

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

IN RE:)
Heidi Welch)
License No. 025.0008610) Docket No. 2024-12

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Ultan Doyle, and Respondent Heidi Welch, 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.

Stipulated Facts

2. Heidi Welch ("Respondent") of Wells, Vermont is currently licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0008610. This license was originally issued on September 10, 2004 and expires on January 31, 2026.
3. On February 12, 2024, the Board summarily suspended Respondent's license.
4. From approximately February 13, 2023 until April 14, 2023, Respondent worked as an LPN at a medical facility in Rutland, Vermont ("the Facility").
5. L.T., an RN who precepted for Respondent while she was employed at the Facility, reported that Respondent exhibited strange and concerning behavior when they worked together.
6. On one occasion, within a two-hour period, Respondent went from being "hyper and chatty" to barely keeping her eyes open and having to lean against a wall for support.

STATE OF VERMONT



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

7. Respondent often had odd hand movements, would laugh inappropriately at things, and said things that did not make sense, such as asking if a recycling bin dispensed pizza.
8. Respondent forgot Clinical Withdrawal Assessment Questions and at times stared blankly when she should have been performing a task.
9. A.H., a Registered Nurse (R.N.) who worked with Respondent at the Facility on or about April 8, 2023, reported that Respondent was fidgety and restless and could not sit still while they worked together.
10. Respondent said things that were unrelated to what was happening, that she was incessantly sniffing, and that she would startle when there was no reason to.
11. A.H. worried that Respondent would make a medication error and that she was not safe to care for patients, so A.H. took over the care of Respondent's patients and made a report to her supervisor.
12. Respondent was placed on administrative leave due to the concerns raised by A.H.
13. On April 14, 2023, Respondent was terminated from the Facility due, in part, to concerns about behaviors that she had exhibited while employed at the Facility.
14. On one occasion while she worked at the Facility, and in the months before and after she worked there, Respondent had several interactions with law enforcement which demonstrate that she suffered from a serious substance abuse/alcohol disorder or from a serious mental illness.
15. On March 3, 2023, Officer J.R. of the Rutland City Police Department was dispatched to perform a welfare check on a female who was reported to have been possibly overdosing outside of a store in Rutland.
16. Officer J.R. reported that when he arrived at the scene, he saw the female, subsequently identified as Respondent, struggling to stand up and stumbling while she attempted to walk.
17. Officer J.R. suspected that Respondent was intoxicated but was unable to obtain a preliminary breath test ("PBT") from her due to her inability to cooperate.
18. Because Respondent was incapacitated and not able to safely care for herself, she was taken into protective custody by Corporal T.T. of the Rutland Police Department.
19. Corporal T.T. reported that while Respondent was in her cruiser, she kicked the partition in the interior of the cruiser.
20. Respondent was taken to a facility in Rutland, where the facility's staff obtained a partial PBT which yielded a blood alcohol content of 0.336%.

STATE OF VERMONT



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

21. Respondent was refused entry to the facility and was transported to Rutland Regional Medical Center.
22. On November 11, 2022, officers from Rutland City Police Department responded to a residence based on a report that Respondent had attempted suicide by cutting herself and that she had taken an excessive amount of medication and was incoherent.
23. On December 10, 2022, officers from Rutland City Police Department responded to a residence based on a report that Respondent was suicidal.
24. On December 14, 2022, officers from Rutland City Police Department responded to a store based on a report that Respondent was "laying on the floor with medication all over." An employee at the store was concerned that Respondent was "under the influence of something."
25. On June 25, 2023, officers from Rutland City Police Department responded to a residence based on a report from the landlord that Respondent was not well and had taken "a bunch of pills." The landlord also reported that she had got a message from Respondent earlier that morning "basically saying goodbye to everyone."
26. On August 4, 2023, officers from Rutland City Police Department responded to Respondent's residence based on a report from her neighbor that Respondent was choking because she had apparently set off a "bug bomb" in her mouth, and had set off the fire alarm, despite there being no fire.
27. On August 30, 2023, Vermont State Police responded to Respondent's parents' residence based on a report from Respondent's mother that Respondent had been recently hospitalized for cocaine and alcohol use and was having a mental breakdown and threatening to hit her father. Respondent's mother told the police that Respondent had been using crack cocaine. Respondent's father told the police that Respondent drank a 375mL bottle of vodka and later snapped and proceeded to punch him.
28. On September 5, 2023, Rutland Town Police Department responded to a hotel based on a report that Respondent was having a mental breakdown. A hotel staff member said that it appeared that Respondent was going through alcohol withdrawal. One of the police officers who responded observed empty alcohol containers on the floor and table inside Respondent's room.
29. On September 5, 2023, Rutland City Police Department responded to an emergency call at a restaurant and found Respondent lying on the grass outside the restaurant. Respondent told police that she thought she had been drugged the night before by an unknown person. Respondent was transported to an ambulance to Rutland Regional Medical Center.

STATE OF VERMONT



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

30. On October 28, 2023, Rutland City Police Department responded to a call from Respondent's cousin requesting a welfare check on Respondent because she had been missing for a couple of days and had been using narcotics again. The police were unable to locate Respondent.
31. On October 30, 2023, Respondent's father called Rutland City Police Department to report that Respondent's car had been stolen. Respondent's father told police that Respondent was addicted to opioids, that she had recently overdosed and was taken to hospital, and that while at the hospital someone had taken her car.
32. Respondent later spoke to the police about the missing car and said that she was currently at an in-patient facility where she was receiving treatment for addiction and mental health issues. Respondent confirmed that the vehicle had been stolen and added that it was probably being used for a drug run from New York City to Vermont.
33. On January 17, 2024, Winham County Sheriff's Department responded to Respondent's parents' residence based on a report that they had locked Respondent out of their home because she was "making threats, maybe intoxicated, threats of harming herself and others."

Violation One: 3 V.S.A. §129a(a)(5) Practicing the profession when medically or psychologically unfit to do so.

34. Paragraphs 2 through 33 above are incorporated herein.
35. As an LPN, Respondent must refrain from practicing when medically or psychologically unfit to do so.
36. Paragraphs 2 through 33 above demonstrate that Respondent practiced when medically or psychologically unfit to do so when she worked at the Facility as evidenced by: (1) the bizarre and unusual behavior, indicative of impairment, that she exhibited while working there; and (2) a series of interactions with law enforcement, one of which occurred at the time that she was working at the Facility, and others in the months before and after she worked there, and all of which demonstrate that she suffered from a serious substance abuse/alcohol disorder.
37. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(5).

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

38. Paragraphs 2 through 33 above are incorporated herein.

STATE OF VERMONT



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

39. As an LPN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
40. Paragraphs 2 through 33 demonstrate that Respondent engaged in conduct of a character likely to harm the public by: practicing nursing while she was impaired due to the ingestion of controlled substances or alcohol; having multiple interactions with law enforcement which demonstrate that Respondent has a serious substance abuse/alcohol disorder; and punching her father and threatening to harm others.
41. 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).

Understandings

42. Respondent admits that the facts above are true and the parties reach a full and final Stipulation pursuant to these Understandings and the Order below.
43. Respondent understands that the Nursing Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
44. 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 and proceeds to a contested hearing.
45. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
46. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
47. 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.
48. Respondent voluntarily waives Respondent's right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
49. Respondent agrees that the Order set forth below may be entered by the Board.

STATE OF VERMONT



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

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 **from the date of entry below**. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost:
1. Obtain an independent substance abuse evaluation report by a pre-approved licensed professional specializing in drug and alcohol abuse ("Independent Evaluator") who has verified receipt of the Default Order. 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, as well as any recommendations that would ensure Respondent is safe to practice. The evaluation must be submitted the Enforcement Unit Case Manager.
 2. Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random urine analyses:
 - a. When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager to set-up the urine analysis 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 urine analyses. The process by which Respondent learns whether she is selected to provide a sample on any given day will be governed by the policy of the pre-approved person or entity conducting the testing at that time.
 - b. The urine analyses 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.
 - c. Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed positive; and
 3. 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.
- 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 independent evaluation, urinalysis results, the facts above, and anything else the Board deems relevant at that time.

STATE OF VERMONT



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

- C. Notwithstanding any provision above, Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
- D. This Stipulated 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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 8/27/2024

Signed by:
Ultan Doyle
2B74944DC5E04E9
By: _____
Ultan Doyle
Prosecuting Attorney

HEIDI WELCH
RESPONDENT

Dated: 8/26/2024

Signed by:
Heidi Welch
818CF84C4DB14FA...
By: _____
Heidi Welch
Print Name Here: _____

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 9/9/24

Signed by:
William James Floyd III
3B82E78300124BE...
By: _____
Board Chair

Date of Entry: 9/9/24

STATE OF VERMONT



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

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

IN RE:)
Heidi Welch)
License No. 025.0008610) **Docket No. 2024-12**

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against Respondent, Heidi Welch:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct 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. Heidi Welch ("Respondent") of Wells, Vermont is currently licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0008610. This license was originally issued on September 10, 2004 and expires on January 31, 2026.
3. On February 12, 2024, the Board summarily suspended Respondent's license.
4. From approximately February 13, 2023 until April 14, 2023, Respondent worked as an LPN at a medical facility in Rutland, Vermont ("the Facility").
5. L.T., an RN who precepted for Respondent while she was employed at the Facility, reported that Respondent exhibited strange and concerning behavior when they worked together.
6. On one occasion, within a two-hour period, Respondent went from being "hyper and chatty" to barely keeping her eyes open and having to lean against a wall for support.
7. Respondent often had odd hand movements, would laugh inappropriately at things, and said things that did not make sense, such as asking if a recycling bin dispensed pizza.
8. Respondent forgot Clinical Withdrawal Assessment Questions and at times stared blankly when she should have been performing a task.

STATE OF VERMONT



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

9. A.H., a Registered Nurse (R.N.) who worked with Respondent at the Facility on or about April 8, 2023, reported that Respondent was fidgety and restless and could not sit still while they worked together.
10. Respondent said things that were unrelated to what was happening, that she was incessantly sniffing, and that she would startle when there was no reason to.
11. A.H. worried that Respondent would make a medication error and that she was not safe to care for patients, so A.H. took over the care of Respondent's patients and made a report to her supervisor.
12. Respondent was placed on administrative leave due to the concerns raised by A.H.
13. On April 14, 2023, Respondent was terminated from the Facility due, in part, to concerns about behaviors that she had exhibited while employed at the Facility.
14. On one occasion while she worked at the Facility, and in the months before and after she worked there, Respondent had several interactions with law enforcement which demonstrate that she suffered from a serious substance abuse/alcohol disorder or from a serious mental illness.
15. On March 3, 2023, Officer J.R. of the Rutland City Police Department was dispatched to perform a welfare check on a female who was reported to have been possibly overdosing outside of a store in Rutland.
16. Officer J.R. reported that when he arrived at the scene, he saw the female, subsequently identified as Respondent, struggling to stand up and stumbling while she attempted to walk.
17. Officer J.R. suspected that Respondent was intoxicated but was unable to obtain a preliminary breath test ("PBT") from her due to her inability to cooperate.
18. Because Respondent was incapacitated and not able to safely care for herself, she was taken into protective custody by Corporal T.T. of the Rutland Police Department.
19. Corporal T.T. reported that while Respondent was in her cruiser, she kicked the partition in the interior of the cruiser.
20. Respondent was taken to a facility in Rutland, where the facility's staff obtained a partial PBT which yielded a blood alcohol content of 0.336%.
21. Respondent was refused entry to the facility and was transported to Rutland Regional Medical Center.
22. On November 11, 2022, officers from Rutland City Police Department responded to a residence based on a report that Respondent had attempted suicide by cutting

STATE OF VERMONT



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

herself and that she had taken an excessive amount of medication and was incoherent.

23. On December 10, 2022, officers from Rutland City Police Department responded to a residence based on a report that Respondent was suicidal.
24. On December 14, 2022, officers from Rutland City Police Department responded to a store based on a report that Respondent was "laying on the floor with medication all over." An employee at the store was concerned that Respondent was "under the influence of something."
25. On June 25, 2023, officers from Rutland City Police Department responded to a residence based on a report from the landlord that Respondent was not well and had taken "a bunch of pills." The landlord also reported that she had got a message from Respondent earlier that morning "basically saying goodbye to everyone."
26. On August 4, 2023, officers from Rutland City Police Department responded to Respondent's residence based on a report from her neighbor that Respondent was choking because she had apparently set off a "bug bomb" in her mouth, and had set off the fire alarm, despite there being no fire.
27. On August 30, 2023, Vermont State Police responded to Respondent's parents' residence based on a report from Respondent's mother that Respondent had been recently hospitalized for cocaine and alcohol use and was having a mental breakdown and threatening to hit her father. Respondent's mother told the police that Respondent had been using crack cocaine. Respondent's father told the police that Respondent drank a 375mL bottle of vodka and later snapped and proceeded to punch him.
28. On September 5, 2023, Rutland Town Police Department responded to a hotel based on a report that Respondent was having a mental breakdown. A hotel staff member said that it appeared that Respondent was going through alcohol withdrawal. One of the police officers who responded observed empty alcohol containers on the floor and table inside Respondent's room.
29. On September 5, 2023, Rutland City Police Department responded to an emergency call at a restaurant and found Respondent lying on the grass outside the restaurant. Respondent told police that she thought she had been drugged the night before by an unknown person. Respondent was transported to an ambulance to Rutland Regional Medical Center.
30. On October 28, 2023, Rutland City Police Department responded to a call from Respondent's cousin requesting a welfare check on Respondent because she had been missing for a couple of days and had been using narcotics again. The police were unable to locate Respondent.
31. On October 30, 2023, Respondent's father called Rutland City Police Department to report that Respondent's car had been stolen. Respondent's father told police that

STATE OF VERMONT



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

Respondent was addicted to opioids, that she had recently overdosed and was taken to hospital, and that while at the hospital someone had taken her car.

32. Respondent later spoke to the police about the missing car and said that she was currently at an in-patient facility where she was receiving treatment for addiction and mental health issues. Respondent confirmed that the vehicle had been stolen and added that it was probably being used for a drug run from New York City to Vermont.
33. On January 17, 2024, Winham County Sheriff's Department responded to Respondent's parents' residence based on a report that they had locked Respondent out of their home because she was "making threats, maybe intoxicated, threats of harming herself and others."

Violation One: 3 V.S.A. §129a(a)(5) Practicing the profession when medically or psychologically unfit to do so.

34. The State re-alleges and incorporates Paragraphs 2 through 33 above.
35. As an LPN, Respondent must refrain from practicing when medically or psychologically unfit to do so.
36. Paragraphs 2 through 33 above demonstrate that Respondent practiced when medically or psychologically unfit to do so when she worked at the Facility as evidenced by: (1) the bizarre and unusual behavior, indicative of impairment, that she exhibited while working there; and (2) a series of interactions with law enforcement, one of which occurred at the time that she was working at the Facility, and others in the months before and after she worked there, and all of which demonstrate that she suffered from a serious substance abuse/alcohol disorder.
37. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(5).

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

38. The State re-alleges and incorporates Paragraphs 2 through 33 above.
39. As an LPN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
40. Paragraphs 2 through 33 demonstrate that Respondent engaged in conduct of a character likely to harm the public by: practicing nursing while she was impaired due to the ingestion of controlled substances or alcohol; having multiple interactions with law enforcement which demonstrate that Respondent has a serious substance abuse/alcohol disorder; and punching her father and threatening to harm others.

STATE OF VERMONT



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

41. 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).

Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board warn, reprimand, suspend, revoke, limit, condition, or otherwise discipline Respondent's Licensed Practical Nurse license.

DATED at Montpelier, Vermont this 19th day of March, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: Ultan Doyle
Ultan Doyle
Prosecuting Attorney
(802)828-1217
ultan.doyle@vermont.gov

STATE OF VERMONT



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