

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

In re: SARAH STANLEY	}	
License No. 026.0041682	}	Docket No. 2020-31
	}	

FINDINGS AND ORDER AMENDING CONDITIONS

Participating Board Members:

Jennifer Laurent, APRN, Chair
Matthew Choate, RN
Deborah Belcher, Public Member
Douglas Sutton, RN, ad hoc
Raequel Gordon, LPN
Marsha Arend, RN

Appearances:

Prosecuting the case: Rachel Heath, Esq.
Petitioner: participated electronically and represented herself

Presiding Officer:

George K. Belcher

Exhibits:

Respondent Exhibit A: CDC Certification
Respondent Exhibit B: Controlled Substance Administration and Accountability
Processes, Cedar Hill Health Care
Respondent Exhibit C: 8/5/24 Letter from Respondent to Whom It May Concern
Respondent Exhibit D: 8/6/24 Letter form Sara Neily, RN Cedar Hill Health Care

Findings of Fact

This matter came before the Board of Nursing on a request by the Petitioner to modify the conditions which apply to her nursing license as were imposed in an order of the Board dated September 28, 2023. The State filed an opposition to the Petition to Modify the Conditions. The hearing was held on August 12, 2024. The hearing was held by electronic means by virtual and telephone participation by the Board members and the parties, pursuant to the Administrative Rules for Remote Hearings, the Vermont Board of Nursing Administrative Rules, and Vermont Statutes. Notice of the hearing was given to the parties and there were no objections to notice.

Based on the evidence presented to the Board, the pleadings, and the arguments of the parties, the Board finds as follows:

1. Petitioner, Sarah Stanley, was licensed as a Registered Nurse in Vermont in 2008. In 2012, her license was suspended subject to conditions due to a problem in wasting medications. In 2017 her license was reinstated subject to the standard drug and alcohol conditions. The conditions required that she participate in drug and alcohol counseling and random urine screens.
2. In June of 2020 the Petitioner's license was suspended again for failure to meet the conditions including compliance with the random drug screens. (See first paragraph of the Petitioner's Request for Reinstatement) In addition, her treating counselor was required to file monthly reports and failed to do so for four months. (See Exhibit 1, Page 1, third paragraph)
3. The Order of the Board dated September 14, 2020, indefinitely suspended the license of the Petitioner and imposed conditions for her petitioning for reinstatement (the standard drug and alcohol conditions).
4. In July of 2023 the Petitioner filed a request to reinstate her nursing license and her license was reinstated subject to conditions by order of the Board dated September 28, 2023. That order included, among other provisions, the following:
 8. Practice Under Supervision Petitioner shall practice as a nurse only in a setting where Petitioner has direct supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.
 9. Administration of Medication Petitioner is prohibited from administering any controlled substance. This condition may be removed only by Petitioner filing a petition with the Board after she has worked as a registered nurse for six months at least 40 hours every two weeks (or for the part-time equivalent) after the date of reinstatement.

In any such petition, Petitioner must demonstrate to the satisfaction of the Board or its designee, that she can safely and competently administer such medications. Petitioner must include appropriate support in writing, from her treating professional and employer of 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.
5. The Petitioner filed a request on July 5, 2024, to amend her conditions. She demonstrated that she had been working at Cedar Hill Health Care since November of 2023 and was compliant with her conditions. She submitted the drug administration policy of the facility (Exhibit B). She explained that she is advancing her education and is being groomed for management at the long-term-care facility where she works. She also submitted a letter of support from her direct supervisor which supported removing the condition of direct supervision.
6. The Board debated the options regarding a potential modification of the conditions. The Board considered the original findings of improper wasting of medications and the length of time which has passed since the original findings of unprofessional conduct. The Board also considered the purpose of the conditions imposed upon her license and the basic need to protect the public. The Board considered the positive recommendation by the Petitioner's direct supervisor. After due consideration, the Board decided to make two modifications to the conditions upon the Petitioner's license.

Conclusions of Law

1. The burden of proof in a disciplinary matter in which a party seeks to modify an existing order is upon the party seeking the modification. The Party seeking the modification must satisfy the requirements of VRCP 60(b) which are incorporated into the Administrative Rules of the Office of Professional Regulation pursuant to Rule 2.4 of those Rules. The Petitioner has shown legitimate reasons for modifying the exiting Order. The petition by the Petitioner is GRANTED in part.

ORDER

The outstanding order of this Board in the above-captioned docket dated September 28, 2023, is modified as follows:

- (1) Paragraph 9, Administration of Medications, on page 4 of the Order is hereby removed and is no longer a condition of the Order;
- (2) Paragraph 8, Practice Under Supervision, is modified to read as follows:

8. Practice Under Supervision Petitioner shall practice as a nurse only in a setting where Petitioner has on-site supervision for the entire shift by a licensed registered nurse that is in good standing with the Board. "On-site supervision" means that the supervising registered nurse is on the premises of the nursing facility.

Except as modified above, the September 28, 2023, Order continues to be in force.

Signed by:
Vermont Board of Nursing
Jennifer Laurent
EB3741915719477
Jennifer Laurent, APRN, Chair

Date

8/26/24
Date of Entry

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

**STATE OF VERMONT
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IN RE:	)	
SARAH G. STANLEY	)	Docket No. 2020- 31
License No. 026.0041682	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Sarah G. Stanley:

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. Sarah G. Stanley (“Respondent”) of Fair Haven, Vermont is licensed by the State of Vermont as a Registered Nurse (“RN”) under license number 026.0041682. This license was originally issued April 23, 2008, and expires on March 31, 2021.
3. On June 14, 2016, the Board entered a Stipulation and Consent Order in Docket No. M2013-57, conditioning Respondent’s license for a minimum of three (3) years of supervised practice after concerns over her controlled substance wasting practices. *See Attachment A.*
4. Respondent’s conditional license requires her to submit to random drug testing and engage in treatment until her treating professional certifies treatment is no longer necessary, among other conditions.
5. Despite numerous opportunities to come into compliance, Respondent has not been compliant with her Stipulation and Consent Order in over a year.
6. As of the filing of these Charges, Respondent has worked as a supervised nurse for approximately sixteen months out of the required minimum of 36 months.

7. As of the filing of these Charges, Respondent has missed approximately thirty (30) drug screen tests. She has only submitted to less than ten (10) tests total while on conditions.
8. As of the filing of these Charges, Respondent has missed every drug screen test in 2020. She has not submitted any testing results in 2020.
9. As of the filing of these Charges, Respondent has not caused her treating professional to submit a monthly report to the Enforcement Unit Case Manager since January 2019.

Violation One: 3 V.S.A. § 129a(a)(4) Failing to comply with an order of the board or violating any term or condition of a license restricted by the board.

10. The State re-alleges and incorporates Paragraphs 2 through 9 above.
11. As a Registered Nurse, Respondent is required to comply with orders of the Board.
12. Paragraphs 2 through 9 above demonstrate Respondent has failed to comply with an order of the board and has violated several terms or conditions of a license restricted by the board.
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 3 V.S.A. §129a(a)(4).

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 obligations of the profession.

14. The State re-alleges and incorporates Paragraphs 2 through 9 above.
15. As a Registered Nurse, Respondent must exercise independent professional judgment in the performance of licensed activities.
16. Paragraphs 2 through 9 above demonstrate Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
17. 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 3 V.S.A. §129a(a)(15).

Relief Requested

WHEREFORE, the Registered Nurse license of Sarah G. Stanley should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 6th day of May, 2020.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/
Elizabeth A. St. James
State Prosecuting Attorney
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
P: (802) 828-1218
F: (802) 828-2389
elizabeth.st.james@vermont.gov