

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

IN RE:)
Erica Quenneville) Docket No. 2024-40
License No. 025.0130233)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through Prosecuting Attorney Rachel Heath, and Respondent Erica Quenneville 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 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; and the Rules of the Office of Professional Regulation ("OPR").

Stipulated Facts

2. Erica Quenneville ("Respondent") of Leicester, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0130233. This license was originally issued on July 13, 2017 and expires on January 31, 2026.
3. During the relevant time, Respondent worked as an LPN at a nursing and rehabilitation center in Rutland, Vermont.
4. On December 22, 2023, Respondent experienced a traumatic medical event.
5. Respondent's provider gave Respondent a medical note to excuse her from work on December 23, 2023.
6. Despite the recent traumatic medical event, Respondent worked a 16-hour shift on December 24, 2023 and reported to work for a 12-hour shift on December 25, 2023.
7. On December 25, 2023, Respondent began work at 7 am. Around 5:30 pm, Respondent took a break and drove herself to a local gas station.
8. At the gas station, Respondent purchased alcohol. She reported to an OPR investigator that she consumed "a sip" in her car before returning to work.

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9. Around 6:45 pm, an RN observed Respondent acting erratically and smelling of alcohol. The RN observed Respondent to be crying and attempted to console her.
10. At around 7:00 pm, an LPN observed the RN trying to console Respondent.
11. The LPN also smelled alcohol on Respondent's breath and asked her to leave.
12. As Respondent was leaving, the LPN asked Respondent if she had anything to drink to which she replied "yes," and ultimately described the amount as "a few shots."
13. Respondent later described to an OPR investigator that she did not believe that she was intoxicated when she worked on December 25, but that the traumatic medical experience she suffered on December 22 caused her to be "completely hysterical" at work and she stated that, "I lost my shit, 100%."
14. On February 26, 2024, the State filed a request for summary suspension. Respondent and the State stipulated to a voluntary indefinite suspension to moot summary suspension proceedings. The Board of Nursing signed this stipulation into order on March 11, 2024.
15. In July 2024, Respondent completed an independent evaluation and three random drug and alcohol urine analyses (UAs).
16. Respondent's UAs did not return any concerning results.
17. Moreover, the evaluator who completed Respondent's independent evaluation found that Respondent would be safe to return to practice with some recommended conditions that are incorporated in the Order below.

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

18. Paragraphs 2 through 17 above are incorporated herein.
19. As an LPN, Respondent is required to not practice the profession when medically or psychologically unfit to do so.
20. Paragraphs 2 through 17 above demonstrate that Respondent practiced as an LPN when medically or psychologically unfit to do so when she consumed alcohol while working as an LPN and reported to work while still being under the stress of a traumatic medical event that caused her to become hysterical at work.
21. 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)(5).

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Violation Two: 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 17 above are incorporated herein.
23. Under Vermont law, an LPN must practice competently by conforming to the essential standards of acceptable and prevailing practice.
24. Essential standards of acceptable and prevailing practice prohibit an LPN from consuming alcohol while working as a nurse.
25. Essential standards of acceptable and prevailing practice require an LPN to practice only when fit to do so.
26. Paragraphs 2 through 17 demonstrate that Respondent failed conform to the essential standards of acceptable and prevailing practice when she consumed alcohol while working as an LPN and reported to work while still being under the stress of a traumatic medical event that caused her to become hysterical at work.
27. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(b)(2).

Violation Three: 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 17 above are incorporated herein.
29. Under Vermont law, an LPN 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 17 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 consumed alcohol while working as an LPN and reported to work while still being under the stress of a traumatic medical event that caused her to become hysterical at work.
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).

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Understandings

32. Respondent admits the facts above are true and the conditions below are necessary to protect the public.
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 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.
35. Respondent has read and reviewed this entire document and agrees it contains the entire agreement between the parties.
36. Respondent is not under the influence of any drugs or alcohol at the time of signing 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 the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
39. Respondent understands that she is responsible for all compliance costs associated with this Stipulation and Consent Order.
40. Respondent agrees the Board may enter the Order set forth below.

ORDER

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

- A. The Board of Nursing hereby **REPRIMANDS** Respondent's license.
- B. The Board of Nursing hereby **CONDITIONS** Respondent's license for a **MINIMUM OF ONE YEAR, commencing on the date of reinstatement**. The **CONDITIONS** shall be as follows:
 1. Re-issuance of License. Upon the commencement of these conditions and the renewal of Respondent's licenses, Respondent shall be issued licenses labeled "conditioned."
 2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to

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the conditions until Respondent completes a **minimum of one year** of supervised LPN practice in which Respondent works at least forty (40) hours every two (2) weeks as an LPN. Part time hours of fewer than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.

3. Monitoring. The Office of Professional Regulation, through the Enforcement Case Manager, shall be responsible for monitoring Respondent's compliance with these Conditions. All reports or correspondence regarding compliance with these conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.
4. Completion of Substance Abuse Counseling, Treatment Plan, Treatment Reports. Respondent shall engage in individual substance abuse counseling with a pre-approved counselor (the "Treating Professional") and comply with the substance abuse treatment plan until the Treating Professional certifies in writing that such counseling is no longer necessary and Respondent successfully petitions for a modification of these conditions. Within ten (10) days of the date of entry of this Order, Respondent shall provide a copy of this Stipulation and Consent Order to the Treating Professional and inform him/her of Respondent's conditional license status and the accompanying conditions. Respondent shall cause the Treating Professional to submit to the Case Manager, on forms provided by the Case Manager, acknowledgement of receipt of the Stipulation and Consent Order along with Respondent's current treatment plan.

Respondent shall authorize the Treating Professional to submit monthly reports on forms issued by the Case Manager. Respondent shall authorize the Treating Professional to provide all information requested, either orally or in writing, at any time during the period this Consent Order is in effect.

If Respondent is prescribed medication as part of substance abuse counseling and treatment, Respondent's monthly treating professional reports must also indicate Respondent's current dosage and whether Respondent is appropriately taking the medication as prescribed. Respondent must continue to take such medications as prescribed, until the Treating Professional certifies in writing that such medication is no longer necessary.

In the event Respondent's medications are monitored by someone other than the approved Treating Professional, Respondent shall cause the prescribing provider to certify in writing, at intervals determined by the Case Manager, whether Respondent is appropriately taking the medication as prescribed. Respondent must continue to take such medications as prescribed until the prescribing provider certifies in writing that such medication is no longer necessary.

5. Self-Help Recovery Groups. Respondent shall participate as recommended by Respondent's Treating Professional in substance abuse recovery group(s). If such participation is recommended, Respondent shall submit quarterly reports documenting attendance on forms issued by the Case Manager.

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6. Random Drug and Alcohol Testing. Respondent shall submit to random drug and alcohol testing through the designated entity. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes. All specimens collected for tests shall be collected in an observed setting. All tests shall be negative.

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any test shall cause that test result to be presumed positive. Any positive test result shall constitute a violation of this Order. Failure to check in to determine whether Respondent is selected for testing on any given day, regardless of whether Respondent is actually selected that day, may be considered a violation of this Order.

7. Abstain from Drug and Alcohol Use. Respondent shall abstain completely from the consumption or possession of alcohol and drugs.
8. Drug Use Exception. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a health care practitioner disclosed to the Board in writing by Respondent within forty-eight (48) hours of the prescription. Respondent's health care practitioner shall inform the Board, in writing and on appropriate letterhead, of knowledge of Respondent's conditional license status within seven (7) days of entering the practitioner/patient relationship. Additionally, the practitioner shall inform the Board of all scheduled/controlled medications prescribed – and the anticipation of how long such prescriptions will need to be taken – within seven (7) days of the prescription.

The Board or its designee may request that the practitioner document the necessity for the prescribed scheduled/controlled medications or other medications known to have abuse potential. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall provide the Case Manager with a current medication list of any medications taken on a scheduled or as-needed basis on forms issued by the Case Manager within seven (7) days of the date of reinstatement and shall update this list within forty-eight (48) hours of any change in these medications.

9. Notification to Employers/Educational Programs. Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices the profession and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment in the profession, Respondent shall cause Respondent's immediate supervisor to submit to the Case Manager an employer agreement form, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

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In the event Respondent is attending an educational program which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Case Manager a program agreement form provided by the Case Manager, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during the clinical experience.

10. Practice Under Supervision. Respondent shall practice as an LPN only in a setting where Respondent is supervised for the entire shift by an LPN or RN. The level of supervision required is On-Site Supervision. On-Site Supervision means the supervising nurse is present in the same facility as Respondent.
11. Reports from Employers/Program Director. Within one (1) month of the date of reinstatement or within one (1) month of the commencement of employment in the profession and monthly thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Case Manager an evaluation of Respondent's work performance and attendance during that month. In the event Respondent is attending an educational program in the profession, Respondent shall cause the Program Director to submit to the Case Manager, on a monthly basis, a written evaluation of Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Case Manager. All employer reports shall indicate satisfactory performance (i.e. consistently meeting all standards of practice of the profession) and attendance.
12. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.
13. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
14. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board or its designee. The Board will approve out-of-state practice provided Respondent can still comply with the requirements of this Consent Order. If Respondent receives discipline on a professional license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.
15. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of Respondent's current place of employment, personal address, and telephone number. Respondent shall further notify the

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Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

16. Notification to Other States. In the event Respondent is licensed as a nurse in any other state(s), Respondent must inform the licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont license within thirty (30) days of the date of entry of this Order.
17. Release of Information Forms. This Order requires Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss Respondent and any and all treatment rendered to Respondent for drugs and/or alcohol with the Board or its designee. Any and all of this information may be provided to the Office of Professional Regulation investigators, and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

Respondent is entitled to revoke this consent at any time. However, any revocation shall be considered a violation of this Order. This consent expires when the conditions are removed from Respondent's nursing license.

This Stipulation and Consent Order shall itself constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31. Respondent understands that Respondent's treatment provider may require Respondent's to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

18. Costs. Respondent shall bear all costs of complying with this Consent Order.
19. Violation of this Order. If Respondent violates this Order the Board, after giving Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.
20. Completion of Conditional License Period. Respondent shall submit a petition to the Docket Clerk to remove any and all conditions on Respondent's license. The State will assent to or oppose Respondent's petition. The Board will conduct a hearing if necessary. Respondent bears the burden and must present proof that Respondent has fully complied with the terms of this Order and these conditions are no longer necessary to protect the public.

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

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- 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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 8/20/2024

By: Signed by:
Rachel Heath
FGA249D7D29242B
Rachel Heath
Prosecuting Attorney

RESPONDENT

Dated: 8/19/2024

By: DocuSigned by:
Erica Quenneville
4B3B3BE0FDD1471
Erica Quenneville

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 9/9/24

By: Signed by:
William James Floyd III
3862E783001248E...
Chairperson

Date of Entry: 9/9/24

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IN RE:)
Erica Quenneville) Docket No. 2024-40
License No. 025.0130233)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Erica Quenneville 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; and the Rules of the Office of Professional Regulation ("OPR").

Statement of Facts

2. Erica Quenneville ("Respondent") of Leicester, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0130233. This license was originally issued on July 13, 2017 and expires on January 31, 2026.
3. During the relevant time, Respondent worked as an LPN at a nursing and rehabilitation center in Rutland, Vermont.
4. On December 22, 2023, Respondent experienced a traumatic medical event.
5. Respondent's provider gave Respondent a medical note to excuse her from work on December 23, 2023.
6. Despite the recent traumatic medical event, Respondent worked a 16-hour shift on December 24, 2023 and reported to work for a 12-hour shift on December 25, 2023.
7. On December 25, 2023, Respondent began work at 7 am. Around 5:30 pm, Respondent took a break and drove herself to a local gas station.
8. At the gas station, Respondent purchased alcohol. She reported to an OPR investigator that she consumed "a sip" in her car before returning to work.

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9. Around 6:45 pm, an RN observed Respondent acting erratically and smelling of alcohol. The RN observed Respondent to be crying and attempted to console her.
10. At around 7:00 pm, an LPN observed the RN trying to console Respondent.
11. The LPN also smelled alcohol on Respondent's breath and asked her to leave.
12. As Respondent was leaving, the LPN asked Respondent if she had anything to drink to which she replied "yes," and ultimately described the amount as "a few shots."
13. Respondent later described to an OPR investigator that she did not believe that she was intoxicated when she worked on December 25, but that the traumatic medical experience she suffered on December 22 caused her to be "completely hysterical" at work and she stated that, "I lost my shit, 100%."
14. On February 26, 2024, the State filed a request for summary suspension. Respondent and the State stipulated to a voluntary indefinite suspension to moot summary suspension proceedings. The Board of Nursing signed this stipulation into order on March 11, 2024.

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

15. The State re-alleges and incorporates Paragraphs 2 through 14 above.
16. As an LPN, Respondent is required to not practice the profession when medically or psychologically unfit to do so.
17. Paragraphs 2 through 14 above demonstrate that Respondent practiced as an LPN when medically or psychologically unfit to do so when she consumed alcohol while working as an LPN and reported to work while still being under the stress of a traumatic medical event that caused her to become hysterical at work.
18. 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)(5).

Violation Two: 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.

19. The State re-alleges and incorporates Paragraphs 2 through 14 above.

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22. Essential standards of acceptable and prevailing practice require an LPN to practice only when fit to do so.
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24. 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(b)(2).

Violation Three: 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.

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26. Under Vermont law, an LPN must exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession.
27. Paragraphs 2 through 14 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 consumed alcohol while working as an LPN and reported to work while still being under the stress of a traumatic medical event that caused her to become hysterical at work.
28. 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).

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Relief Requested

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

DATED at Vermont, this 7th day of April 2024.

STATE OF VERMONT
SECRETARY OF STATE

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

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