Agreement Mr. Marcoux's license will be immediately and automatically suspended pending further review by the Board. In the event such information is received by any member of the Board or its Executive Director, the information will be forwarded to Mr. Marcoux for a response. Mr. Marcoux agrees and understands that his license will remain suspended unless and until the Board is satisfied that Mr. Marcoux's license may be reinstated consistent with the public health and welfare in the area of nursing service.
11. **Term of Probationary Status:** Mr. Marcoux agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the minimum 24-month probationary months of nursing practice, until and unless the Board, at Mr. Marcoux's written request, votes to terminate Mr. Marcoux's

probation. When considering whether to terminate the probation, the Board will consider the degree to which Mr. Marcoux has complied with the provisions of this Agreement.

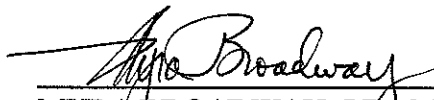
12. **Miscellaneous Provisions:** This Consent Agreement modifies and replaces the 1997 Consent Agreement entered into by and between Mr. Marcoux, the Board and the Department of Attorney General. Mr. Marcoux understands that this document is a Consent Agreement which affects his rights to practice nursing 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.
13. **Effective Date:** This Consent Agreement becomes effective upon the last necessary signature below.

DATED: 2/20/98

  
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JAMES P. MARCOUX

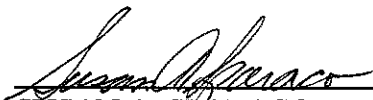
**FOR THE MAINE STATE BOARD OF  
NURSING:**

DATED: 2/24/98

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

**FOR THE DEPARTMENT OF ATTORNEY  
GENERAL:**

DATED: 2/24/98

  
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SUSAN A. SPARACO  
Assistant Attorney General