

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

IN RE:)
Jason Weakley) Docket No. 2023-185
License No. 101.0135229)
License No. 026.0149248)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Rachel Heath, and the Respondent Jason Weakley, by and through his attorney William Smart, Esq., who 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 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").

Alleged Facts

2. Jason Weakley ("Respondent") of South Hadley, Massachusetts is licensed by the State of Vermont as an Advanced Practice Registered Nurse ("APRN") under license number 101.0135229. This license was originally issued on March 2, 2022 and expires on March 31, 2025.
3. Respondent is also licensed by the State of Vermont as a Registered Nurse (RN) under license number 026.0149248. This license was originally issued on February 3, 2022 and expires on March 31, 2025.
4. At all relevant times, Respondent worked as a certified nurse anesthetist in a hospital (the "Hospital") in southern Vermont.
5. On or about October 9, 2023, Respondent's girlfriend reported that she was afraid of Respondent because of the prior day's events and sought assistance in obtaining a restraining order against Respondent.
6. Respondent's girlfriend reported that on October 8, 2023, she noticed him becoming increasingly angry and erratic throughout the afternoon.

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7. Respondent's girlfriend further reported that on the evening of October 8, 2023, Respondent physically assaulted her, while at home alone, resulting in bruises on her jaw line and upper arms.
8. Respondent's girlfriend reported that Respondent threw her to the ground, that she was fearful for her life, and that he used his forearm across her neck to strangle her.
9. The following day, on October 9, 2023, before Respondent's girlfriend sought assistance, Respondent's girlfriend received a message from him on her phone threatening her if she called the police.
10. On October 9, 2023, Respondent's girlfriend reported to the police a 200mg bottle of Ketamine Hydrochloride approximately 25% full that she had found inside of one of Respondent's socks while packing up his items.
11. Later on October 9, 2023, the police reported these incidents to the Hospital Respondent worked at. The Hospital suspended Respondent that day.
12. On October 10, 2023, Respondent's girlfriend reported to the police that she had found additional vials of drugs the evening before in a suitcase that belonged to Respondent in the garage as she was continuing to pack up his belongs.
13. Inside the suitcase were sealed needles, tubing, and IV supplies.
14. Also in this suitcase, inside of socks, were two Ketamine vials, one Dexamethasone vial, one Diphenhydramine vial, two vials of Ketorolac, and two vials of Midazolam.
15. On October 10, 2023, the police seized these items and arrested Respondent.
16. The arresting officer requested the following criminal charges be made against Respondent: assault and battery on a family member/ intimate partner, a misdemeanor; strangulation or suffocation, a felony; intimidating a witness or police officer, a felony; possession of a class A drug (Ketamine), a misdemeanor; possession of a class E drug (Diphenhydrate), a misdemeanor; possession of a class C drug (Midazolam), a misdemeanor; possession of a class E drug (Ketorolac), a misdemeanor; and possession of a class E drug (Dexamethasone), a misdemeanor.
17. After an internal investigation, the Hospital determined that the Ketamine vials on hand at the time were from the same lot as those found in Respondent's suitcase.
18. As a result of the internal investigation, Respondent was terminated.
19. The State filed a Request for Summary Suspension in this matter on December 19, 2023. The State and Respondent stipulated to a voluntary indefinite suspension on January 4, 2024, which the Board entered as an order on January 14, 2024.

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

20. Paragraphs 2 through 19 above are incorporated herein.
21. As an RN and APRN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
22. Paragraphs 2 through 19 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when he physically assaulted his partner and unlawfully possessed Ketamine, Dexamethasone, Diphenhydramine, Ketorolac, and Midazolam.
23. 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.

24. Paragraphs 2 through 19 above are incorporated herein.
25. Under Vermont law, an RN and APRN is prohibited from diverting or attempting to divert drugs or equipment or supplies for unauthorized use.
26. Diversion is "[a] deviation or alteration from the natural course of things." Black's Law Dictionary (11th ed. 2019)
27. Paragraphs 2 through 19 above demonstrate that Respondent diverted drugs as he unlawfully possessed medication that he had hidden in socks and a suitcase in his garage.
28. 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).

Understandings

29. This Stipulation is neither an admission of facts 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 contest that the State has evidence which, if believed by the fact finder, may establish by a preponderance of the evidence that he engaged in the alleged misconduct.

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30. Respondent agrees the conditions below are necessary to protect the public.
31. Respondent understands that the Nursing 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.
32. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
33. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
34. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
35. 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.
36. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
37. 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. The Board of Nursing hereby **INDEFINITELY SUSPENDS** Respondent's APRN and RN licenses. Respondent must petition the Board for reinstatement.
 1. Indefinite Suspension. Respondent must petition for reinstatement. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at his own cost:
 - a. Obtain an independent evaluation report by a pre-approved licensed professional specializing in substance abuse treatment ("Independent Evaluator") who has verified receipt and review of the Board's Default Order, Specification of Charges, and Summary Suspension Order in the above-referenced docket number. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients. The evaluation shall meet all Independent Evaluation Requirements and shall include any recommendations that would ensure Respondent is safe to practice. The evaluation must be submitted to the Enforcement Unit Case Manager.

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b. Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random drug and alcohol tests:

i. When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager to set-up the drug and alcohol testing process and receive instructions. Once registered with the pre-approved person or entity, Respondent will have 45 days to submit a minimum of three (3) random drug and alcohol tests. The process by which Respondent learns whether he is selected to submit to a test on any given day will be governed by the policy of the pre-approved person or entity conducting the testing at that time.

ii. The drug and alcohol tests must be collected in an observed setting; administered by a pre-approved person or entity; and analyzed by a pre-approved lab qualified to analyze samples for forensic purposes, the results of which shall be negative.

iii. Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any test in anyway shall cause that test to be presumed positive; and

c. If recommended by an Independent Evaluator, enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations. If treatment is recommended, Respondent must submit a treating professional agreement to the Enforcement Unit Case Manager before a reinstatement request will be considered.

2. If reinstated, Respondent's licenses **SHALL BE CONDITIONED** pursuant to whatever terms are reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, drug screen results, this Stipulation and Consent Order, and any other relevant factors at that time.

C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

D. 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).

E. 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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AGREED TO:

Dated: 4/15/25

Dated: 4/9/25

APPROVED AS TO FORM:

Dated: 4/14/25

APPROVED AND SO ORDERED:

Dated: 5/13/25

Date of Entry: 5/14/25

**STATE OF VERMONT
SECRETARY OF STATE**

By: /s/ Rachel Heath
Rachel Heath
Prosecuting Attorney

RESPONDENT

By: [Signature]
Jason Weakley

ATTORNEY FOR RESPONDENT

By: [Signature]
William Smart, Esq.

VERMONT BOARD OF NURSING

Signed by:
By: William James Floyd III
Chairperson

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IN RE:)
Jason Weakley) **Docket No. 2023-185**
License No. 101.0135229)
License No. 026.0149248)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Jason Weakley 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 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. Jason Weakley ("Respondent") of South Hadley, Massachusetts is licensed by the State of Vermont as an Advanced Practice Registered Nurse ("APRN") under license number 101.0135229. This license was originally issued on March 2, 2022 and expires on March 31, 2025.
3. Respondent is also licensed by the State of Vermont as a Registered Nurse (RN) under license number 026.0149248. This license was originally issued on February 3, 2022 and expires on March 31, 2025.
4. At all relevant times, Respondent worked as a certified nurse anesthetist in a hospital (the "Hospital") in southern Vermont.
5. On or about October 8, 2023, Respondent's girlfriend noticed him becoming increasingly angry and erratic throughout the afternoon.
6. That evening, Respondent physically assaulted his girlfriend, while at home alone, resulting in bruises on her jaw line and upper arms.
7. Respondent's girlfriend reported that Respondent threw her to the ground, that she was fearful for her life, and that he used his forearm across her neck to strangle her.

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8. The following day, on October 9, 2023, Respondent's girlfriend received a message from him on her phone threatening her if she called the police.
9. Because Respondent's girlfriend was afraid, she reported the prior day's events to the police and sought assistance in obtaining a restraining order against Respondent.
10. On October 9, 2023, Respondent's girlfriend reported to the police a 200mg bottle of Ketamine Hydrochloride approximately 25% full that she had found inside of one of Respondent's socks while packing up his items.
11. Later on October 9, 2023, the police reported these incidents to the Hospital Respondent worked at. The Hospital suspended Respondent that day.
12. On October 10, 2023, Respondent's girlfriend reported to the police that she had found additional vials of drugs the evening before in a suitcase that belonged to Respondent in the garage as she was continuing to pack up his belongs.
13. Inside the suitcase were sealed needles, tubing, and IV supplies.
14. Also in this suitcase, inside of socks, were two Ketamine vials, one Dexamethasone vial, one Diphenhydramine vial, two vials of Ketorolac, and two vials of Midazolam.
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16. The arresting officer requested the following criminal charges be made against Respondent: assault and battery on a family member/ intimate partner, a misdemeanor; strangulation or suffocation, a felony; intimidating a witness or police officer, a felony; possession of a class A drug (Ketamine), a misdemeanor; possession of a class E drug (Diphenhydrate), a misdemeanor; possession of a class C drug (Midazolam), a misdemeanor; possession of a class E drug (Ketorolac), a misdemeanor; and possession of a class E drug (Dexamethasone), a misdemeanor.
17. After an internal investigation, the Hospital determined that the Ketamine vials on hand at the time were from the same lot as those found in Respondent's suitcase.
18. As a result of the internal investigation, Respondent was terminated.
19. The State filed a Request for Summary Suspension in this matter on December 19, 2023. The State and Respondent stipulated to a voluntary indefinite suspension on January 4, 2024, which the Board entered as an order on January 14, 2024.

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

20. The State re-alleges and incorporates Paragraphs 2 through 19 above.

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21. As an RN and APRN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
22. Paragraphs 2 through 19 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when he physically assaulted his partner and unlawfully possessed Ketamine, Dexamethasone, Diphenhydramine, Ketorolac, and Midazolam.
23. 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.

24. The State re-alleges and incorporates Paragraphs 2 through 19 above.
25. Under Vermont law, an RN and APRN is prohibited from diverting or attempting to divert drugs or equipment or supplies for unauthorized use.
26. Diversion is “[a] deviation or alteration from the natural course of things.” Black’s Law Dictionary (11th ed. 2019)
27. Paragraphs 2 through 19 above demonstrate that Respondent diverted drugs as he unlawfully possessed medication that he had hidden in socks and a suitcase in his garage.
28. 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).

Relief Requested

WHEREFORE, Respondent’s RN and APRN licenses should be warned, reprimanded, suspended, revoked, limited, conditioned, or otherwise disciplined.

DATED at Vermont this 2nd day of February 2024.

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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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OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:)
Jason Weakley) Docket No. 2023-185
License No. 101.0135229)
License No. 026.0149248)

VOLUNTARY INDEFINITE SUSPENSION STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Rachel Heath, and Respondent Jason Weakley, by and through Attorney William Smart, who hereby Stipulate and Agree as follows:

1. To moot summary suspension proceedings under 3 V.S.A. § 814(c) in the matter captioned above, the State and Respondent request that license nos. 026.0149248 and 101.0135229 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 or misconduct 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.
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 nos. 026.0149248 and 101.0135229 pending adjudication on the merits of the matter captioned above.

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Dated: 1/4/24

By: /s/ Rachel Heath

STATE OF VERMONT
SECRETARY OF STATE

Rachel Heath
Prosecuting Attorney
Rachel.Heath@vermont.gov

RESPONDENT

Dated: 01/04/2024

By: [Signature]

Jason Weakley

APPROVED AS TO FORM:

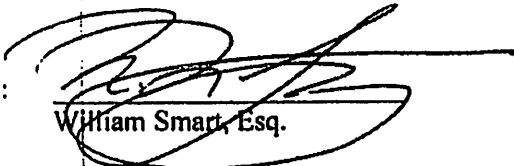
Dated: 1/4/24

APPROVED AND SO ORDERED:

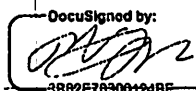
Dated: 1/14/24

Date of Entry: 1/15/24

ATTORNEY FOR RESPONDENT

By: 
William Smart, Esq.

VERMONT BOARD OF NURSING

DocuSigned by:
By: 
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Board Chairperson

STATE OF VERMONT



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