



**State of Vermont
Office of the Secretary of State**

**Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov**

**James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director**

September 13, 2022

**Attorney Evan Chadwick
P.O. Box 6182
Brattleboro, VT 05302-6182**

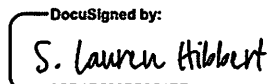
**CASE: In Re Anna Van Alstyne
Docket No.: 2020-28**

Dear Attorney Chadwick:

Enclosed please find a copy of the approved *Stipulation and Consent Order*

For questions about complying with this Order, please contact the Case Manager at 802-828-2875

Sincerely,

DocuSigned by:

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**S. Lauren Hibbert
Director**

Enc: *Stipulation and Consent Order*

**cc: Jennifer Colin, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Evan Chadwick, Respondent's Attorney, First Class Manager & Email**

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

IN RE:)
Anna M. Van Alstyne) **Docket No. 2020-28**
License No. 025.0131891)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Anna M. Van Alstyne, who hereby stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 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.

Stipulated Facts

2. Anna M. Van Alstyne ("Respondent") of Brattleboro, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0131891. This license was originally issued June 21, 2017 and expired on January 31, 2022.
3. On March 11, 2021, the Board indefinitely suspended Respondent's license, pursuant to a Stipulation and Consent Order ("2021 Order"), as the result of Respondent appearing impaired at work, testing positive for cocaine, and failing to disclose on her renewal application that she was participating in medication-assisted treatment program for opioid/substance use disorder.
4. The 2021 Order required Respondent, within 45 days of petitioning for reinstatement, to have an independent evaluation by a pre-approved evaluator and submit to three random urinalyses.
5. In June and July 2022, Respondent had an independent evaluation in which the evaluator assessed that Respondent's opioid dependence and cocaine abuse are in full remission. The evaluator concluded Respondent is safe to resume her nursing practice with supports in place including group and individual therapy.

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6. Respondent also submitted to three random UA's. The results were negative with the exception of marijuana, for which Respondent has a Vermont Marijuana Registry card.
7. Respondent now seeks reinstatement of her LPN license.
8. Based on the underlying facts of the 2021 Order and the content and substance of Respondent's independent evaluation and UA results, the State supports Respondent's reinstatement request, with the conditions as outlined below.

Understandings

9. Respondent admits the facts as outlined above are true and that the order below is necessary to protect the public.
10. Respondent understands that the Board must review and accept the terms of the Consent Order. The entire Reinstatement Stipulation and Consent Order shall be null and void if the Board rejects any portion therein.
11. Respondent specifically waives any claims that any disclosures made to the Board during its review of this Reinstatement Stipulation and Consent Order have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
12. Respondent has read and reviewed this entire Reinstatement Stipulation and Consent Order and agrees that it contains the entire agreement between the parties.
13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Reinstatement Stipulation and Consent Order.
14. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Reinstatement Stipulation and Consent Order.
15. Respondent voluntarily waives her right to a contested hearing before the Board and waives any right to appeal from this Reinstatement Stipulation and Consent Order.
16. 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. Respondent is immediately eligible to renew and revive her Licensed Practical Nurse license. Upon issuance, Respondent's license shall be **CONDITIONED FOR A MINIMUM OF THREE (3) years**, commencing on the date of reinstatement. The **CONDITIONS** shall be as follows:

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1. Renewal. Respondent is immediately eligible to renew and revive her Licensed Practical Nurse. Respondent must comply with all requirements of license renewal. All conditions shall apply to any re-entry permit.
2. Re-issuance of License. Upon the commencement of these conditions and the renewal of Respondent's license, Respondent shall be issued a license labeled "conditioned."
3. 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 licensed practical nursing practice in which Respondent works at least eighty (80) hours month as a nurse. 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.
4. Monitoring. The Office of Professional Regulation, through the Enforcement Case Manager, shall be responsible for monitoring Respondent's compliance with these Conditions. All reports or correspondence regarding compliance with these conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.
5. Completion of Substance Abuse Counseling, Treatment Plan, Treatment Reports and Recovery Groups. Respondent shall engage in individual substance abuse counseling with a pre-approved counselor (the "Treating Professional") and comply with the substance abuse treatment plan until the Treating Professional certifies in writing that such counseling is no longer necessary and Respondent successfully petitions the Board for a modification of these conditions. Within ten (10) days of the date of entry of this Order, Respondent shall provide a copy of this Reinstatement Stipulation and Consent Order to the Treating Professional and inform him or her of Respondent's conditional license status and the accompanying conditions. Respondent shall cause the Treating Professional to submit to the Case Manager, on forms provided by the Case Manager, acknowledgement of receipt of the Stipulation and Consent Order along with Respondent's current treatment plan.

Respondent shall authorize the Treating Professional to submit monthly reports on forms issued by the Case Manager. Respondent shall authorize the Treating Professional 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 her 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 Treating Professional certifies in writing that such medication is no longer necessary.



Should Respondent's medications be monitored by someone other than her Treating Professional, 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.

6. Self-Help Recovery Groups. Respondent shall participate as recommended by Respondent's treating professional in substance abuse recovery group(s). If such participation is recommended, Respondent shall submit quarterly reports documenting attendance on forms issued by the Case Manager.
7. 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 screens 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 selected to test that day, may be considered a violation of this Order.

8. Abstain from Drug and Alcohol Use. Respondent shall abstain completely from the consumption or possession of alcohol and drugs.
9. 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's health care practitioner shall inform the Board, in writing and on appropriate letterhead, of knowledge of Respondent's conditional license status 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.

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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.

10. 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 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 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 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 Case Manager a nursing 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 clinical experience.

11. Practice Under Supervision. Respondent shall practice as a nurse only in a setting where Respondent has direct supervision (on the same unit) for the entire shift by a licensed registered nurse that is in good standing with the Board. Upon completion of one year of full-compliance with conditions, Respondent may petition the Board to reduce the level of supervision required to on-site supervision, meaning the supervising nurse is present in the same facility as Respondent for the entire shift.
12. 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 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 a nursing program, 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 (ie., consistently meeting all standards of nursing practice) and attendance.

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

14. 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 with the Board after Respondent has worked as a licensed practical 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 shall consent or object to any such petition, and a hearing may be held

In any such petition, Respondent must demonstrate, to the satisfaction of the Nursing Board, that Respondent can safely and competently administer such medications. Respondent must include 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.

15. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.

16. 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 or its designee. 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.

17. 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.

18. 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.

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19. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.

20. 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 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.

21. Costs. Respondent shall bear all costs of complying with this Consent Order.

22. 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.

23. Completion of Conditional License Period. Respondent shall submit a petition to the Docket Clerk to remove any and all conditions on Respondent's license. The State will assent to 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. 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.

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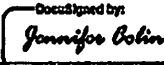


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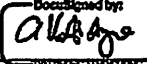
E. This Stipulation and Consent Order shall be applicable as a matter of law to all other licenses issued by the Board of Nursing, as provided in 3 V.S.A. §129(l).

AGREED TO:

Dated: 9/6/2022

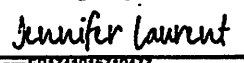
STATE OF VERMONT
SECRETARY OF STATE
By: 
Jennifer B. Colin
Prosecuting Attorney

Dated: 9/6/2022

RESPONDENT
By: 
Anna M. Van Alstyne

APPROVED AND SO ORDERED:

Dated: 9/12/22

VERMONT BOARD OF NURSING
By: 
Chairperson

Date of Entry: 9/13/22

STATE OF VERMONT



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

IN RE:	)	
ANNA M. VAN ALSTYNE	)	Docket No. 2020-28
License No. 025.0131891	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against Licensed Practical Nurse Anna M. Van Alstyne:

Board Authority

1. The Vermont State Board of Nursing (the “Board”) has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 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.

Statement of Facts

2. Anna M. Van Alstyne (“Respondent”) of Brattleboro, Vermont is licensed by the State as a Licensed Practical Nurse (“LPN”) under license number 025.0131891. This license was originally issued on June 21, 2017, was recently reissued on February 5, 2020, and will expire on January 31, 2022.
3. At all relevant times, Respondent worked as an LPN at Springfield Health and Rehabilitation Center (the “Facility”), which is a subsidiary of Genesis HealthCare.
4. On June 28, 2019, Respondent attended her scheduled LPN shift at the Facility at approximately 6:45 A.M, appearing to be at her baseline level of function and cognition.
5. After about an hour into her shift, Facility staff observed Respondent to have red/tired eyes; slurred speech; an inability to verbalize; drowsiness, wariness, or fatigue; and was heard vomiting in the bathroom.
6. As a result, Respondent submitted to a urine analysis and was suspended during the pendency of the investigation into her observed conduct of June 28, 2019.
7. Before submitting to a urine analysis at Springfield Hospital on the same day, Respondent advised that she was prescribed suboxone as treatment for opiate use disorder. Respondent has been treated for opiate/substance use disorder since on or about May 6, 2019.

8. On or about July 3, 2019, the results of Respondent's urine analysis were processed, revealing that she tested positive for cocaine. Respondent was informed of the urine analysis results and subsequently admitted to cocaine use.
9. On or about October 24, 2019, Respondent was hired as an LPN at the Pine Heights at Brattleboro Center for Nursing and Rehabilitation in Brattleboro, Vermont ("Facility 2"). Upon information and belief, Respondent is still working as an LPN at Facility 2.
10. On February 4, 2020, Respondent submitted an application for the renewal of her LPN license (the "Application").
11. Within the Application, Respondent answered "NO" to the question:

Does a dependency on alcohol, drugs, or prescription medication(s) impair or limit your ability to practice this profession with reasonable skill and safety? If "Yes," you must provide a detailed written explanation.
12. Respondent also answered "NO" to the Application question:

Are you currently addicted or in any way dependent on alcohol or habit forming drugs? If "Yes," you must provide a detailed written explanation.
13. Respondent further answered "NO" to the Application question:

Are you currently participating in a supervised program or professional assistance program which monitors you in order to assure that you are not engaging in the use of alcohol or controlled substances. If "Yes," please provide the contract/stipulation under which are participating.
14. Notably, in her Application of February 4, 2020, Respondent attested to the truth and accuracy of the information provided therein by signing the following attestation statement:

I certify, under the pains and penalties of perjury, that all information I have provided in this application is true and accurate. I understand that furnishing false information may constitute unprofessional conduct and result in the denial of my application or further disciplinary action. The maximum penalty for perjury is fifteen years in prison and/or a \$10,000 fine. (13 V.S.A. § 2901)
15. However, Respondent admitted to participating in a medication-assisted treatment program for opioid/substance use disorder, under which she was engaged with a treatment provider and prescribed suboxone. See Paragraph 7 above.

Violation One: 3 V.S.A. § 129a(a)(5) – Practicing the Profession When Medically or Psychologically Unfit to Do So.

16. The State re-alleges and incorporates Paragraphs 2 through 15 above.
17. As an LPN, Respondent must not practice the profession when medically or psychologically unfit to do so.
18. Paragraphs 3 through 15 above demonstrate that Respondent engaged in LPN practice when she was medically or psychologically unfit to do so by appearing at her LPN shift at SHRC under the influence of drugs.
19. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by exhibiting signs of impairment during her shift as an LPN at SHRC in violation of 3 V.S.A. § 129a(a)(5).

Violation Two: 3 V.S.A. § 129a(a)(15) – Failing to Exercise Independent Professional Judgment in the Performance of Licensed Activities When That Judgment is Necessary to Avoid Action Repugnant to the Profession.

20. The State re-alleges and incorporates Paragraphs 2 through 15 above.
21. As an LPN, Respondent must exercise independent professional judgment in the performance of licensed activities.
22. Paragraphs 3 through 15 above demonstrate that Respondent failed to exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession.
23. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by exhibiting signs of impairment during her shift as an LPN at SHRC in violation of 3 V.S.A. § 129a(a)(15).

Violation Three: 26 V.S.A. § 1582(a)(3) – Engaging in Conduct of a Character Likely to Deceive, Defraud, or Harm the Public.

24. The State re-alleges and incorporates Paragraphs 2 through 15 above.
25. As an LPN, Respondent is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
26. Paragraphs 3 through 15 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public by exhibiting signs of impairment during her shift as an LPN at SHRC, failing a urine analysis wherein she tested positive for cocaine, by admitting to cocaine use, and by continuing to work as an LPN at Pine Heights.

27. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 26 V.S.A. § 1582(a)(3).

Violation Four: 3 V.S.A. § 129a(a)(1) – Fraudulent or Deceptive Procurement or Use of a License.

28. The State re-alleges and incorporates Paragraphs 2 through 15 above.
29. As an LPN, Respondent is obligated to be truthful and accurate in the procurement of an LPN license.
30. Paragraphs 2 and 10 through 15 demonstrate that Respondent engaged in fraudulent or deceptive behavior in the procurement her LPN license.
31. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(3).

Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board revoke, suspend, reprimand, condition, or otherwise discipline the Licensed Practical Nurse license of Anna M. Van Alstyne.

DATED at Montpelier, Vermont this 4th day of June, 2020.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Benjamin E. Novogroski
Benjamin E. Novogroski
State Prosecuting Attorney
Office of Professional Regulation
802.828.1217
benjamin.novogroski@vermont.gov