



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: **STEPHANIE D. BRETON, R.N.**) **DECISION AND ORDER**
 a.k.a Stephanie D. Memel) **OF REVOCATION**
 of Fairfield, Maine) (5 M.R.S.A. §10004 (1))
 License No. R043659)

INTRODUCTION

On October 31, 2007, the Maine State Board of Nursing (“Board”) met at the Board’s offices located at 161 Capitol Street, Augusta, Maine. The Board reviewed a Judgment and Commitment dated September 26, 2007, in the criminal case of State of Maine v. Stephanie D. Breton, Kennebec County Superior Court, Augusta, Maine, Docket No. CR-07-473, for a conviction of “Acquiring Drugs By Deception”, Class C felony. The Board also reviewed the State’s underlying evidence supporting the criminal conviction. A certified copy of the Judgment and Commitment and the State’s underlying evidence is attached hereto and marked as Exhibit 1.

FACTS

1. Stephanie D. Breton was originally licensed by the Board as a licensed registered professional nurse on June 21, 1999.
2. On January 7, 2004, the Board held an adjudicatory hearing in the matter of IN RE: Stephanie D. Memel, Licensure Disciplinary Action. After a hearing, the Board voted to accept Ms. Memel’s offer to voluntarily surrender her registered professional nursing license. A copy of the Board’s Decision and Order dated January 18, 2004, is attached hereto and marked as Exhibit 2.
2. On March 23, 2005, in the criminal case of State of Maine v. Stephanie Breton (f/k/a Memel), Ms. Breton pled guilty in Kennebec County Superior Court, Augusta, Maine, Docket No. CR-04-584 to One Count of “Stealing Drugs,” Class C felony (17-A, M.R.S.A. § 1109). Ms. Breton was sentenced to six (6) months imprisonment, all suspended but 20 days, and a term of probation for one (1) year. The Judgment and Commitment is attached as Exhibit 3.
3. On June 2, 2005, the Board met with Ms. Breton regarding her request for reinstatement of her registered professional license. The Board agreed to reinstate Ms. Breton’s license subject to a five-year probationary term, which is set out in a Consent Agreement dated June 29, 2005 [Exhibit 4].
4. On September 26, 2007, in the criminal case of State of Maine v. Stephanie D. Breton, Ms. Breton pled guilty in Kennebec County Superior Court, Augusta,



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5. Maine, Docket No. CR-07-473, for the conviction of "Acquiring Drugs By Deception", Class C felony (17-A, M.R.S.A. § 1108 (1) (A)). Ms. Breton was sentenced to four (4) years imprisonment, all suspended but 45 days, and a term of probation for two (2) years [Exhibit 1].

APPLICABLE LAW

5. Pursuant to 32 M.R.S.A. § 2105-A (2), "The Board may suspend or revoke a license pursuant to Title 5, section 10004."
6. Pursuant to 5 M.R.S.A. § 10004(1), "an agency may revoke, suspend or refuse to renew any license without proceedings in conformity with subchapters IV or VI, when the decision to take that action rests solely upon a finding or conviction in a court of any violation which by statute is expressly made grounds for revocation."
7. Pursuant to 32 M.R.S.A. § 2105-A (2) (G), the Board may suspend or revoke an individual's nurse license when the ground for discipline is a "conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or conviction of a crime for which incarceration for one year or more may be imposed."
8. Pursuant to 5 M.R.S.A. § 5302 "Licensing agencies may refuse to grant or renew, or may suspend, revoke or take other disciplinary action against any occupational license, registration or permit on the basis of the criminal history record information relating to convictions denominated in section 5301, subsection 2, but only if the licensing agency determines that the applicant, licensee, registrant or permit holder so convicted has not been sufficiently rehabilitated to warrant the public trust. The applicant, licensee, registrant or permit holder shall bear the burden of proof that there exists sufficient rehabilitation to warrant the public trust.

CONCLUSIONS OF LAW

The Board has the authority to suspend or revoke Stephanie D. Breton's registered professional nurse license Pursuant to 5 M.R.S.A. § 10004 (1) and 32 M.R.S.A. § 2105-A (2) (G). The criminal convictions described in the above-stated facts are grounds for discipline because Ms. Breton was convicted of a crime that involves dishonesty, and the crimes relate directly to the practice for which she is licensed. In addition, the recent conviction on September 26, 2007, of "Acquiring Drug By Deception" is a criminal conviction for which incarceration for one year or more could have been imposed.

In addition, the Board concluded, based upon the recent convictions and serious nature of the underlying criminal conduct, that Ms. Breton's behavior fails to conform to

legal standards and accepted standards of the nursing profession, and the conviction of crimes in the State of Maine are substantially related to the qualifications, functions or duties of a registered professional nurse, and that such conduct reflects adversely on the health and welfare of the public.


DECISION AND ORDER

A motion was made and seconded to immediately revoke Stephanie D. Breton's registered professional nurse license. By a unanimous vote of the Board, Stephanie D. Breton's registered professional nurse license is revoked effective immediately.

RECORD VOTE

THERESE B. SHIPPS	Affirmative
CARMEN CHRISTENSEN	Affirmative
SUSAN L. BRUME	Affirmative
DOROTHY MELANSON	Affirmative
BRUCE R. O'DONNELL	Affirmative

DATED: October 31, 2007



THERESE B. SHIPPS, Chair
FOR THE MAINE STATE
BOARD OF NURSING

NOTICE OF APPEAL RIGHTS

Stephanie D. Breton may appeal this Decision and Order summarily revoking her license by filing a petition for review of final agency action in the Superior Court pursuant to 5 M.R.S.A. §§ 11001, *et seq.* within thirty (30) days after receipt of notice of this Decision and Order. Any other person aggrieved by this Decision and Order may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision and Order.