

Whitingham

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

IN RE:)
REBECCA AVERA) Docket No: NU 02-0702
License No. 025-0007950)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Rebecca Avera, L.P.N., who stipulate and agree as follows:

MODIFICATION

Based on the above referenced matter, the Board of Nursing hereby modifies the Respondent's license as follows:

A. (7) Practice Under Supervision.

Respondent shall practice only in a nursing setting where Respondent has ~~direct~~ **supervision** for the entire shift by a Registered Nurse that is licensed and in good standing with the Board.

shall be modified to:

(7) Practice Under Supervision.

Respondent shall practice only in a nursing setting where Respondent has **on-site supervision** for the entire shift by a Registered Nurse that is licensed and in good standing with the Board.

B. All other conditions contained in Respondent's Stipulation and Consent Order entered into on April 4, 2004 remain **UNMODIFIED**.

STATE OF VERMONT

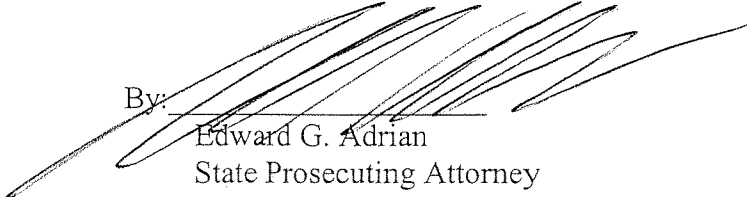


Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

AGREED TO:

Dated: 9/11/05

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

REBECCA AVERA
RESPONDENT

Dated: 4-11-05

By: Rebecca Avera
Rebecca Avera

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: 4-11-05

By: Laurey M. Tydeman
Chairperson

Date of Entry: 4/18/05

nu.avera.stip.mod

STATE OF VERMONT



Prosecuting Attorney
Office of
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Whitingham

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

IN RE:)
REBECCA AVERA) Docket No: NU 02-0702
License No. 025-0007950)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Rebecca Avera, L.P.N., 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, 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)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing.

Facts

2. The Respondent is licensed in the State of Vermont as a Licensed Practical Nurse Nurse under license number 025-0007950.
3. The Respondent's license was originally issued on August 22, 2000. The Respondent's license is currently suspended pursuant to the Summary Suspension Order entered by the Board of Nursing on January 14, 2004. (See Attachments A and B).
4. The Respondent admits that she violated the Board's May 29, 2003 Order by testing positive for marijuana.

Charges

5. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:
 - i. 3 V.S.A. §129a(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board); and

STATE OF VERMONT



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ii. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause). Any cause includes, but is not limited to, use of drugs, narcotics, chemicals or any other type of materials pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(C); and

iii. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

6. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.

7. 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.

8. 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.

9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

11. 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.

12. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

13. 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 **CONDITIONS** the Respondent's license to practice nursing for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Re-issue of License.

STATE OF VERMONT



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Office of
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Montpelier, VT 05602

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised nursing practice in which she works forty (40) hours every two (2) weeks as a nurse. Part time hours of less 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. Respondent's license is additionally conditioned as follows.

(3) Completion of Drug and Alcohol Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue drug and alcohol abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the drug and alcohol abuse treatment plan approved by the Board and the treating professional.

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Reports from Employers.

Within one (1) month of the date of the commencement of the conditions or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the relevant time period to submit to the Board an evaluation of Respondent's work performance and attendance during that time period. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to write to the Board, on school letterhead,

STATE OF VERMONT



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acknowledging receipt of the Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(7) Practice Under Supervision.

Respondent shall practice only in a nursing setting where Respondent has direct supervision for the entire shift by a Registered Nurse that is licensed and in good standing with the Board.

(8) Participation in Recovery Group.

Respondent shall participate as recommended by her treating professional, in Alcoholics Anonymous and/or Narcotics Anonymous meetings, and/or other recovery group.

(9) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(10) Abstain from Drug and Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol or drugs with the exception of prescribed medications as outlined in paragraph A.(11) for the period of time described in paragraph A.(1).

(11) Drug Use Exception.

Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication, during the term of this Consent Order, for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

STATE OF VERMONT



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Montpelier, VT 05602

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(12) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(13) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a personal care provider during the effective period of this Consent Order.

(14) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(15) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(16) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(17) Release of Information Forms.

In fulfilling the conditions of this Order which require the Respondent to authorize various persons to report information or to discuss the Respondent with the Board, the Respondent must execute a consent to disclose form which meets the requirements of 42 C.F.R. §2.31. The authorization must allow the information to also be provided to the Office of Professional Regulation investigators. Any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

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Office of
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Montpelier, VT 05602

(18) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(19) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the 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 the 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.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has full complied with the terms of this Order. The Respondent must also present proof of successful alcohol abuse rehabilitation and she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the public or the practice of nursing and that she can safely and competently perform the duties of a Licensed Practical Nurse.

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

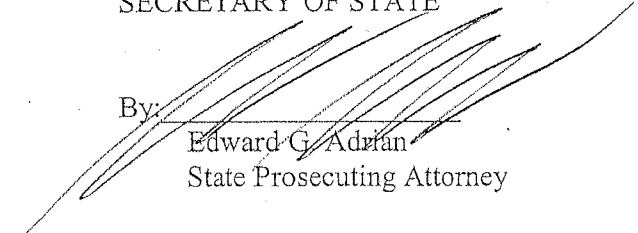
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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: 3/23/04

By: 

Edward G. Adrian
State Prosecuting Attorney

REBECCA AVERA
RESPONDENT

Dated: 3/22/04

By: Rebecca Avera

Rebecca Avera

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 4/12/04

By: Elayne B. Clift
Chairperson (acting)

Date of Entry: 4/14/04

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Prosecuting Attorney
Office of
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Montpelier, VT 05602

STATE OF VERMONT
BOARD OF NURSING

In re: Rebecca Avera
License No. 25-7950

}
}
}
Docket No. NU02-0702

SUMMARY SUSPENSION ORDER

On January 12, 2004, this case came before the Board of Nursing for a hearing on the State's request for summary suspension.

Based upon the evidence presented by the parties, the Board finds that the allegations in the request for summary suspension have been established to the necessary degree. Therefore, the Board finds that the public health, safety, or welfare imperatively require emergency action against the Respondent's license.

Pursuant to 3 V.S.A. § 814(c), Respondent Rebecca Avera's nursing license is SUMMARILY SUSPENDED until a hearing on charges has been held and determined, or other resolution of this case.

BOARD OF NURSING

By: Laurey M Tye
Chair

Dated: 1-12-03

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 1/14/04

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

IN RE: REBECCA AVERA
License No. 025-7950

) DOCKET No. NU02-0702
)

REQUEST FOR SUMMARY SUSPENSION

Board Authority

1. The Vermont 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, 129a; 26 V.S.A. Chapter 28 and; the rules of the Board and the Vermont Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety or welfare imperatively requires emergency action.

Statement of Facts

3. Rebecca Avera (the "Respondent") of Whitingham, Vermont is a licensed practical nurse holding license number 025-0007950, issued by the State of Vermont. This license was originally issued on or about August 22, 2000 and is set to expire on January 31, 2004.
4. On May 21, 2003, this Board issued a Findings of Fact, Conclusions of Law and Order (the "Order") against the Respondent's license (attached hereto) under the docket number captioned above. On information and belief, the Order was not appealed by the Respondent.
5. Paragraph A. (2) of the Order states: "Respondent shall submit to random alcohol/drug screening at the request of the Board. Respondent shall ensure an identified contact person, approved by the Board, shall administer random tests. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist or nurse practitioner."
6. Paragraph A. (3) of the Order states: "Respondent shall abstain completely from consumption or the use or possession of any drugs or alcohol with the exception of prescribed medications."
7. On or about November 24, 2003, the Respondent submitted to a Controlled Substance Test administered by D-N-A Pro-Team, Inc. The collection site was at ParaMed Plus located in Barre, Vermont. The results of the test indicated a positive screening for marijuana. The results were reviewed and verified on or about November 26, 2003 by Dr. Neal Rzepkowski.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

8. On or about December 1, 2003, Assistant Unit Administrator for the Vermont Board of Nursing Vada Aucter, called the Respondent to notify her of the results of the Controlled Substance Test. When Ms. Aucter informed the Respondent of the Test results, the Respondent replied, "I knew you would catch up with me eventually."

Request for Relief

9. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.
10. The above acts and circumstances, alone or in combination, violate: 3 V.S.A. § 129a(a)(4)(Failing to comply with an order of the board or violating any term or condition of a license restricted by the board).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 025-0007950, be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 19th day of December, 2003.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

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STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:)
Rebecca Avera) Case File No. NU02-0702
License No. 25-7950)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, May 12, 2003, at 81 River Street in Montpelier, Vermont. Board members Linda Rice, Alan Weiss, Elayne Clift, Laurey Tyo, Sandra Norton, Donarae Metcalf, Patricia Rock and De-Ann Welch participated in the decision. Michael McShane, Assistant Attorney General, appeared for the State. Rebecca Avera ("the Respondent") was present. The Board received a copy of the Respondent's answer to the charges as part of the case.

The Respondent does not dispute the facts alleged in the State's Specification of Charges. She does dispute to paragraphs of the Charges (numbers 5 and 6), to the extent that they allege that her prognosis is "fair" and that she continues to be addicted to drugs and alcohol.

Findings of Fact

1. Rebecca Avera is a licensed practical nurse who holds license number 25-7950 issued by the State of Vermont.
2. The Respondent self-disclosed to the Board's Executive Director that she had enrolled in a substance abuse treatment program: "Starting Now" at the Brattleboro Retreat in Brattleboro, Vermont.
3. The Respondent attended the treatment program from April 29, 2002 to May 14, 2002 and has acknowledged she has an alcohol problem.
4. As part of her treatment, the Respondent submitted to a drug screen and tested positive for cannabis and cocaine.
5. The Respondent was diagnosed as alcohol and cannabis dependent, in addition

to cocaine abuse.

6. The Respondent is addicted to alcohol and has abused regulated drugs.
7. The Respondent has been sober for approximately 12 months.
8. The Respondent attended two weeks of inpatient treatment followed by 20 weeks of outpatient treatment for her addiction and substance abuse problem.
9. The Respondent is no longer seeing a treating professional and will attend AA/NA meetings on occasion.
10. The Respondent is currently employed as a nurse and has worked for her current employer for approximately nine months. She works the night shift and her current employer is aware of her alcohol problem.
11. The Respondent has experienced significant turmoil in her personal life over the past year and has not turned to alcohol or drugs in that time.

Conclusions of Law

- A. The Board of Nursing may revoke, suspend, discipline or otherwise condition the license of a nurse who engages in unprofessional conduct as defined by 26 V.S.A. §1582 or 3 V.S.A. § 129a.
- B. Respondent, by her actions detailed above, is habitually intemperate or addicted to the use of habit-forming drugs in violation of 26 V.S.A. §1582(a)(5).
- C. Respondent, by her actions detailed above, has demonstrated an inability to practice nursing competently by reason of any cause in violation of 26 V.S.A. §1582(a)(3) and Board of Nursing Administrative Rule IV(B)(3).

Opinion

The Respondent presented well at the hearing and exhibited that she is currently in control of her sobriety and has obtained the tools necessary to recognize when she may again be at risk of abusing alcohol or drugs. The fact that she self-disclosed her problem weighs into the Board's decision. She also has a work history of several months with no reported problems. However, in the interest of public protection, the Board must insist on a period of conditions to monitor the Respondent's recovery before she can return to unrestricted practice.

Order

A. In light of the above findings and conclusions, the Board hereby **CONDITIONS** the Respondent's license, effective as of the date of entry of this Order, below, as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed **twenty-four (24) months** of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing [Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis].

(2) Random Alcohol/Drug Testing.

Respondent shall submit to random alcohol/drug screening at the request of the Board. Respondent shall ensure an identified contact person, approved by the Board, shall administer random tests. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner.

(3) Abstain from Alcohol/Drug Use.

Respondent shall abstain completely from the consumption or the use or possession of any drugs or alcohol with the exception of prescribed medications.

(4) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of

Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription. The Board or its designee may request at any time that the practitioner document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(5) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(6) Re-issue of License.

Within five (5) days of the date of entry of this Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned".

(7) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first notify the Board before beginning such practice. If Respondent fails to notify the Board before, none of the time spent in out-of-state practice will be credited toward the fulfillment of the terms and conditions of this Order.

(8) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Order, Respondent shall notify the Board, in writing, of her current place of nursing employment (if she is employed as a nurse), personal address, and telephone number. Respondent shall further notify the Board, in writing,

within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(9) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Order or of any such subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Order and the ability to comply with the conditions in the Order. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Order and ability of the program to comply with the conditions in the Order during clinical experience.

(10) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Order and every month thereafter, Respondent shall cause every employer for which she has been employed as a nurse during that month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in

writing, at any time during the period the Order is in effect.

(11) Practice Under Supervision.

Respondent shall practice only in a setting where she has direct, on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing, or is in good standing in all states that nurse is licensed.

(12) Prohibited Duties.

Respondent shall not work as a Charge Nurse

(13) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Order.

(14) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office.

(15) Costs.

Respondent shall bear all costs of complying with this Order.

(16) Violation of the Order.

If Respondent violates the terms of this Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Order, the conditional license period shall be extended until the matter is final.

(17) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Furthermore, Respondent must demonstrate, to the Board's satisfaction, that she can safely return to unrestricted practice, that she has safely and competently administered medications and that she has fully complied with all the terms of this Order.

B. This Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

C. This Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell, R.N.
Chair

Date: 5.21.03

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 5/29/03