

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

IN RE:)
Megan L. Slack) **Docket Nos. 2022-268, 2023-70**
License No. 025.0134377)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Jennifer B. Colin, and Respondent Megan L. Slack, by and through her counsel Gary Apfel, Esq., 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.

Alleged Facts

2. Megan L. Slack (the "Respondent") of White River Junction, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0134377. This license was originally issued on July 23, 2018 and expires on January 31, 2024.
3. Respondent was previously licensed by the State of Vermont as a Licensed Nursing Assistant ("LNA") under license number 075.0015790. Respondent's LNA license was originally issued on February 9, 2006 and lapsed on November 30, 2006.
4. Respondent is also licensed as an LPN in the State of New Hampshire under license number 017657-22. Respondent's NH license was originally issued on September 28, 2018.

Previous Vermont Discipline

5. In 2020, Respondent's LPN license was indefinitely suspended by a Stipulation and Consent Order ("2020 Order") for failing to disclose Board of Nursing discipline from 2008 against Respondent's LNA license when she applied for her Vermont

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LPN license in 2018 and for misrepresenting the nature of the underlying discipline, which included falsifying information related to documentation of home care provided to patients.

6. The 2020 Order required a minimum suspension of one year, completion of three courses, and a detailed personal statement from Respondent in her petition for reinstatement.
7. Respondent fulfilled the pre-requisites for reinstatement of her LPN license as required by the 2020 Order. Respondent petitioned for and was granted reinstatement pursuant to a second Stipulation and Consent Order, which was signed by the State and Respondent on January 26, 2022 and entered by the Board on February 16, 2022 ("2022 Order").
8. The 2022 Order imposed conditions on Respondent's LPN license for a minimum of one year of full-time practice or at least until February 2023. The conditions included a requirement that every nursing employer Respondent worked for submit monthly reports evaluating Respondent's work performance.

2022 Complaint

9. On February 2, 2022, while still suspended from working as an LPN, Respondent was working as a caregiver for TLC Homecare & Nursing ("TLC") and caring for hospice patient G.Z. ("Patient").
10. On February 2, 2022, Respondent drew up syringes of Morphine and Haldol while caring for Patient.
11. Under TLC's policies, it was not within the scope of Respondent's duties as a caregiver to draw up Patient's medications unless specifically delegated by a nurse manager for a specific client.
12. During her February 2, 2022 shift, there was one syringe of morphine left for Patient, and Respondent claimed she thought she was going to have to give the last syringe during her shift.
13. Respondent also claimed that the RN assigned to Patient gave her permission to draw up syringes of morphine.
14. TLC terminated Respondent and filed a complaint with OPR on February 15, 2022.
15. When interviewed by OPR investigators, the RN assigned to Patient stated she had no conversation with Respondent about drawing up medications for Patient, nor did the RN tell Respondent that Respondent could do so.

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Renewal of Vermont LPN License in February 2022

16. On February 17, 2022, Respondent submitted a renewal of her Vermont LPN license ("2022 Renewal") with the following attestation:

Caution to the Applicant

A false statement on this application may constitute unprofessional conduct and may be a basis for denial of a license application or discipline of a license, to include revocation. 3 V.S.A. §129a. A person who declares, certifies, or verifies in a signed writing that a statement is true and is made under the pains and penalties of perjury, and who willfully makes a false statement in the declaration, certification, or verification, shall be guilty of perjury, a crime punishable by imprisonment not more than 15 years or a fine of not more than \$10,000.00, or both. 13 V.S.A. §2901 & 2904(b).

Certification of Accuracy

I understand that submission of this application represents that I have understood each question, that I have been candid and disclosed all relevant information, and that I have answered each question from sound personal knowledge, not a hunch, guess, or supposition. I understand that any failure to provide accurate information could result in a preliminary denial of my application or as a basis for unprofessional conduct charges against my license.

Certification of Truthfulness

I hereby certify, under the pains and penalties of perjury, that the answers, entries, and representations herein are true and accurate.

17. On the 2022 Renewal, Respondent was asked:
Since your license was last renewed (or since it was issued if within the last two years):
Has Vermont or any other state, federal authority, or other jurisdiction taken any DISCIPLINARY ACTION against (e.g., warned, reprimanded, fined, restricted, conditioned, suspended, revoked, or conditioned) a license, certificate, registration, or authorization to practice any profession that you hold or have held in any profession or occupation?
If "Yes," you must provide a copy of the order or official notification of the action.
18. On the 2022 Renewal, Respondent disclosed only the 2020 Vermont discipline and the 2022 Order reinstating her license and provided those documents as part of her renewal.
19. On the 2022 Renewal, Respondent answered "No" to the question:
"Are you currently engaged in the use of alcohol or other chemical substances that in any way impairs your ability to practice the profession with reasonable skill and safety?"

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20. On the 2022 Renewal, Respondent failed to disclose discipline against her New Hampshire license that occurred in December 2021 and failed to provide a copy of NH discipline as part of her Vermont renewal.

2021 New Hampshire Discipline

21. In December 2021, Respondent entered a Settlement Agreement with the New Hampshire Board of Nursing, accepting sanctions including a Reprimand, an administrative fine, and 12 hours of continuing education courses ("2021 NH Settlement Agreement").
22. The 2021 NH Settlement Agreement was based upon the following unprofessional conduct violations by Respondent:
- a. NH RSA 326-B:37, II(p)(2) - Falsification or making incorrect, inconsistent, or unintelligible entries in any agency, client, or other record pertaining to drugs or controlled substances; and
 - b. NUR 402.04(b)(11) – Failure to record or report in an accurate manner without omission, falsification, or alteration any patient care data, or health care, employment or board records.
23. The facts that gave rise to the NH violations included that in January 2019, Respondent recorded in a patient's narcotic log that she removed Vicodin three times in one day for the patient when the patient was not at the facility that day.

Morphine Diversion in November 2022

24. Respondent began working at Wheelock Terrace ("Facility"), an Assisted Living and Memory Care facility, in April 2022.
25. In November 2022, Respondent's employer submitted a Drug Diversion Reporting Form to the OPR Case Manager identifying that Respondent was suspected of diverting morphine.
26. On November 16, 2022, the Facility discovered Patient A.D.'s morphine bottle had been tampered with, as there were numerous puncture holes in the seal, and the seal was wet on the outside. The morphine was a PRN order for Patient A.D. and had never been administered to the patient.
27. Respondent was one of several nurses who had worked shifts and had access to Patient A.D.'s morphine bottle in the days prior to the discovery that the bottle had been tampered with.
28. In investigating this matter, the Facility identified that Respondent consistently administered morphine to residents more frequently than any other nurse or Medication Technician.

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29. When interviewed by the Facility, Respondent admitted she tampered with Patient A.D.'s morphine bottle but claimed she did not take Patient A.D.'s morphine.
30. Respondent admitted that she has a dependence on opiates as the result of previous prescriptions for chronic pain.
31. Respondent submitted to a drug test and tested positive for morphine and suboxone. Respondent did not produce a valid prescription for morphine and did not have a current and valid prescription for morphine at that time.
32. In November 2022, Respondent resigned from the Facility.
33. On November 22, 2022, Respondent entered a Voluntary Preliminary Agreement Not to Practice with the New Hampshire Board of Nursing in the context of an ongoing NH Board of Nursing investigation of the allegations contained in Paragraphs 24 through 32 above. This Agreement contained no factual admissions.
34. In December 2022, the State sought the summary suspension of Respondent's license.
35. At the summary suspension hearing before the Board of Nursing held December 12, 2022, Respondent admitted ingesting some of Patient A.D.'s liquid morphine.
36. The Board suspended Respondent's license on December 15, 2022.

Violation One: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

37. Paragraphs 2 through 36 above are incorporated herein.
38. As an LPN, Respondent is prohibited from diverting or attempting to divert drugs, equipment, or supplies for unauthorized use.
39. Paragraphs 21 through 32, Respondent diverted or attempted to divert drugs for unauthorized use.
40. 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).

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

41. Paragraphs 2 through 36 above are incorporated herein.
42. As an LPN, Respondent is prohibited from engaging in conduct likely to deceive, defraud, or harm the public.

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43. Paragraphs 2 through 32 above demonstrate that Respondent engaged in conduct likely to deceive, defraud, or harm the public when she drew up syringes of controlled drugs while her LPN license was suspended and drawing up syringes was outside of the scope of her caregiver role; diverted or attempted to divert controlled drugs; failed to disclose out-of-state discipline in her 2022 Vermont renewal; failed to disclose on her 2022 Vermont renewal her dependence on opioids which impaired her ability to practice safely; and documented the withdrawal of three Vicodin for a patient when the patient was not in the facility.
44. 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 26 V.S.A. §1582(a)(3).

Violation Three: 3 V.S.A. §129a(a)(1) Fraudulent or deceptive procurement or use of a license.

45. Paragraphs 2 through 36 above are incorporated herein.
46. As an LPN, Respondent is required to present truthful and accurate information on her Vermont renewal applications for licensure.
47. Paragraphs 2 through 32 above demonstrate that Respondent engaged in fraudulent or deceptive procurement of her LPN license by failing to disclose out-of-state discipline on her 2022 Vermont renewal application and failing to disclose that she had a dependence on pain medication that impaired her ability to practice with reasonable skill and safety.
48. 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)(1).

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 obligations of the profession.

49. Paragraphs 2 through 36 above are incorporated herein.
50. As an LPN, Respondent is required 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.
51. Paragraphs 2 through 32 above demonstrate Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment was necessary to avoid action repugnant to the obligations of the profession.

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52. 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).

Understandings

53. This Stipulation is neither an admission of liability by Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and the expense of protracted litigation, the Parties enter this full and final Stipulation pursuant to these Understandings and the Order below. Respondent does not dispute that the State may be able to prove these charges by a preponderance of the evidence if this matter proceeds to a merits hearing.
54. 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.
55. Respondent specifically waives any claim that any disclosures made to the Board during review of this agreement have prejudiced Respondent's right to a fair and impartial hearing if this agreement is not accepted and proceeds to a hearing on the merits before the same Board.
56. Respondent has read and reviewed this entire document and agrees it contains the entire agreement between the parties.
57. Respondent is not under the influence of any drugs or alcohol at the time of signing this Stipulation and Consent Order.
58. 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.
59. Respondent voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
60. Respondent understands that she is responsible for all compliance costs associated with this Stipulation and Consent Order.
61. Respondent agrees the Board may enter the Order set forth below.

[Intentionally blank.]

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ORDER

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

A. The Board of Nursing hereby **INDEFINITELY SUSPENDS** Respondent's license to practice as a Licensed Practical Nurse **for a minimum period of five (5) years beginning on the date of entry**. Respondent must petition for reinstatement but may not do so for a period of five (5) years. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost:

1. Obtain an independent drug and alcohol evaluation by a pre-approved licensed addiction professional with more than ten (10) years of relevant practice experience ("Independent Evaluator") who has verified receipt of this Stipulation and Consent Order. The independent evaluator must verify that the evaluator has no personal or professional background or history with Respondent. The evaluation report shall meet the independent evaluation requirements posted on OPR's website. The results of the Independent Evaluation must indicate that Respondent is fit to practice and does not present a risk to the safety, health, or welfare of Respondent's potential patients/clients, as well as any recommendations that would ensure Respondent remains safe to practice. The evaluation must be submitted to the Enforcement Unit Case Manager.
2. If recommended by an Independent Evaluator, enter into a treating professional agreement and treatment plan with a pre-approved treating professional and follow all recommendations.
3. Successfully complete (i.e., receive a passing score, if applicable) fifteen (15) hours of pre-approved coursework on nursing ethics, judgment, accountability, and risk management. The coursework must be pre-approved by the Enforcement Case Manager. Respondent shall submit the certificates of completion, completed assignment book(s) and quiz results, if applicable, to the Enforcement Case Manager. The coursework may not be counted toward any continuing education requirement of licensure.
4. Respondent's petition for reinstatement must include a detailed personal statement written by Respondent that reflects on the conduct that has given rise to the discipline, what she has learned through the disciplinary process and the coursework she has completed, as well as a full accounting of why she believes she engaged in the conduct described above, what steps she has taken to rehabilitate, why adhering to ethical practice is essential in nursing, and what steps and plan she believes will ensure that she will not engage in such conduct in the future. Respondent shall also submit with her petition documentation confirming that Respondent has completed substance use treatment and letters of support from treatment providers.

B. If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms the Board finds reasonable at the time of Respondent's reinstatement request, taking into account the information in the petition for reinstatement, supporting documentation, the facts above, and any other factors else the Board deems relevant. Such conditions may

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include drug/alcohol testing and treatment, individual and/or group counseling, coursework, supervised practice, prohibition against administering narcotics, employer reports, limited practice setting, limited work hours, and a restriction against holding supervisory positions.

AGREED TO:

Dated: 2/12/2024

**STATE OF VERMONT
SECRETARY OF STATE**

By: DocuSigned by:
Jennifer Colin
D19C9C5BA55408...
Jennifer B. Colin
Prosecuting Attorney

Dated: 2/12/2024

RESPONDENT

By: DocuSigned by:
Megan L. Slack
DAA04283F0834C5...
Megan L. Slack

APPROVED AS TO FORM:

Dated: 2/12/2024

COUNSEL FOR RESPONDENT

By: DocuSigned by:
Gary Apfel
20FCE2F33A374FD...
Gary Apfel, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/13/24

By: DocuSigned by:
William James Floyd
3B02E703001240E...
Chairperson

Date of Entry: 2/14/24

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IN RE:)
Megan L. Slack) **Docket Nos. 2022-268, 2023-70**
License No. 025.0134377)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Megan L. Slack:

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. Megan L. Slack (the “Respondent”) of White River Junction, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse (“LPN”) under license number 025.0134377. This license was originally issued on July 23, 2018 and expires on January 31, 2024.
3. Respondent was previously licensed by the State of Vermont as a Licensed Nursing Assistant (“LNA”) under license number 075.0015790. Respondent’s LNA license was originally issued on February 9, 2006 and lapsed on November 30, 2006.
4. Respondent is also licensed as an LPN in the State of New Hampshire under license number 017657-22. Respondent’s NH license was originally issued on September 28, 2018.

Previous Vermont Discipline

5. In 2020, Respondent’s LPN license was indefinitely suspended by a Stipulation and Consent Order (“2020 Order”) for failing to disclose Board of Nursing discipline from 2008 against Respondent’s LNA license when she applied for her Vermont LPN license in 2018 and for misrepresenting the nature of the underlying discipline, which included falsifying information related to documentation of home care provided to patients.

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6. The 2020 Order required a minimum suspension of one year, completion of three courses, and a detailed personal statement from Respondent in her petition for reinstatement.
7. Respondent fulfilled the pre-requisites for reinstatement of her LPN license as required by the 2020 Order. Respondent petitioned for and was granted reinstatement pursuant to a second Stipulation and Consent Order, which was signed by the State and Respondent on January 26, 2022 and entered by the Board on February 16, 2022 (“2022 Order”).
8. The 2022 Order imposed conditions on Respondent’s LPN license for a minimum of one year of full-time practice or at least until February 2023. The conditions included a requirement that every nursing employer Respondent worked for submit monthly reports evaluating Respondent’s work performance.

2022 Complaint

9. On February 2, 2022, while still suspended from working as an LPN, Respondent was working as a caregiver for TLC Homecare & Nursing (“TLC”) and caring for hospice patient G.Z. (“Patient”).
10. On February 2, 2022, Respondent drew up syringes of Morphine and Haldol while caring for Patient.
11. Under TLC’s policies, it was not within the scope of Respondent’s duties as a caregiver to draw up Patient’s medications unless specifically delegated by a nurse manager for a specific client.
12. During her February 2, 2022 shift, there was one syringe of morphine left for Patient, and Respondent claimed she thought she was going to have to give the last syringe during her shift.
13. Respondent also claimed that the RN assigned to Patient gave her permission to draw up syringes of morphine.
14. TLC terminated Respondent and filed a complaint with OPR on February 15, 2022.
15. When interviewed by OPR investigators, the RN assigned to Patient stated she had no conversation with Respondent about drawing up medications for Patient, nor did the RN tell Respondent that Respondent could do so.

Renewal of Vermont LPN License in February 2022

16. On February 17, 2022, Respondent submitted a renewal of her Vermont LPN license (“2022 Renewal”) with the following attestation:

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Caution to the Applicant

A false statement on this application may constitute unprofessional conduct and may be a basis for denial of a license application or discipline of a license, to include revocation. 3 V.S.A. §129a. A person who declares, certifies, or verifies in a signed writing that a statement is true and is made under the pains and penalties of perjury, and who willfully makes a false statement in the declaration, certification, or verification, shall be guilty of perjury, a crime punishable by imprisonment not more than 15 years or a fine of not more than \$10,000.00, or both. 13 V.S.A. §2901 & 2904(b).

Certification of Accuracy

I understand that submission of this application represents that I have understood each question, that I have been candid and disclosed all relevant information, and that I have answered each question from sound personal knowledge, not a hunch, guess, or supposition. I understand that any failure to provide accurate information could result in a preliminary denial of my application or as a basis for unprofessional conduct charges against my license.

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17. On the 2022 Renewal, Respondent was asked:
Since your license was last renewed (or since it was issued if within the last two years):
Has Vermont or any other state, federal authority, or other jurisdiction taken any DISCIPLINARY ACTION against (e.g., warned, reprimanded, fined, restricted, conditioned, suspended, revoked, or conditioned) a license, certificate, registration, or authorization to practice any profession that you hold or have held in any profession or occupation?
If “Yes,” you must provide a copy of the order or official notification of the action.
18. On the 2022 Renewal, Respondent disclosed only the 2020 Vermont discipline and the 2022 Order reinstating her license and provided those documents as part of her renewal.
19. On the 2022 Renewal, Respondent answered “No” to the question:

“Are you currently engaged in the use of alcohol or other chemical substances that in any way impairs your ability to practice the profession with reasonable skill and safety?”
20. On the 2022 Renewal, Respondent failed to disclose discipline against her New Hampshire license that occurred in December 2021 and failed to provide a copy of NH discipline as part of her Vermont renewal.

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21. In December 2021, Respondent entered a Settlement Agreement with the New Hampshire Board of Nursing, accepting sanctions including a Reprimand, an administrative fine, and 12 hours of continuing education courses (“2021 NH Settlement Agreement”).
22. The 2021 NH Settlement Agreement was based upon the following unprofessional conduct violations by Respondent:
 - a. NH RSA 326-B:37, II(p)(2) - Falsification or making incorrect, inconsistent, or unintelligible entries in any agency, client, or other record pertaining to drugs or controlled substances; and
 - b. NUR 402.04(b)(11) – Failure to record or report in an accurate manner without omission, falsification, or alteration any patient care data, or health care, employment or board records.
23. The facts that gave rise to the NH violations included that in January 2019, Respondent recorded in a patient’s narcotic log that she removed Vicodin three times in one day for the patient when the patient was not at the facility that day.

Morphine Diversion in November 2022

24. Respondent began working at Wheelock Terrace (“Facility”), an Assisted Living and Memory Care facility, in April 2022.
25. In November 2022, Respondent’s employer submitted a Drug Diversion Reporting Form to the OPR Case Manager identifying that Respondent was suspected of diverting morphine.
26. On November 16, 2022, the Facility discovered Patient A.D.’s morphine bottle had been tampered with, as there were numerous puncture holes in the seal, and the seal was wet on the outside. The morphine was a PRN order for Patient A.D. and had never been administered to the patient.
27. Respondent was one of several nurses who had worked shifts and had access to Patient A.D.’s morphine bottle in the days prior to the discovery that the bottle had been tampered with.
28. In investigating this matter, the Facility identified that Respondent consistently administered morphine to residents more frequently than any other nurse or Medication Technician.
29. When interviewed by the Facility, Respondent admitted she tampered with Patient A.D.’s morphine bottle but claimed she did not take Patient A.D.’s morphine.
30. Respondent admitted that she has a dependence on opiates as the result of previous prescriptions for chronic pain.

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31. Respondent submitted to a drug test and tested positive for morphine and suboxone. Respondent did not produce a valid prescription for morphine and did not have a current and valid prescription for morphine at that time.
32. In November 2022, Respondent resigned from the Facility.
33. On November 22, 2022, Respondent entered a Voluntary Preliminary Agreement Not to Practice with the New Hampshire Board of Nursing in the context of an ongoing NH Board of Nursing investigation of the allegations contained in Paragraphs 24 through 32 above. This Agreement contained no factual admissions.
34. In December 2022, the State sought the summary suspension of Respondent's license.
35. At the summary suspension hearing before the Board of Nursing held December 12, 2022, Respondent admitted ingesting some of Patient A.D.'s liquid morphine.
36. The Board suspended Respondent's license on December 15, 2022.

Violation One: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

37. The State re-alleges and incorporates Paragraphs 2 through 36 above.
38. As an LPN, Respondent is prohibited from diverting or attempting to divert drugs, equipment, or supplies for unauthorized use.
39. Paragraphs 21 through 32, Respondent diverted or attempted to divert drugs for unauthorized use.
40. 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).

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

41. The State re-alleges and incorporates Paragraphs 2 through 36 above.
42. As an LPN, Respondent is prohibited from engaging in conduct likely to deceive, defraud, or harm the public.
43. Paragraphs 2 through 32 above demonstrate that Respondent engaged in conduct likely to deceive, defraud, or harm the public when she drew up syringes of controlled drugs while her LPN license was suspended and drawing up syringes was outside of the scope of her caregiver role; diverted or attempted to divert controlled drugs; failed to disclose out-of-state discipline in her 2022 Vermont renewal; failed

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to disclose on her 2022 Vermont renewal her dependence on opioids which impaired her ability to practice safely; and documented the withdrawal of three Vicodin for a patient when the patient was not in the facility.

44. 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 26 V.S.A. §1582(a)(3).

Violation Three: 3 V.S.A. §129a(a)(1) Fraudulent or deceptive procurement or use of a license.

45. The State re-alleges and incorporates Paragraphs 2 through 36 above.
46. As an LPN, Respondent is required to present truthful and accurate information on her Vermont renewal applications for licensure.
47. Paragraphs 2 through 32 above demonstrate that Respondent engaged in fraudulent or deceptive procurement of her LPN license by failing to disclose out-of-state discipline on her 2022 Vermont renewal application and failing to disclose that she had a dependence on pain medication that impaired her ability to practice with reasonable skill and safety.
48. 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)(1).

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 obligations of the profession.

49. The State re-alleges and incorporates Paragraphs 2 through 36 above.
50. As an LPN, Respondent is required 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.
51. Paragraphs 2 through 32 above demonstrate Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment was necessary to avoid action repugnant to the obligations of the profession.
52. 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).

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Relief Requested

WHEREFORE, the LPN license of Megan L. Slack should be revoked, suspended, reprimanded, warned, conditioned or otherwise disciplined.

DATED this 21st day of April, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Jennifer B. Colin
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