

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

IN RE:)
Amberlee Montarella) Docket No. 2025-22
Application Tracking No. LI-782950)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Zoe Newman, and Amberlee Montarella (Applicant), who hereby Stipulate and Agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the Board) has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 26 V.S.A. Ch.28; the Vermont Board of Nursing Administrative Rules, and the Rules of the Office of Professional Regulation.

Basis for Denial

Basis for Denial One: 3 V.S.A. § 129a(b) 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.

2. On or about May 29, 2024, the California Board of Registered Nursing, Department of Consumer Affairs (the Board), issued an order (the Order) finding that, in October of 2021, Applicant had "engaged in unprofessional conduct because she took home a bottle of Gabapentin, a dangerous drug, even though that medication was brought in by a patient for disposal."
3. The Board concluded that Respondent violated California Business and Profession Code Section 2762 which provides that is unprofessional conduct for a nurse to obtain or possess a dangerous drug in violation of law.
4. In the Order's Finding of Facts, the Board stated that the Investigator has characterized Applicant as "fully cooperative" with the investigation, including completing UAs, which did not show illegal or controlled substances, including Gabapentin.
5. In the Order's Finding of Facts, the Board outlined mitigating factors to include Applicant's mother passing away shortly before the incident, the funeral, which Applicant could not attend, taking place the day of the incident, and Applicant's concern

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for her father, for whom her mother had been his primary care giver as he battled stage four cancer.

6. Based on the conduct and mitigating factors contained in the Order, the Board "publicly reproved" Applicant's California Registered Nurse license, Nurse Practitioner Certificate, and Nurse Practitioner Furnishing Certificate.
7. In a letter (the Letter) Applicant provided OPR, dated December 17, 2024, Applicant, admitted to taking patient medication that was meant to be disposed of, when it was offered to Applicant by a medical assistant.
8. In the Letter, Applicant claimed she meant to leave the medication in her desk until she could discuss it with the clinic manager but accidentally took it home in her purse.
9. The essential standards of acceptable and prevailing practice require that patient medication be properly disposed of in accordance with facility guidelines.
10. Paragraphs 2 through 9 above demonstrate that Applicant failed to practice competently by failure to conform to the essential standards of acceptable and prevailing practice on at least one occasion by taking home a patient's prescription medication, defined by the jurisdiction of California as a dangerous drug, when the patient had brought it to the facility for disposal.

Understandings

11. Applicant admits the facts set forth above are true and the Board may find that the Applicant engaged in unprofessional conduct.
12. Applicant admits that the order below is necessary to protect the public.
13. Applicant 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.
14. Applicant specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced Applicant's rights to a fair and impartial hearing in future hearings if the Board does not accept this agreement.
15. Applicant has read and reviewed this entire document and agrees that this document contains the entire agreement between the parties.
16. Applicant is not under the influence of any drugs or alcohol at the time of signature of this Stipulation and Consent Order.
17. Applicant 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.
18. Applicant voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.

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19. Applicant agrees that the Board may enter into the Order set forth below.

ORDER

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

- A. The Board hereby grants Applicant licensure as an APRN.
- B. The Board hereby **WARNS** Applicant's license when it is issued.
- C. Notwithstanding any provision above, Applicant must continue to meet all 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 Applicant's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated 2/14/25

By: Zoe Newman
Zoe Newman
Prosecuting Attorney
Zoe.newman@vermont.gov

APPLICANT

Dated 2/14/2025

By: Amberlee Montarella
Amberlee Montarella

APPROVED AND SO ORDERED:

STATE OF VERMONT



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

Dated: 3/11/25

VERMONT BOARD OF NURSING

Signed By: William James Floyd, III
Board Chairperson

Date of Entry: 3/11/25

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IN RE:)
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NOTICE OF PRELIMINARY DENIAL

Amberlee Montarella (Applicant) submitted an application for licensure as an Advanced Practice Registered Nurse (APRN) to the Office of Professional Regulation (OPR), on November 13, 2024 (the Application). The Application has been **preliminarily denied** by the State of Vermont for the following reasons:

Board Authority

1. The Vermont Board of Nursing (the Board) has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 26 V.S.A. §1582(a); 26 V.S.A. Ch.26; and the Rules of the Office of Professional Regulation.

Basis for Denial

Basis for Denial One: 3 V.S.A. § 129a(b) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (2) failure to conform to the essential standards of acceptable and prevailing practice.

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3. The Board concluded that Respondent violated California Business and Profession Code Section 2762 which provides that is unprofessional conduct for a nurse to obtain or possess a controlled substance in violation of law.
4. In the Order's Finding of Facts, the Board stated that the Investigator has characterized Applicant as "fully cooperative" with the investigation, including completing UAs, which did not show illegal or controlled substances, including Gabapentin.
5. In the Order's Finding of Facts, the Board outlined mitigating factors to include Applicant's mother passing away shortly before the incident, the funeral, which Applicant could not attend, taking place the day of the incident, and Applicant's

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concern for her father, for whom her mother had been his primary care giver as he battled stage four cancer.

6. Based on the conduct and mitigating factors contained in the Order, the Board “publicly reproved” Applicant’s California Registered Nurse license, Nurse Practitioner Certificate, and Nurse Practitioner Furnishing Certificate.
7. In a letter (the Letter) Applicant provided OPR, dated December 17, 2024, Applicant, admitted to taking patient medication that was meant to be disposed of, when it was offered to Applicant by a medical assistant.
8. In the Letter, Applicant claimed she meant to leave the medication in her desk until she could discuss it with the clinic manager but accidentally took it home in her purse.
9. The essential standards of acceptable and prevailing practice require that patient medication be properly disposed of in accordance with facility guidelines.
10. Paragraphs 2 through 9 above demonstrate that Applicant failed to practice competently by failure to conform to the essential standards of acceptable and prevailing practice on at least one occasion by taking home a controlled substance not prescribed to her when the patient had brought it to the facility for disposal.

As a result of the foregoing reasons, the Application for licensure is **PRELIMINARILY DENIED**. If you would like this decision to be reviewed, please refer to the petition for review instructions at the bottom of this notice.

DATED this 12th day of February, 2025.

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By: Zoe Newman
Zoe Newman
Prosecuting Attorney
Zoe.newman@vermont.gov

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To seek review of this preliminary decision to deny your license application, you must file with the Docket Clerk a written petition requesting review within 30 days of the date of this notification. In order to expedite the review process, your petition shall include a statement of issues, that is, why the preliminary denial should be reversed and that the license should be granted.

Please send the petition via first-class mail, postage prepaid to the address below:

Julie Bowen, Docket Clerk
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05602-3402

Upon receipt of a timely petition for review, a hearing will be scheduled. The State will be represented by the state prosecutor. At the hearing, you will have the burden of proving that the preliminary decision to deny the license should be reversed and that your license should be granted. 3 V.S.A. § 129(e). You may have an attorney represent you, and you may bring witnesses and documents to the hearing. After the hearing, the tribunal may uphold the denial, in whole, or in part, may reverse the decision and issue an unrestricted license, or may issue a license with disciplinary sanctions attached. 3 V.S.A. § 129(a)(3).

If you do not petition for review, the preliminary denial of the license will become final in 30 days. As a final disciplinary decision, the denial will be reported to all required national data banks and shall be public pursuant to 3 V.S.A. §131.

Once the decision is final, it may be appealed pursuant to 3 V.S.A. § 130a.

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