

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

IN RE:	)	
Rebecca Martel	)	Docket No. 2022-186
License No. 026.0147156	)	

STIPULATED VOLUNTARY SURRENDER OF LICENSE AND ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Rachel Heath, and Respondent Rebecca Martel, 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 Registered 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. Rebecca Martel (“Respondent”) of East Kingston, New Hampshire is licensed by the State of Vermont as a Registered Nurse (“RN”) under license number 026.0147156. This license was originally issued on September 8, 2021 and expires on March 31, 2023.
3. The State of New Hampshire issued Respondent an RN license on March 16, 2018, and subsequently an Advanced Practice Registered Nurse (“APRN”) license on September 15, 2021.
4. On June 15, 2022, the New Hampshire Board of Nursing (BON) ordered the immediate emergency suspension of Respondent’s RN and APRN licenses.
5. The New Hampshire BON found that Respondent is self-employed and prescribed herself schedule II controlled substances as an APRN on multiple occasions, that on three of those occasions she had taken the prescribed medications, and that this conduct placed “the Licensee, her patients, and others at risk such that the Licensee pose[d] an immediate threat to the public health, safety, or welfare.”
6. The New Hampshire BON concluded that the “Licensee’s conduct, on its face, warrant[ed] immediate suspension of her license.”

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
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7. Prior to the suspension, Respondent wrote a letter to the New Hampshire BON dated June 13, 2022.
8. In this letter, Respondent admitted that she “acted gravely unprofessionally,” and alleged that her behavior did not harm any patients.
9. In her letter, she admitted that she prescribed and obtained the following schedule II-controlled substances:
 - a. Methylphenidate HCI ER 36 MG Tablet Extended Release, 30 tablets on February 8, 2022.
 - b. Vyvanse 30 MG Capsules, 30 capsules on March 16, 2022.
 - c. Vyvanse 50 MG Capsules, 30 capsules on April 7, 2022.
10. Respondent further admitted that on May 30, 2022 she was not able to obtain a prescription she had written for herself for Vyvanse 50 MG Capsules, 50 capsules when a pharmacy refused to fill the prescription.
11. The State filed a Request for Summary Suspension in this matter on July 29, 2022. The State and Respondent stipulated to a voluntary indefinite suspension on July 29, 2022, which the Board entered as an order on August 8, 2022.

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

12. Paragraphs 2 through 11 above are incorporated herein.
13. As an RN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
14. Paragraphs 2 through 11 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when she prescribed herself medications that are legally classified as schedule II controlled substances.
15. 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 Two: 26 V.S.A. § 1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

16. Paragraphs 2 through 11 above are incorporated herein.
17. Under Vermont law, an RN is prohibited from diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

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18. New Hampshire law prohibits a practitioner from issuing a prescription to herself. RSA 318-B: 9, III (k). A practitioner is “any person who is lawfully entitled to prescribe controlled drugs to patients.” RSA 318-B:1, XXVI. An APRN’s scope of practice includes prescribing. RSA 326-B:11, I (a).
19. Diversion is “[a] deviation or alteration from the natural course of things.” Black’s Law Dictionary (11th ed. 2019)
20. Paragraphs 2 through 11 above demonstrate that Respondent diverted drugs by prescribing medications to herself when she did not have the legal authority to do so, where the natural course would be for the medications to go from the pharmacy to a patient with a legitimate and legal prescription.
21. 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)(2).

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.

22. Paragraphs 2 through 11 above are incorporated herein.
23. The essential standards of acceptable and prevailing practice require that an RN who has the credentials of an APRN must know and abide by the requirements of that credential.
24. Paragraphs 2 through 11 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when she prescribed herself controlled substances in direct contradiction of the New Hampshire laws that govern her APRN license.
25. The essential standards of acceptable and prevailing practice require that an RN who has the credentials of an APRN must not prescribe herself controlled substances.
26. Paragraphs 2 through 11 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when she prescribed for herself controlled substances.
27. 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).

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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.

28. Paragraphs 2 through 11 above are incorporated herein.
29. 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.
30. 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 prescribed herself schedule II controlled substances.
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)(15).

Understandings

32. 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.
33. 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.
34. Respondent specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if the Board does not accept this agreement.
35. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
36. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
37. 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.
38. Respondent voluntarily waives her right to a contested hearing before the Board and waives any right to appeal from this Stipulated Voluntary Surrender of License.

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05620-3402

39. Respondent agrees that the Acceptance of Voluntary Surrender and Order set forth below may be entered.

ACCEPTANCE OF VOLUNTARY SURRENDER AND ORDER

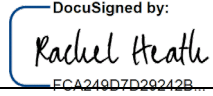
Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her RN 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 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:

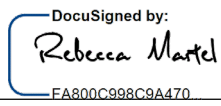
STATE OF VERMONT
SECRETARY OF STATE

Dated: 2/8/2023

By: 
Rachel Heath
State Prosecuting Attorney

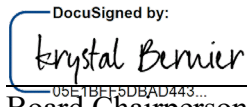
Dated: 2/8/2023

RESPONDENT

By: 
Rebecca Martel

APPROVED AND SO ORDERED:

Dated: 2/14/2023

By: 
Board Chairperson

Date of Entry: 2/14/2023

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Office of
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89 Main Street
3rd Floor
Montpelier, VT
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Office of Professional Regulation
Answer

RECEIVED

OCT 11 2022

Secretary of State
J. Michael S. Sullivan

Case Name: R Martel License No. 026.0147156 | Docket Number: 2022-186

Your Name: Rebecca Martel

(person completing the form is either the respondent or the respondent's attorney)

Telephone: (daytime) 603-918-1612

E-mail rimarteln@gmail.com

Attach Additional Sheets As Needed

1. Undisputed Facts: State all material facts in the charges that you do not dispute. You may use the paragraph numbers from the specification of charges rather than repeating each statement.

Paragraphs # 1-4

Paragraphs #6-9

Paragraphs #10 contains a typo, should read "30 capsules."

Paragraphs #11-21

2. Disputed Issues of Fact: State all material facts that you contend are disputed. You may use the paragraph numbers from the specification of charges rather than repeating each statement.

Paragraph #5: Although I was and am self-employed, I was never self-employed in the role of a nurse. I have not practiced in any professional nursing role since early 2021.

Paragraphs #22-27: I was not engaged in professional practice as a registered nurse, nor as an advanced practice registered nurse when I prescribed myself controlled medication. I haven't practiced as a registered nurse since January of 2021, and I have never practiced professionally as an APRN. I was, and am, self-employed in a non-nursing role.

Paragraphs 28-31: I was not engaged in the performance of licensed activities at the time I prescribed myself a controlled substance to manage my diagnosis of ADHD.

-OVER-

3. Legal Defenses: List all defenses that you intend to present to the charges.

4. Sign and Date: By signing, I affirm that all pages of this form are complete and truthful.

— have **have not** attached additional information.

Rebecca Martel

Signature

10/10/22

Date

Please mail the original to:

Vernon Secretary of State
Office of Professional Regulation
Attn: Docket Clerk
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402

You must also send a copy to:

Prosecuting Attorney who charged the case
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402

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

IN RE:)
Rebecca Martel) **Docket No. 2022-186**
License No. 026.0147156)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Rebecca Martel 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 Registered 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”).

Statement of Facts

2. Rebecca Martel (“Respondent”) of East Kingston, New Hampshire is licensed by the State of Vermont as a Registered Nurse (“RN”) under license number 026.0147156. This license was originally issued on September 8, 2021 and expires on March 31, 2023.
3. The State of New Hampshire issued Respondent an RN license on March 16, 2018, and subsequently an Advanced Practice Registered Nurse (“APRN”) license on September 15, 2021.
4. On June 15, 2022, the New Hampshire Board of Nursing (BON) ordered the immediate emergency suspension of Respondent’s RN and APRN licenses.
5. The New Hampshire BON found that Respondent is a self-employed APRN who prescribed herself schedule II controlled substances on multiple occasions, that on three of those occasions she had taken the prescribed medications, and that this conduct placed “the Licensee, her patients, and others at risk such that the Licensee pose[d] an immediate threat to the public health, safety, or welfare.”
6. The New Hampshire BON concluded that the “Licensee’s conduct, on its face, warrant[ed] immediate suspension of her license.”
7. Prior to the suspension, Respondent wrote a letter to the New Hampshire BON dated June 13, 2022.

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8. In this letter, Respondent admitted that she “acted gravely unprofessionally,” and alleged that her behavior did not harm any patients.
9. In her letter, she admitted that she prescribed and obtained the following schedule II-controlled substances:
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10. Respondent further admitted that on May 30, 2022 she was not able to obtain a prescription she had written for herself for Vyvanse 50 MG Capsules, 50 capsules when a pharmacy refused to fill the prescription.
11. The State filed a Request for Summary Suspension in this matter on July 29, 2022. The State and Respondent stipulated to a voluntary indefinite suspension on July 29, 2022, which the Board entered as an order on August 8, 2022.

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

12. The State re-alleges and incorporates Paragraphs 2 through 11 above.
13. As an RN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
14. Paragraphs 2 through 11 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when she prescribed herself medications that are legally classified as schedule II controlled substances.
15. 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 Two: 26 V.S.A. § 1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

16. The State re-alleges and incorporates Paragraphs 2 through 11 above.
17. Under Vermont law, an RN is prohibited from diverting or attempting to divert drugs or equipment or supplies for unauthorized use.
18. New Hampshire law prohibits a practitioner from issuing a prescription to herself. RSA 318-B: 9, III (k). A practitioner is “any person who is lawfully entitled to prescribe controlled drugs to patients.” RSA 318-B:1, XXVI. An APRN’s scope of practice includes prescribing. RSA 326-B:11, I (a).

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19. Diversion is “[a] deviation or alteration from the natural course of things.” Black’s Law Dictionary (11th ed. 2019)
20. Paragraphs 2 through 11 above demonstrate that Respondent diverted drugs by prescribing medications to herself when she did not have the legal authority to do so, where the natural course would be for the medications to go from the pharmacy to a patient with a legitimate and legal prescription.
21. 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)(2).

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.

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24. Paragraphs 2 through 11 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when she prescribed herself controlled substances in direct contradiction of the New Hampshire laws that govern her APRN license.
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27. 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.

28. The State re-alleges and incorporates Paragraphs 2 through 11 above.

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29. 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.
30. 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 prescribed herself schedule II controlled substances.
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)(15).

Relief Requested

WHEREFORE, the license of Rebecca Martel should be warned, reprimanded, suspended, revoked, limited, conditioned, or otherwise disciplined.

DATED this 21st day of September 2022.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Rachel Heath
Rachel Heath
Prosecuting Attorney
(802) 828-0041
Rachel.heath@vermont.gov

STATE OF VERMONT



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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. Condon, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director

August 8, 2022

Rebecca Martel

11 Forest Drive

East Kingston, NH 03827

CASE: Rebecca Martel

Docket No.: 2022-186

Dear Ms. Martel:

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,



S. Lauren Hibbert
Director

Enc: *Stipulation and Consent Order*

cc: Rachel Heath, Esq., Prosecuting Attorney-
Kristin Donnelly, Case Manager
Rebecca Martel, Respondent, First Class Mail, Certified Mail, Email

.VERMONT

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

INRE:)
Rebecca Martel) Docket No. 2022-186
License No. 026.0147156)

VOLUNTARY INDEFINITE SUSPENSION STIPULATION

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

- I. To moot summary suspension proceedings under 3 V.S.A. § 814(c) in the matter captioned above, the State and Respondent request that license no. 026.0147156 be voluntarily suspended, for an indefinite period, pending adjudication of the above-captioned matter on the merits.
2. This Stipulation is neither an admission of responsibility by the Respondent nor a concession by the State of Vermont that its Request for Summary Suspension is not well-founded
3. Proceedings on the merits should be promptly instituted and determined.
4. Respondent understands that this agreement is a matter of public record and that this suspension pending adjudication on the merits may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a)(6).

ORDER

The Board of Nursing hereby suspends license no. 026.0147156 pending adjudication on the merits of the matter captioned above.

STATE OF VERMONT
SECRETARY OF STATE

Dated: 7/29/22

By: /s/ Rachel Heath
Rachel Heath
Prosecuting Attorney
Rachel.Heath@vermont.gov

Dated: 7/29/22

By: _____
Rebecca Martel

STATE OF VERMONT



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

APPROVED AND SO ORDERED:

Dated: 8/8/2022

Date of Entry: 8 iq / fhDd

VERMONT BOARD OF NURSING

By: 
Board Chairperson

STATE OF VERMONT



Prosecuting Attorney
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