



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

JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: **MARC P. CHAMBERLAIN, R.N.**)
 of Turner, Maine)
 License No. R043249) **CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Marc P. Chamberlain's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(4), 10 M.R.S.A. § 8003(5)(B), and 32 M.R.S.A. § 2105-A(1-A)(B). The parties to this Consent Agreement are Marc P. Chamberlain ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on May 14, 2007. The parties reached this Consent Agreement based on a Complaint or Provider Report dated March 10, 2006 submitted by Maine Medical Center, Portland, Maine.

FACTS

1. Marc P. Chamberlain has been a registered professional nurse licensed to practice in Maine since 1999.
2. Marc P. Chamberlain admitted that he diverted IV Fentanyl for a period of one month for his own personal use. The diversion was discovered because of documentation discrepancies. There was no documented patient harm. He was placed on medical leave from Maine Medical Center on March 10, 2006 to receive substance abuse treatment.
3. Marc P. Chamberlain was admitted to St. Mary's Regional Medical Center Intensive Outpatient Program on March 23, 2006 for opiate dependence. In the course of his treatment Mr. Chamberlain admitted that he had one relapse in April with the use of cocaine. He also stated that over a period of 15 years before this incident he intermittently used cocaine. He was discharged from the program April 19, 2006 and has been sober since his relapse in April, 2006.

AGREEMENT WITH CONDITIONS OF PROBATION

4. Marc P. Chamberlain agrees and understands that based upon the above-stated facts this document imposes discipline regarding his license to practice registered professional nursing and the grounds for discipline are pursuant to 32 M.R.S.A. § 2105-A(1)(A), (2)(B), (2)(F) and (2)(H) and Chapter, 4(1)(A)(1), 4(1)(A)(2), 4(1)(A)(6), 4(1)(A)(8) and Chapter 4(3)(K), (3)(P) and (3)(Q) of the Rules and Regulations of the Maine State Board of Nursing.



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5. Marc P. Chamberlain's license as a registered professional nurse in the State of Maine is placed on a probationary status with conditions. The period of probation will commence on Mr. Chamberlain's return to nursing practice, either through employment and/or pursuant to an educational program. The period of probation will be for a period of five years, to be effective only while he is employed in nursing practice and/or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Mr. Chamberlain performs nursing services. Mr. Chamberlain's probationary license will be subject to the following conditions:
 - a. Marc P. Chamberlain will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a treatment provider who is aware of Mr. Chamberlain's substance abuse history.
 - b. Marc P. Chamberlain will continue in his aftercare treatment program to such an extent and for as long as his treatment provider(s) recommend.
 - c. Marc P. Chamberlain will arrange for and ensure the submission of quarterly reports to the Board by his treatment provider(s), and such report shall continue until his probation is terminated. If Mr. Chamberlain's treatment is terminated he shall notify the Board and provide the Board with a final report from his treatment provider(s).
 - d. Marc P. Chamberlain will immediately notify the Board in writing should he return to employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change in employment or educational programs.
 - e. Marc P. Chamberlain will notify any and all of his nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - f. Marc P. Chamberlain's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.
 - g. Marc P. Chamberlain will arrange for and ensure the submission to the Board of quarterly reports from his nursing employer and/or clinical faculty regarding his general nursing practice. If during the period of probation, Mr. Chamberlain's

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of nursing terminate, he shall notify the Board of this change to ensure that he remains in compliance with his employment and/or educational quarterly reports.

- h. Marc P. Chamberlain 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. Chamberlain's compliance with the Consent Agreement and his continued recovery. Mr. Chamberlain 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. Chamberlain's compliance with the Consent Agreement and his continued recovery.
6. The State of Maine is Marc P. Chamberlain's home state of licensure. Mr. Chamberlain agrees that during the pendency of this Consent Agreement he may not exercise his multistate privilege without the authorization of the other party state, and the Maine State Board of Nursing. In addition, Mr. Chamberlain will arrange to have the party state in which he intends to practice provide the Board with written authorization that he has been approved to practice in that state.
 7. Marc P. Chamberlain agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the five year probationary period, until and unless the Board, at Mr. Chamberlain's written request, votes to terminate Mr. Chamberlain's probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Chamberlain has complied with the provisions of this Agreement.
 8. Mr. Chamberlain understands that this document is a Consent Agreement that affects his rights to practice nursing in Maine and other party states in the Nurse Licensure Compact. Mr. Chamberlain understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into the Consent Agreement.
 9. If Mr. Chamberlain fails to meet any of the obligations of this Consent Agreement, the Board may take any disciplinary action, which it deems appropriate and impose any of the sanctions, including but not limited to that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
 10. Marc P. Chamberlain affirms that he executes this Consent Agreement of his own free will.

11. Modification of this Consent Agreement must in writing and signed by all the parties.
12. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
13. This Consent Agreement becomes effective upon the date of the last necessary signature below.


I, MARC P. CHAMBERLAIN, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 8/2/07



MARC P. CHAMBERLAIN, R.N.


DATED: 8/3/07



JANET E. MICHAEL, R.N., M.S., J.D.
Attorney for Marc P. Chamberlain, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 8/11/07



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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 8/14/07



JOHN H. RICHARDS
Assistant Attorney General