

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:)
AMY J. VICKERS) **Docket No. 2015-557**
License No. 026.0109512)

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney George Hasselback, and Amy Vickers ("Respondent"), who hereby stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses pursuant to 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation ("OPR").

Stipulated Facts

2. On or about November 14, 2016, the Board accepted a stipulation and consent order that indefinitely suspended Respondent's RN license.
3. The facts of that stipulation, to which Respondent admitted, included diverting hydromorphone from the facility at which she was working for personal use, and using the diverted medication while working and/or at home.
4. Under that stipulation, Respondent's actions violated 3 V.S.A. §129a(a)(5) (having a license revoked, suspended, conditioned or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute unprofessional conduct in this state), 3 V.S.A. §129a(a)(3) (failure to comply with provisions of federal or State statutes or rules governing the practice of the profession), 3 V.S.A. §129a(b)(1) and (2) (failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice), and 26 V.S.A § 1582(a)(2) (diverting or attempting to divert drugs or equipment or supplies for unauthorized use).
5. To seek reinstatement of her license under that stipulation, Respondent was required to complete an independent evaluation and submit to three negative random drug and alcohol tests.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

6. On or about November 21, 2025, Respondent petitioned for reinstatement of her license.
7. Respondent completed the three drug and alcohol tests. All three of these tests were negative.
8. Respondent also completed an independent evaluation, which found her fit to practice.
9. Based on Respondent's independent evaluation and that stipulation, the State supports Respondent's reinstatement request with the conditions agreed upon by the parties and set forth below.

Understandings

10. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
11. Respondent understands that the Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
12. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
13. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
14. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
15. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
16. Respondent voluntarily waives her right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
17. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

A. The Board of Nursing hereby **CONDITIONS** the Respondent's license for a **MINIMUM OF TWENTY-FOUR (24) MONTHS, commencing on the date of reinstatement**. The **CONDITIONS** shall be as follows:

1. Re-issuance of License. Upon the commencement of these conditions and the renewal of Respondent's license, if expired, Respondent shall be issued a license labeled "conditioned."
2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions as ordered. Respondent shall be subject to the conditions until Respondent completes a minimum of **24 months** of supervised nursing practice in which Respondent works at least eighty (80) hours per month as an RN. Part-time hours of fewer than eighty (80) hours every month shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week and shall verify hours worked on forms provided by the Case Manager.
3. Monitoring. The Office of Professional Regulation, through the Enforcement Case Manager, shall be responsible for monitoring Respondent's compliance with these Conditions. All reports and/or correspondence regarding compliance with these conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.
4. Continued Participation in the New Hampshire Professionals Health Program "NHPHP". During the time her license is subject to conditions, Respondent shall continue to fully and successfully participate in the NHPHP.

Within ten (10) days of the date of entry of this Order, **Respondent shall provide a copy of this Stipulation and Consent Order to the NHPHP** and inform it of Respondent's conditional license status and the accompanying conditions. Respondent shall cause the NHPHP to submit to the Case Manager, on forms provided by the Case Manager, acknowledgement of receipt of the independent evaluation and Stipulation and Consent Order along with Respondent's current treatment plan.

Respondent shall authorize the NHPHP to submit **monthly reports** on forms issued by the Case Manager. Respondent shall authorize the NHPHP to provide all information requested, either orally or in writing, at any time during the period this Consent Order is in effect.

If Respondent is prescribed medication as part of substance abuse counseling and treatment, Respondent's monthly treating professional reports must also indicate Respondent's current dosage and whether Respondent is appropriately taking the medication as prescribed. Respondent must continue to take such medications as prescribed, until the NHPHP certifies in writing that such medication is no longer necessary.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

In the event Respondent's medications are monitored by someone other than the NHPHP, Respondent shall cause the prescribing provider to certify in writing, at intervals determined by the Case Manager, whether Respondent is appropriately taking the medication as prescribed. Respondent must continue to take such medications as prescribed until the prescribing provider certifies in writing that such medication is no longer necessary.

5. Random Drug and Alcohol Testing. Respondent shall submit to random drug and alcohol testing through the designated entity. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes. All specimens collected for tests shall be collected in an observed setting. All tests shall be negative.

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any test shall cause that test result to be presumed positive. Any positive test result shall constitute a violation of this Order. Failure to check in to determine whether Respondent is selected for testing on any given day, regardless of whether Respondent is actually selected that day, may be considered a violation of this Order.

6. Abstain from Drug and Alcohol Use. Respondent shall abstain completely from the consumption or possession of alcohol and drugs.
7. Drug Use Exception. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a health care practitioner disclosed to the Case Manager in writing by Respondent within forty-eight (48) hours of the prescription. Respondent's health care practitioner shall inform the Case Manager, in writing and on appropriate letterhead, of knowledge of Respondent's conditional license status within ten days of entering the practitioner/patient relationship. Additionally, the practitioner shall inform the Case Manager of all scheduled/controlled medications prescribed – and the anticipation of how long such prescriptions will need to be taken – within 10 days of the prescription.

For prescribed scheduled/controlled medications or other medications known to have abuse potential, the Case Manager may request that the practitioner document that the medication is necessary. The Board may revoke the conditions herein if the practitioner fails to provide the necessity for any prescribed scheduled/controlled medications or other medication known to have abuse potential.

Respondent shall provide the Case Manager with a current medication list of any medications taken on a scheduled or as-needed basis on forms issued by the Case Manager within 10 days of the date of reinstatement and shall update this list within forty-eight (48) hours of any change in these medications.

8. Notification to Employers/Educational Programs. Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices the profession and inform them of Respondent's

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment in the profession, Respondent shall cause Respondent's immediate supervisor to submit to the Case Manager an employer agreement form, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event Respondent is attending an educational program that has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Case Manager a program agreement form provided by the Case Manager, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during the clinical experience.

9. Practice Under Supervision. Respondent shall practice as a RN only in a setting where Respondent is supervised for the entire shift by an RN. The level of supervision required is Direct. Direct Supervision means the supervising nurse is present on the same unit as Respondent.
10. Reports from Employers/Program Director. Within one (1) month of the date of reinstatement or within one (1) month of the commencement of employment in the profession and monthly thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Case Manager an evaluation of Respondent's work performance and attendance during that month. Moreover, on a quarterly basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices, if and when Respondent engages in medication administration. In the event Respondent is attending an educational program in the profession, Respondent shall cause the Program Director to submit to the Case Manager, on a monthly basis, a written evaluation of Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Case Manager. All employer reports shall indicate satisfactory performance (i.e. consistently meeting all standards of practice of the profession) and attendance.
11. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, temporary nursing employment agency, or as a home health, private duty nurse or personal care provider requiring a nursing license during the effective period of this Consent Order.
12. Administration of Medications. Respondent is prohibited from handling, managing, or administering any controlled substances. This condition may be removed only by Respondent filing a petition for modification after Respondent has worked as a nurse for six (6) months for at least forty (40) hours every two weeks (or the part-time equivalent) after the date of resuming nursing practice. The State may consent or object to any such petition, and the Board may hold a hearing.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

In any such petition, Respondent must demonstrate, to the satisfaction of the Board, that Respondent can safely and competently administer such medications. Respondent must include support from Respondent's treating professional and employer or educational program administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

13. Release of Information Forms. This Order requires Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss Respondent and all treatment rendered to Respondent for drugs and/or alcohol with the case manager. All information reported may be provided to the Office of Professional Regulation investigators, and the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines said information violates the terms of this Order or any rules or laws governing the profession of nursing.

Respondent is entitled to revoke this consent at any time. However, any revocation shall be considered a violation of this Order. This consent expires when the conditions are removed from Respondent's license.

This Stipulation and Consent Order shall itself constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31. Respondent understands that Respondent's treatment provider may require Respondent to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

14. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
15. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Case Manager. The Case Manager will approve out-of-state practice provided Respondent can still comply with the requirements of this Consent Order. If Respondent receives discipline on a professional license held in another state during the conditioned period, Respondent must inform the Case Manager of such, in writing, within ten (10) days of receiving such discipline.
16. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Case Manager, in writing, of Respondent's current place of employment, personal address, and telephone number. Respondent shall further notify the Case Manager, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

17. Notification to Other States. In the event Respondent is licensed in nursing in any other state(s), Respondent must inform the licensing board of the state(s) in which

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Respondent is licensed of the conditional status of Respondent's Vermont license within thirty (30) days of the date of entry of this Order.

18. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
 19. Costs. Respondent shall bear all costs of complying with this Consent Order.
 20. Violation of this Order. If Respondent violates this Order, the Board, after giving Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is resolved.
 21. Completion of Conditional License Period. Respondent shall submit a petition to the Docket Clerk to remove any and all conditions from Respondent's license. The State may support or oppose Respondent's petition. The Board will conduct a hearing if necessary. Respondent bears the burden and must present proof that Respondent has fully complied with the terms of this Order and these conditions are no longer necessary to protect the public.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
 - C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
 - D. Under 3 V.S.A. 129(I), this stipulation and consent order applies to all licenses this Board issues to Respondent, including future licenses.
 - E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 12-16-2025

By: *George Hasselback*
George Hasselback
Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

RESPONDENT

Dated: 12/15/25

By: *Amy Vickers*
Amy Vickers

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/10/2026

Signed by:
By: *William James Floyd III*
3B82E78300124BE...
Chairperson

Date of Entry: 02/11/2026

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:

AMY J. VICKERS

License No. 026.0109512

)
)
)

Docket No. 2015-557

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through State Prosecuting Attorney Rachel Allen, and Respondent, Amy J. Vickers, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by licensed nursing assistant pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Amy J. Vickers ("Respondent") of Bradford, Vermont, is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0109512. This license was originally issued on or about January 29, 2015, and expires on or about March 31, 2017.
3. On or about December 18, 2015, New Hampshire Board of Nursing issued an Order of Emergency License Suspension and Notice of Hearing, In the Matter of: Amy Vickers, RN, Docket No. 15-1210-0502, based on allegations that Respondent diverted narcotics and tested positive for marijuana.
4. On or about December 8, 2015, the New Hampshire Board of Nursing received a complaint from personnel at Valley Regional Hospital in Clairmont, New Hampshire ("Facility 1"). Respondent was employed as an RN at Facility 1 in 2015.
5. Investigator John Lewis for the Vermont Secretary of State's Office of Professional Regulation interviewed Respondent on or about March 17, 2016.
6. During the March 17, 2016 interview, Respondent admitted to diverting hydromorphone from Facility 1 and from Dartmouth Hitchcock Hospital in Lebanon, New Hampshire ("Facility 2"). Respondent worked at Facility 2 for approximately ten years, ending on or about January 1, 2015.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

7. Respondent diverted drugs from Facility 2 by administering a portion of a patient's IV of hydromorphone, typically .2 to .4 milligrams from a 2 milligram IV vial, then drawing up the remainder in a separate syringe for personal use later. Respondent then replaced the hydromorphone with saline and waste the contents with another nurse. Respondent stated that this practice started gradually, but over time increased to several times of day with patients.
8. Respondent admitted to diverting hydromorphone from Facility 1, beginning in the summer of 2015.
9. Respondent admitted to using the diverted drugs while working and at home.
10. On May 12, 2016, the Vermont Board of Nursing summarily suspended Respondent's license.
11. On May 23, 2016, a Settlement Agreement between the Respondent and the New Hampshire Board of Nursing went into effect. *See Attachment A.*
12. Respondent's conduct in New Hampshire, and which led to the Order of Emergency License Suspension in New Hampshire and Settlement Agreement, constitutes unprofessional conduct in this state.

Violations

13. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 3 V.S.A. §129(a)(5) (The Board may discipline any licensee or refuse to license any person who has had a license application denied or license revoked, suspended, limited, conditioned or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute unprofessional conduct in this state, or has surrendered a license while under investigation for unprofessional conduct).
 - b. 3 V.S.A. § 129a(a)(3) (Failure to comply with provisions of federal or State statutes or rules governing the practice of the profession);
 - c. 3 V.S.A § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice);
 - d. 26 V.S.A § 1582(a)(2) (Diverting or attempting to divert drugs or equipment or supplies for unauthorized use); and

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

- e. 26 V.S.A § 1582(a)(3) (Engaging in conduct of a character likely to deceive, defraud, or harm the public).

Understandings

12. Respondent acknowledges that the facts above are true and that the conditions set out in the Consent Order below are appropriate and necessary to protect the public.
13. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
14. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing if this agreement is not accepted by the Board and proceeds to a contested hearing.
15. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
16. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
17. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
18. Respondent voluntarily waives Respondent's right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
19. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **INDEFINITELY SUSPENDS** Respondent's license. Within forty-five (45) days of requesting reinstatement, Respondent must:

1) Obtain an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board ("Independent Evaluator") and who has verified receipt of this Order, the results of which must indicate that Respondent

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

does not present a risk to the safety, health or welfare of Respondent's potential patients;

2) Submit to the Board the results of a minimum of three (3) random urine analyses, collected in an observed setting; administered by a person or entity that has been pre-approved by the Board; and analyzed by a lab qualified to analyze samples for forensic purposes and pre-approved by the Board, the results of which shall be negative; failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed positive;

3) If recommended by Independent Evaluator, enter into a treating professional agreement and substance abuse treatment plan with a treating professional(s) pre-approved by the Board.

Once reinstated, Respondent's license will be **CONDITIONED FOR A MINIMUM OF THREE (3) YEARS** commencing with the date of reinstatement. The conditions will be as follows:

1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."
2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a **minimum of three (3) years** of supervised nursing in which Respondent works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of fewer than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.
3. Completion of Substance Abuse Counseling, Treatment Plan, Treatment Reports and recovery groups. If recommended by Independent Evaluator, Respondent shall enter into and continue substance abuse counseling and comply with substance abuse treatment plan until the pre-approved treating professional certifies in writing to the Board that such counseling is no longer necessary.

Respondent shall authorize Respondent's treating professional to submit to the Board **monthly** reports on forms issued by the Board. Respondent shall authorize Respondent's treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

If recommended by Independent Evaluator, Respondent shall participate as recommended by Respondent's treating professional in substance abuse recovery group(s), and shall submit **quarterly** reports documenting such attendance on forms issued by the Board.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

4. Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person or entity that has been pre-approved by the Board or its designee to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine screen shall cause that screen to be presumed positive. Any positive screen shall constitute a violation of this Order.

5. Abstain from Drug and Alcohol Use. Respondent shall abstain completely from the consumption or possession of alcohol and drugs.

6. Drug Use Exception. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a health care practitioner disclosed to the Board in writing by Respondent within forty-eight (48) hours of the prescription. Respondent health care practitioner shall inform the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within seven (7) days of entering into the practitioner/patient relationship. Additionally, the practitioner shall inform the Board of all scheduled/controlled medications prescribed – and the anticipation of how long such prescriptions will need to be taken – within seven (7) days of the prescription.

The Board or its designee may request that the practitioner document the necessity for the prescribed scheduled/controlled medications or other medications known to have abuse potential. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall provide the Board with a current medication list of any medications taken on a scheduled or as-needed basis on forms issued by the Board within seven (7) days of the date of reinstatement and shall update this list within forty-eight (48) hours of any change in these medications.

7. Notification to Employers/Nursing School. Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Board an employer agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

In the event Respondent is attending a nursing program which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

8. Reports from Employers/Program Director. Within one (1) month of the date of reinstatement or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. Moreover, on a **quarterly** basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices. In the event Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.
9. Practice Under Supervision. Respondent shall practice as a nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.
10. Administration of Medications. Respondent is prohibited from administering any controlled substances. This condition may be removed only by Respondent filing a petition with the Board after Respondent has worked as a nurse for six (6) months for at least forty (40) hours every two weeks (or the part time equivalent) after the date of reinstatement.

In any such petition, Respondent must demonstrate, to the satisfaction of the Nursing Board or its designee, that Respondent can safely and competently administer such medications. Respondent must include appropriate support from Respondent's treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

11. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.

12. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
13. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. The Board will approve out-of-state nursing practice so long as Respondent can still comply with the provisions of this Consent Order. If Respondent receives discipline on a nursing license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.
14. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of Respondent's current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.
15. Notification to Other States. In the event that Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.
16. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
17. Release of Information Forms. This Order requires Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss Respondent and any and all treatment rendered to Respondent for drugs and/or alcohol with the Board or its designee. Any and all of this information may be provided to the Office of Professional Regulation investigators, and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

Respondent is entitled to revoke this consent at any time. However, any revocation shall be considered a violation of this Order. This consent expires when the conditions are removed from Respondent's nursing license.

This Stipulation and Consent Order shall itself constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31. Respondent understands that

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Respondent's treatment provider may require Respondent's to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

18. Costs. Respondent shall bear all costs of complying with this Consent Order.
 19. Violation of this Order. If Respondent violates this Order the Board, after giving Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.
 20. Completion of Conditional License Period. Respondent must petition the Board, or its designee, to remove any and all conditions on Respondent's license. Respondent must present proof that Respondent has fully complied with the terms of this Order. Respondent must also present proof of successful substance abuse rehabilitation, that Respondent poses no danger to the public or the practice of nursing, and that Respondent can safely and competently perform the duties of a licensed nurse.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
 - C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
 - D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 11/10/16

STATE OF VERMONT
SECRETARY OF STATE

By: Rachel Allen
Rachel Allen
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
85628-3482

Dated: 11/10/16

AMY J. VICKERS
RESPONDENT

By: Amy J. Vickers
Amy J. Vickers

APPROVED AND SO ORDERED:

Dated: 11/14/2016

Date of Entry: 11/14/2016

VERMONT BOARD OF NURSING

By: *Emily Wat*
Chairperson

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

COPY

**State of New Hampshire
Board of Nursing
Concord, New Hampshire 03301**

In the Matter of:
Amy Vickers, RN
No.: 054567-21
(Misconduct Allegations)

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of nursing, the New Hampshire Board of Nursing ("Board") and Amy Vickers, RN, ("Ms. Vickers" or "Respondent"), a registered nurse licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 326-B:4; RSA 326-B:38, RSA 541-A and Board of Nursing Administrative Rule ("Nur") 207, 208, and 211, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by the Board's licensees. Pursuant to RSA 326-B:38, X, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice as a registered nurse in the State of New Hampshire on April 12, 2005. Respondent holds license number 054567-21. Respondent's current license expires on December 16, 2016.
3. In response to complaints received from Lynne Gagnon, CNO of Valley Regional Hospital, Carole Usher of Dartmouth-Hitchcock Medical Center, and Shelly McKay of Cottage Hospital, the Board conducted an investigation and obtained information from various sources pertaining to Respondent's alleged drug diversion, positive test results for a drug for which Respondent did not a lawful prescription, and failure to properly waste a narcotic.
4. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would prove that Respondent engaged in professional misconduct, in violation of RSA 326-B:37, II (n), and/or (p)(1) and/or (p)(2) and/or (p)(3), by the following facts:
 - A. On December 8, 2015, the Board received a complaint from Lynne Gagnon, CNO of Valley Regional Hospital alleging that Respondent diverted or attempted to divert narcotics and tested positive for marijuana while she was at work.
 - B. According to the complaint, during a pharmacy audit, Michael Lessare, RPh, Director of Pharmacy and Laboratory Services showed that Respondent withdrew hydromorphone on several occasions for patients who did not have a doctor's order for pain medication and had not reported having any pain.

RECEIVED
JUN 15 2016

*N.H. Board of Nursing and Amy Vickers, RN
Settlement Agreement*

- C. Ms. Gagnon reported that Respondent withdrew at least six times more narcotics than any of her peers.
 - D. Ms. Gagnon ordered a review of Respondent's chart from November 2015 to early December 2015.
 - E. The review showed that Respondent had documented that she gave patients hydromorphone injectable even though the patient was being seen for low glucose, diarrhea, or a sore throat and narcotic pain medication was not indicated or ordered by the patients' doctor.
 - F. In one instance, Respondent took narcotics from the Pyxis machine at 1608 and wasted a portion at 1944 when the records showed the patient had been discharged at 1407.
 - G. In January 2015, the Board received a complaint from Carole Usher, Unit Nurse Manager for DHMC alleging that Respondent failed to properly document narcotic administration, failed to timely waste unused narcotic, or properly account for narcotic amounts.
 - H. Ms. Usher reported that between September 10, 2014 and October 9, 2014, Respondent failed to properly administer and document narcotics for over forty (40) transactions.
 - I. Ms. Usher reported that Hydromorphone was involved in 39 of the 40 events.
 - J. Respondent was drug tested and the results were negative so she was allowed to return to work.
 - K. A subsequent report from December 4, 2014 to December 29, 2014 showed continued documentation irregularities and all instances involved Hydromorphone.
 - L. Respondent was terminated from her position at DHMC.
 - M. On or about March 3, 2016, the Board received a complaint from Shelley MacKay of Cottage Hospital alleging that on or about February 25, 2015, Respondent failed to waste 2mg of Dilaudid and inadvertently took the vial home. Respondent returned the medication to the facility.
 - N. Respondent was terminated from her position at Cottage Hospital.
- 5. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 326-B:37, II (n), and/or (p)(1) and/or (p)(2) and/or (p)(3).
 - 6. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's license to practice as a registered nurse in the State of New Hampshire.
 - 7. Respondent consents to the Board imposing the following discipline, pursuant to RSA 326-B:37, III:

*N.H. Board of Nursing and Amy Vickers, RN
Settlement Agreement*

- A. Respondent's license is **SUSPENDED** for a period of two (2) years effective as of December 18, 2015.
- B. At the end of the period of suspension, Respondent's license to practice as a registered nurse will be **CONDITIONED** and subject to a period of **PROBATION** for two (2) years.
- C. Respondent shall, at her own expense, meaningfully participate in, without interruption, such care and treatment as may be recommended to her by a Board-approved mental health professional.
 - 1. Within 20 days of the effective date of this *Settlement Agreement*, Respondent shall submit to the Board the name of a mental health professional willing to provide mental health services to Respondent. Respondent shall provide the prospective mental health professional with a copy of the *Settlement Agreement*.
 - 2. Respondent and the mental health professional shall address what stressors lead to Respondent's decompensation outlined in this *Settlement Agreement* and Respondent's insight into the causes and consequences. Respondent and the mental health professional shall also address how to manage these stressors in the future.
 - 3. The mental health professional shall file quarterly reports, under seal, with the Board, outlining Respondent's attendance and providing a general statement of Respondent's progress.
 - 4. Said mental health services shall commence within thirty (30) days of this *Settlement Agreement* and continue for twelve (12) months following the initiation of treatment or as recommended by the mental health professional.
- D. Respondent shall bear all costs of the treatment, evaluation, and reporting required by this *Settlement Agreement*, but she shall be permitted to share such costs with third parties.
- E. Respondent shall submit to at least thirty-two (32) random drug tests per year, during the probation of her RN license. Said tests shall have been conducted and scheduled by a laboratory under conditions acceptable to the Board; the Board appoints the Executive Director to determine the plan for testing using Board guidelines.
- F. Respondent agrees not to exercise the multi-state licensure privileges under RSA 326-B:46 without the express written authorization of the Executive Director while the probation is in effect.
- G. While the probation is in effect, Respondent shall provide a copy of this *Settlement Agreement* to all nurse licensing boards where she is currently licensed and schools of nursing where currently enrolled within 30 days of receipt of the copy executed by the Board. Respondent shall also provide a copy of the

*N.H. Board of Nursing and Amy Vickers, RN
Settlement Agreement*

- Agreement to all nurse licensing boards or schools of nursing for which the Respondent makes future application at the time of such application.
- H. Respondent is required to practice as a registered nurse in a structured and supervised health care environment where other health care providers are employed and is prohibited from practicing as a registered nurse in a home care environment while the probation is in effect.
 - I. Respondent, while the probation is in effect, shall not work more than 8 hours a day or 40 hours a week, shall not rotate shifts, shall work on one unit per shift and shall not rotate to other units during a shift.
 - J. Respondent, while the probation is in effect, shall not work after 11:30 PM.
 - K. Respondent is required to provide written notification to the New Hampshire Board of Nursing within 10 days of obtaining employment as a registered nurse while the probation is in effect.
 - L. Respondent is required to provide written notification to the New Hampshire Board of Nursing within 10 days of termination or change in role of any employment as a registered nurse while the probation is in effect.
 - M. Respondent is required to provide a copy of this *Settlement Agreement* to her nursing supervisor within 10 days of obtaining employment as a registered nurse.
 - N. Respondent is required, within one month of beginning employment while the probation is in effect, to provide a written report from her nursing supervisor to the New Hampshire Board of Nursing setting forth the following information:
 - 1. The name and address of the Respondent's employer;
 - 2. The duties and responsibilities to be performed by the Respondent;
 - 3. An acknowledgement by the nursing supervisor that he/she has read this *Settlement Agreement* and understands the role of the supervisor.
 - O. Respondent is required, on a quarterly basis, to submit to the New Hampshire Board of Nursing work performance evaluations from the nursing supervisor. The evaluation is required to be on a form provided by the New Hampshire Board of Nursing and shall include the following information:
 - 1. Name and address of Respondent;
 - 2. Number and times of hours worked;
 - 3. Quality and safety of nursing care;
 - 4. Adherence or failure to adhere to the conditions and restrictions set by the New Hampshire Board of Nursing.
 - P. The Board may consider Respondent's compliance with the terms and conditions herein and with the recommendations of the treating mental health professional in any subsequent proceeding before the Board regarding Respondent's license.
8. If Respondent wishes to petition for termination of the probation of her RN license, Respondent shall, in a letter to the Board, petition the Board for such termination. Respondent shall demonstrate to the Board the ability to professionally perform nursing

*N.H. Board of Nursing and Amy Vickers, RN
Settlement Agreement*

activities through evidence of adherence to standards of clinical practice and patients' rights, character references, personal testimony, and written exhibits which shall include but not be limited to:

1. A written evaluation by Respondent's supervisor that addresses Respondent's clinical practice skills and adherence to and respect for patients' rights;
 2. Three letters of reference that address Respondent's professionalism and work habits during the period of probation. If Respondent has been employed since the date of this Agreement, at least one of the references must be from an employer;
 3. A personal statement from Respondent that describes Respondent's experiences including specific examples of the behavioral changes that have been made.
9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 326-B, II (q)(2), and a separate and sufficient basis for further disciplinary action by the Board.
 10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
 11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
 12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
 13. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
 14. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
 15. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with her decision to enter into this agreement.
 16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* have prejudiced her