



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

PAUL R. LEPAGE
 GOVERNOR

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

IN RE:)
 TANYA MARQUIS) ORDER OF IMMEDIATE SUSPENSION
 Case No. 2012-096)

On September 19, 2012, the Maine State Board of Nursing (“the Board”) met and reviewed materials submitted in connection with the above referenced complaint filed against Tanya Marquis, License Number RN41386. On the basis of its review of these materials and the previous disciplinary history of Ms. Marquis, the Board concludes that the continued ability of Ms. Marquis to practice as a registered professional nurse constitutes an immediate jeopardy to the health and safety of the public who receives nursing services, and that it is necessary to immediately suspend her license pending a hearing in order to adequately respond to this risk.

This suspension is issued pursuant to 5 M.R.S. § 10004(3). Ms. Marquis’s license will be suspended effective immediately upon issuance of this Order on September 24, 2012, for a thirty (30) day period ending on October 23, 2012, at 11:59 p.m., pending further Board action at an adjudicatory hearing, which will be scheduled shortly. A formal notice of hearing will be transmitted, which will outline the issues and procedures for that hearing.

PRELIMINARY FINDINGS

Specifically, the Board preliminarily finds, for purposes of this Order and pursuant to the materials submitted in the complaint process, in particular, Ms. Marquis’s own written response, as follows:

1. On May 28, 2002, Ms. Marquis entered into a consent agreement with the Board in which she admitted to diverting scheduled drugs (Morphine and Demerol) from her employer, Maine Medical Center, for her own use.
2. As discipline for this drug diversion, Ms. Marquis agreed to surrender her registered professional nursing license.
3. On June 26, 2003, Ms. Marquis entered into a consent agreement with the Board in which the Board agreed to reinstate Ms. Marquis’s license to practice registered professional nursing subject to conditions of probation for a period of three (3) years.
4. The conditions of probation required Ms. Marquis to, among other things, remain substance free, continue treatment for substance abuse, and work only in structured settings with on-site supervision by another registered professional nurse.
5. On April 8, 2005, after receiving reports that Ms. Marquis was not complying with the terms of her license probation, the Board held a hearing to determine whether Ms. Marquis had violated the terms of her probation.



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6. After hearing evidence that Ms. Marquis had missed counseling appointments and engaged in inappropriate avoidance behavior, the Board found that Ms. Marquis had failed to comply with the requirements of her treatment program and concluded that she had violated the terms of her probation.
7. As a sanction for her probation violation, the Board extended the period of her probation from October 6, 2007 to October 6, 2008.
8. On March 24, 2009, Ms. Marquis's license probation was terminated.
9. On March 21, 2012, Ms. Marquis began her scheduled work shift from 11:00 p.m. to 7:00 a.m at the Dorothea Dix Psychiatric Center ("DDPC") in Bangor, Maine.
10. Ms. Marquis acknowledges that on the previous night, March 20, 2012, she consumed alcohol to the extent that she "definitely felt the effects early." Ms. Marquis does not dispute her employer's statement that she admitted to getting drunk that night.
11. Ms. Marquis acknowledges that at this time she was using prescribed pain killers (Vicodin), but "was also restarted on Neurontin for pain in an attempt to wean off pain medication."
12. Ms. Marquis acknowledges that the "dosage of the Neurontin had been recently increased to 600mg TID and [she] was having some issues acclimating to the higher dose."
13. Ms. Marquis acknowledges that she had not gotten any rest prior to her shift and was "exhausted" so had "several cups of coffee as well as an energy drink."
14. Ms. Marquis acknowledges that in her rush to report for her shift, she double dosed her medications.
15. Ms. Marquis does not dispute her employer's report that at 1:30 a.m. on March 22, 2012, she exhibited the following: "forehead sweating, speech rapid with slurring, poor eye contact, writing in large fonts and irregular, inability to sit still, flight of ideas, seemed to be jumping out of her skin, bumping into furniture, sliding down in her chair, rambling speech, could not concentrate, said she needed to get out, stated she was not right and had gotten drunk the night before."
16. Ms. Marquis does not dispute her employer's report that she stated that she was "all over the place and disorganized."
17. Ms. Marquis does not dispute her employer's report that she admitted that she was impaired on her shift on March 21-22, 2012.
18. Ms. Marquis does not dispute her employer's report that she admitted that she "fell off the wagon" during the summer and fall of 2011.
19. DDPC maintains a specific policy that prohibits the use of alcohol, drugs, or any other substances that would impair function while on duty, or before duty so that the effects exist on duty.

20. Ms. Marquis submitted her resignation as a registered professional nurse at DDPC on April 11, 2012.

For the purposes of this Order of Suspension and subject to holding the aforementioned full adjudicatory hearing on this matter to determine if any violations have actually occurred, the Board finds that the actions of Ms. Marquis in light of her past history of substance abuse constitute immediate jeopardy of similar behavior occurring in the future. It is of great concern that Ms. Marquis reported to work even though she was aware of her impaired condition and lack of fitness to discharge her duties to her patients. Such a fundamental failure to meet the required priority of the public's safety creates a grave risk to patients.

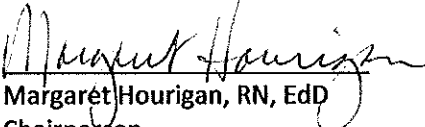
The above conduct constitutes violations of the following provisions applicable to Ms. Marquis's license to practice registered professional nursing:

- A. 32 M.R.S. § 2105-A(2)(B) for habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health and safety of patients.
- B. 32 M.R.S. § 2105-A(2)(E)(1) by engaging 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.
- C. 32 M.R.S. § 2105-A(2)(H) by engaging in unprofessional conduct as specified in Board Rules, Chapter 4, § 3(N) by practicing nursing when unfit to perform procedures and make decisions in accordance with the license held because of physical, psychological, or mental impairment.
- D. 32 M.R.S. § 2105-A(2)(H) by engaging in unprofessional conduct as specified in Board Rules, Chapter 4, § 3(F) by failing to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.

ORDER OF IMMEDIATE SUSPENSION

The Board ORDERS as follows:

- 1. Ms. Marquis's license is suspended effective immediately upon issuance of this Order on September 24, 2012, for a thirty (30) day period ending on October 23, 2012, at 11:59 p.m., pending further Board action at an adjudicatory hearing, which shall be scheduled shortly.
- 2. Ms. Marquis may not practice registered professional nursing during this suspension.


Margaret Hourigan, RN, EdD
Chairperson