



**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**

June 6, 2022

Danielle Powell
5766 S. Ozone Circle
Salt Lake City, Utah 84118-7725

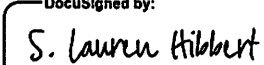
CASE: Danielle Powell
Docket No.: 2021-79

Dear Ms. Powell:

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:

9CDAB598B5C54EE...
S. Lauren Hibbert
Director

Enc: *Stipulation and Consent Order*

cc: Rachel Heath, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager

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

IN RE:

Danielle Powell

License No. 026.0140036

Docket No. 2021-79

STIPULATED VOLUNTARY SURRENDER OF LICENSE AND ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Rachel Heath, and Respondent Danielle Powell, who hereby Stipulate and Agree as follows:

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 ("OPR").

Statement of Facts

2. Danielle Powell ("Respondent") of Salt Lake City, Utah is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0140036. This license was originally issued August 16, 2019, and expired on March 31, 2021.
3. Respondent held a license to practice as an RN in the state of Utah under license number 8012110-3102.
4. On October 6, 2020, Respondent's Utah RN license was disciplined by a Stipulation and Order (the "October 2020 Order") of the Division of Occupational and Professional Licensing (the "Utah DOPL").
5. In the October 2020 Order, Respondent neither admitted or denied the following facts, but agreed "that the Division shall make the following findings of fact:
 - a. Respondent was first licensed to practice as a registered nurse in the State of Utah on or about July 14, 2011.
 - b. In 2020, Respondent, while working as a registered nurse at a Utah health facility, diverted the controlled substance Dilaudid from a patient at the facility for her own use.

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- c. In September 2020, Respondent told a Division investigator that she was addicted to the prescription-only muscle relaxer Tizanidine. Respondent stated that she abused Tizanidine."
6. Dilaudid is a Schedule II controlled drug. Tizanidine is not a controlled drug.
7. The October 2020 Order imposed conditions on Respondent's license for 5 years, including completing a substance use evaluation, completing a mental health evaluation, abstaining from drugs and alcohol, completing any recommended treatment, completing random drug and alcohol screens, and supervised practice.
8. In January 2021, the Utah DOPL entered an Amended Order giving Respondent additional time to complete the required mental health and substance use disorder evaluation.
9. In March 2021, Respondent voluntarily entered in to a non-disciplinary Surrender and Stipulation Order ("March 2021 Surrender and Stipulation Order") with the Utah DOPL.
10. In the March 2021 Surrender and Stipulation Order, Respondent surrendered her license to practice as an RN in Utah in lieu of completing the terms and conditions the October 2020 Order imposed.
11. The State filed a Request for Summary Suspension in this matter in June 2021. A hearing was held on June 14, 2021 and the Board entered an order of Summary Suspension on June 24, 2021.
- Violation One: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.
12. Paragraphs 2 through 11 above are incorporated herein.
13. As an RN, Respondent shall not divert or attempt to divert drugs, equipment, or supplies for unauthorized use.
14. Respondent diverted or attempted to divert drugs for unauthorized use as demonstrated in Paragraphs 2 through 11 above.
15. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(2).

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

16. Paragraphs 2 through 11 above are incorporated herein.
17. As an RN, Respondent is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
18. Paragraphs 2 through 11 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when she diverted medication from a patient for her own use.
19. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. § 1582(a)(3).

Violation Three: 3 V.S.A. § 129a(b)(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: (2) failure to conform to the essential standards of acceptable and prevailing practice.

20. Paragraphs 2 through 11 above are incorporated herein.
21. The essential standards of acceptable and prevailing practice require that an RN refrain from putting patients at a risk of harm by diverting medications.
22. Paragraphs 2 through 11 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when she diverted a medication from a patient.
23. 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(b)(2).

Violation Four: 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.

24. Paragraphs 2 through 11 above are incorporated herein.
25. Under Vermont law, an RN must exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession.

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26. Paragraphs 2 through 11 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 when she diverted medication from a patient for her own use.
27. 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)(15).

Understandings

28. Respondent admits that the facts above are true and desires to voluntarily surrender her license. The Parties reach a full and final Stipulation pursuant to these Understandings, the Acceptance of Voluntary Surrender and Order below.
29. 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.
30. 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.
31. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
32. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
33. 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.
34. Respondent voluntarily waives Respondent's right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
35. Respondent agrees that the Acceptance of Voluntary Surrender and Order set forth below may be entered.

ACCEPTANCE OF VOLUNTARY SURRENDER AND ORDER

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

- A. The Board of Nursing hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her Registered Nurse license.
- B. Any future application for licensure shall be subject to the licensing requirements of that particular profession. If a future application for licensure in the State of

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Vermont is approved, that license shall be **CONDITIONED** pursuant to whatever terms are found to be reasonable at the time of Respondent's application for licensure, taking into account the facts above.

- 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: 5/3/2022

**STATE OF VERMONT
SECRETARY OF STATE**

By: DocuSigned by:
Rachel Heath
EC2445D7D72245B
Rachel Heath
State Prosecuting Attorney

Dated: 5/3/2022

RESPONDENT

By: DocuSigned by:
Danielle Powell
EC83D74B7A4345D
Danielle Powell

APPROVED AND SO ORDERED:

Dated: 6/2/2022

VERMONT BOARD OF NURSING

By: DocuSigned by:
Jennifer Laurent
EC1741816740477
Chairperson

Date of Entry: 6/6/2022

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