

Received

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

IN RE:

SUSAN M. ACKLEY
License No. 026.0025095

Docket No. 2009-175

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Susan M. Crawford-Ackley, RN, who 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. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Susan M. Crawford-Ackley (the "Respondent") of Westfield, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0025095. This license was originally issued on or about September 1, 1999 and is currently set to expire on or about March 31, 2011.
3. On or about February 28, 2009 in a Registered Nurse Renewal Application, Respondent stated she had worked as a Public Health Nurse for one hundred twenty (120) days within the last five (5) years at the Vermont Department of Health. Respondent listed her dates of employment as February 2000 through June 2005.
4. However, thereafter, the Board received information that Respondent stopped working as a nurse for the Vermont Department of Health in or around January 2004.
5. Based on the information above, the Board sent to Respondent a letter regarding the appearance that she fraudulently procured her license in renewal.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

6. On or about May 1, 2009, Respondent left a message for Executive Director Mary Botter indicating that she didn't understand why she received the above-described letter, as she "did not apply for license renewal" and was retired.
7. On or about May 5, 2009 in a phone call with Executive Director Botter, Respondent stated there must be some confusion about her license status, which she looked up and found was Active. When Executive Director Botter explained that Respondent's license was active because Respondent had submitted a renewal form and a check for her renewal fee, Respondent stated that she had no recollection of doing so. Respondent advised that not remembering was part of her "problem."
8. On or about October 27, 2009 in an interview with State Investigator Gregory Kelly, Respondent advised that she last worked as a nurse in or around January 2004. Respondent advised that she has a medical condition and her doctor has not allowed her to return to work since January 2004, although Respondent did admit that she applied for other positions after that date, but was unsure why she did so. Respondent stated there are "a lot of things" that she did that she is unsure why she did them. Respondent stated that she has a lack of memory when under stress, and that she would not have intentionally stated in her renewal application that she had met the practice requirements for renewal. Respondent stated that she believed she wrote in her renewal application that she had retired, and that she listed the 2005 date in her renewal because that is the year she officially retired from the State of Vermont. Respondent stated that she does not remember submitting an application for renewal.
9. On or about October 27, 2009 in a follow-up email to Investigator Kelly, Respondent advised that although her doctor says that Respondent is unable to return to work as a nurse, she does hope that she will someday be able to return to nursing.

Charges

10. 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:
 - a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause);
 - b. ARBN Chapter 4, Subchapter 4, Rule II(B)(2) ("Inability to practice nursing competently" includes failure to conform to the essential standards of acceptable and prevailing nursing practice);
 - c. ARBN Chapter 4, Subchapter 4, Rule II(C) ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals, or any other type of materials);

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

- d. 26 V.S.A. § 1582(a)(6) (Has a mental, emotional, or physical disability, the nature of which interferes with ability to practice nursing competently); and
- e. 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).

Understandings

- 11. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
- 12. 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.
- 13. 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.
- 14. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 15. Respondent is not under the influence of any alcohol or non-prescribed drugs at the time she signs this Stipulation and Consent Order.
- 16. 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.
- 17. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
- 18. 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 license to practice registered nursing **from the date of entry below**. Prior to requesting reinstatement, Respondent must: 1) write a letter of explanation to the Board regarding the misstatement made in her renewal application; and 2) if Respondent's letter of explanation indicates her misstatement was due to a medical condition, Respondent must cause her primary care provider to write to the Board indicating that Respondent is safe to practice. The Respondent's license shall not be reinstated until, at a minimum, these prerequisites are met.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

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

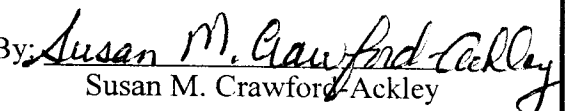
STATE OF VERMONT
SECRETARY OF STATE

Dated: 6/24/10

By: 
Betsy Ann Wrask
State Prosecuting Attorney

SUSAN M. CRAWFORD-ACKLEY
RESPONDENT

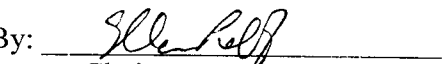
Dated: 6/17/10

By: 
Susan M. Crawford-Ackley

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7/12/10

By: 
Chairperson

Date of Entry: 7/13/10
nu.ackley.stip2

I am sorry for any misstatements regarding renewal of my nursing license. My husband who is 80 y.o. was very ill & had to be hospitalized during this period & I was under enormous stress.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107