



MAINE STATE BOARD OF NURSING

35 ANTHONY AVENUE • STATE HOUSE STATION 158
AUGUSTA, MAINE 04333-0158
(207) 624-5275 • FAX (207) 624-5290

In re:) **CONSENT AGREEMENT**
Marilyn E. Barrett) **REGARDING VOLUNTARY**
of Veazie, Maine) **SURRENDER OF LICENSE**
License #R024396)

INTRODUCTION

This document is a Consent Agreement regarding Marilyn E. Barrett'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 Consent Agreement are: Marilyn E. Barrett, the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

These parties have entered into a previous Consent Agreement in which Ms. Barrett admitted that she was impaired on the job during an evening shift in early February of 1991 as a result of prescribed medications taken together with an over-the-counter drug. As part of that previous Consent Agreement Ms. Barrett's license was placed on a probationary status for one year, with certain conditions. Ms. Barrett successfully completed the probationary period and her license was reinstated.

By letter dated July 17, 1992, Ms. Barrett was advised by the Board that it had received a report dated July 14, 1992 from Deborah Johnson, R.N., Administrator for Specialty Centers at Eastern Maine Medical Center, containing information that Ms. Barrett may have violated 32 M.R.S.A. Section 2105-A(2)(B), (2)(E) and (2)(F). Ms. Barrett responded to the Board in a letter dated August 1, 1992. Subsequently, the Board requested that Ms. Barrett attend an informal conference on February 10, 1993 pursuant to 32 M.R.S.A. Section 2105-A(1-A). Ms. Barrett was present and was not represented by counsel.

FINDINGS OF FACT

As a result of the informal conference, the Board made the following findings of fact:

1. Ms. Barrett admits to having suffered a relapse of the disease of chemical dependency.

2. Ms. Barrett admits being impaired on duty from a combination of Benadryl and alcohol.
3. Ms. Barrett did not divert any substances from the Eastern Maine Medical Center.
4. Ms. Barrett has completed a 21-day inpatient rehabilitation program at Eastern Maine Medical Center.
5. There was no documented evidence of patient harm as a result of Ms. Barrett's actions.
6. Ms. Barrett is involved in aftercare and attends five self-help meetings each week. She is also receiving counseling from a LSAC.
7. Ms. Barrett states that she is not yet ready to return to the practice of nursing.
8. Ms. Barrett states that if she does return to the practice of nursing she will not practice in oncology due to the stress involved in such work.
9. Ms. Barrett has strong family support.
10. Ms. Barrett had a prior Consent Agreement for substance abuse and successfully completed a period of probation.
11. Ms. Barrett states that she has been substance-free since July of 1992.

COVENANTS

Based on the above findings of fact, the Board voted to enter in an agreement with Ms. Barrett under which she will voluntarily surrender her license until the Autumn 1993 Board meeting. The Board will accept the voluntary surrender of Ms. Barrett's license under the following conditions:

1. Ms. Barrett will remain free of non-prescribed substances.
2. Ms. Barrett will continue in her prescribed aftercare treatment, self-help and counseling, and will arrange to have quarterly reports submitted to the Board from her counselor in June and September of 1993. Ms. Barrett waives any claims of confidentiality and privilege which she may have with respect to these reports.
3. Ms. Barrett agrees to notify the Board in writing of any change in her therapist. Should she choose to change therapists she must obtain counseling from a LSAC.

4. Ms. Barrett will notify any treating physician of her substance abuse problem.
5. Ms. Barrett will undertake no employment in any position in the field of health care.
6. The Board agrees to take no further disciplinary action upon these facts so long as Ms. Barrett fully complies with these conditions. The Board will consider reinstatement of Ms. Barrett's license at the Autumn 1993 Board meeting, at which time the Board will consider the degree to which Ms. Barrett has complied with these conditions.
7. Ms. Barrett understands that this document is a Consent Agreement which affects her rights to practice nursing in Maine. Ms. Barrett understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering this Consent Agreement. Ms. Barrett affirms that she executes this Consent Agreement of her own free will.

DATED: June 18, 93

BY: Marilyn E. Barrett
MARILYN E. BARRETT

FOR THE MAINE STATE BOARD OF
NURSING

DATED: 6/22/93

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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 6/25/93

BY: Timothy W. Collier
TIMOTHY W. COLLIER
Assistant Attorney General
Counsel to the Board