

Docket No. 2025-57

STIPULATION

Authority

- ## Stipulated Facts

- STATE OF VERMONT



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7. At approximately 5:30 a.m. on June 9, 2024, a patient at Facility used her call button to seek assistance and Resource RN K.L. responded.
8. The patient informed Resource RN K.L. that another nurse had removed her Fentanyl patch, discarded the patch in the trash bin, and did not replace the patch.
9. RN D.E., who was acting as Respondent's preceptor at the time, asked Respondent if she had removed the Fentanyl patch from the patient and discarded it in the trash bin and Respondent told RN D.E. that she had done both.
10. Respondent stated that she removed the Fentanyl patch at 2:13 a.m. during her medication pass.
11. The Fentanyl patch was not due to be replaced until 9 a.m.
12. Respondent removed and wasted the Fentanyl patch without a witness.
13. On June 25, 2025, the Facility terminated Respondent.
14. On January 8, 2025, Respondent told OPR Investigator M.D. that she removed the Fentanyl patch too early from the patient and improperly disposed of the Fentanyl patch, explaining that she had not been aware at the time of the proper procedure for wasting controlled substances.

Violation One: 3 V.S.A. §129a(a)(3) Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession.

15. The State re-alleges and incorporates Paragraphs 2 through 14 above.
16. As a RN, Respondent is required to comply with provisions of federal or State statutes or rules governing the practice of the profession.
17. Under 21 U.S.C.A. § 812(b)(6), Fentanyl is a Schedule II controlled substance.
18. Federal Regulation requires that practitioners, including nurses, dispose of controlled substances by depositing them in a secure container for later destruction or destroying the controlled substance so, in either course, the controlled substance is non-retrievable, in accordance with 21 C.F.R. § 1317.05.
19. Paragraphs 2 through 14 demonstrate that Respondent failed to comply with federal statutes pertaining to the disposal of controlled substances when Respondent discarded a partially used Fentanyl patch in a trash bin.
20. 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)(3).

Violation Two: 3 V.S.A. §129a(b)(2) Failure to practice competently by

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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: failure to conform to the essential standards of acceptable and prevailing practice.

21. The State re-alleges and incorporates Paragraphs 2 through 14 above.
22. Paragraphs 2 through 14 demonstrate that Respondent failed to practice competently by removing a Fentanyl patch from a patient before it had expired and improperly disposing of it in a trash bin without either action being witnessed, all of which failed to conform to the essential standards of acceptable and prevailing practice.
23. 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).

Understandings

30. Respondent admits the facts above are true and the conditions below are necessary to protect the public. 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.
31. 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.
32. 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.
33. Respondent has read and reviewed this entire document and agrees it contains the entire agreement between the parties.
34. Respondent is not under the influence of any drugs or alcohol at the time of signing 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 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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- 37. Respondent understands that she is responsible for all compliance costs associated with this Stipulation and Consent Order.
- 38. 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 **REPREMANDS** Respondent's license.
- B. The Board hereby **ASSESSES AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00)** against Respondent. This penalty is to be paid within Thirty (30) days of the date of entry of this Order.
- C. The Board hereby **CONDITIONS** Respondent's Registered Nursing license for a **MINIMUM OF three (3) MONTHS, commencing on the date of entry**. The **CONDITIONS** shall be as follows:
 - i. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions as ordered and not less than three (3) months.
 - ii. Monitoring. The Office of Professional Regulation, through the Enforcement Case Manager, shall be responsible for monitoring Respondent's compliance with these Conditions. All reports and/or correspondence regarding compliance with these conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.
 - iii. Required Coursework. Respondent shall, within ninety (90) days following the entry of this Order, at her own expense, complete eight (8) hours of pre-approved courses, which must include the following topics: 1. Medication Administration and Controlled Substances and 2. Controlled Substances and their Disposal. For pre-approval, Respondent must submit to the Case Manager the name of each course, the name of the sponsoring organization, and a description of the course content and/or syllabus. Respondent must achieve a passing score on the post-tests for the courses, and submit test results, workbooks completed in full and in a satisfactory manner, and certificates of completion to the Office of Professional Regulation.

Failure to complete the courses within the prescribed timeframe shall constitute a violation of this Order. The coursework may not be counted toward any continuing education requirement of licensure.
 - iv. Notification to Other States. In the event Respondent is licensed 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.

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- v. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
 - vi. Costs. Respondent shall bear all costs of complying with this Consent Order.
 - vii. 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 resolved.
 - viii. Completion of Conditional License Period. Respondent shall submit a petition to the Docket Clerk to remove any and all conditions from Respondent's license. The State will support 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.
- D. Notwithstanding any provision above, the Respondent must continue to meet all requirements for maintaining a license, license renewal and license reinstatement.
- E. 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).
- F. 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:

Dated: 5/15/2025

STATE OF VERMONT
SECRETARY OF STATE
Signed by:
Zoe Newman
BDM433B4A6D34B8
Zoe Newman
Prosecuting Attorney

Dated: 5/15/2025

RESPONDENT
Signed by:
Edwige Mensah
20B402300300AF2...
Edwige Mensah

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

STATE OF VERMONT



Prosecuting Attorney
Office of
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89 Main Street
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Dated: 6/10/2025

By:

Signed by:
William James Floyd III
3B82E783001248E...
Chairperson

Date of Entry: 6/10/25

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SPECIFICATION OF CHARGES

Board Authority

- ## Statement of Facts

- 1

9. RN D.E., who was acting as Respondent's preceptor at the time, asked Respondent if she had removed the Fentanyl patch from the patient and discarded it in the trash bin and Respondent told RN D.E. that she had done both.
10. Respondent stated that she removed the Fentanyl patch at 2:13 a.m. during her medication pass.
11. The Fentanyl patch was not due to be replaced until 9 a.m.
12. Respondent removed and wasted the Fentanyl patch without a witness.
13. On June 25, 2025, the Facility terminated Respondent.
14. On January 8, 2025, Respondent told OPR Investigator M.D. that she removed the Fentanyl patch too early from the patient and improperly disposed of the Fentanyl patch, explaining that she had not been aware at the time of the proper procedure for wasting controlled substances.

Violation One: 3 V.S.A. §129a(a)(3) Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession.

15. The State re-alleges and incorporates Paragraphs 2 through 14 above.
16. As a RN, Respondent is required to comply with provisions of federal or State statutes or rules governing the practice of the profession.
17. Under 21 U.S.C.A. § 812(b)(6), Fentanyl is a Schedule II controlled substance.
18. Federal Regulation requires that practitioners, including nurses, dispose of controlled substances by depositing them in a secure container for later destruction or destroying the controlled substance so, in either course, the controlled substance is non-retrievable, in accordance with 21 C.F.R. § 1317.05.
19. Paragraphs 2 through 14 demonstrate that Respondent failed to comply with federal statutes pertaining to the disposal of controlled substances when Respondent discarded a partially used Fentanyl patch in a trash bin.
20. 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)(3).

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: failure to conform to the essential standards of acceptable and prevailing practice.

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Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board revoke, suspend, condition, or otherwise discipline Respondent's RN License.

DATED at Montpelier, Vermont this 10th day of April 2025.

STATE OF VERMONT
SECRETARY OF STATE

By: Zoe Newman
Zoe Newman
State Prosecuting Attorney
Office of Professional Regulation
zoe.newman@vermont.gov

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