

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

IN RE:)
RITA D. BLAIS)
License No. 25-4148)

Docket No: NU14-0996

STIPULATION AND FIFTH MODIFICATION OF CONSENT ORDER

STIPULATION

NOW COME the Respondent, Rita D. Blais, and the State of Vermont, by its Attorney General, William H. Sorrell, and stipulate to the following:

Board Authority

1. The Vermont State Board of Nursing ["the Board"] has authority to issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of licenses after disciplinary hearings. 3 V.S.A. §129(a)(5).
2. The Board has authority to adopt consent orders approving a settlement that has been agreed to and submitted by a respondent and the investigating committee. 3 V.S.A. §129(a)(3).

Facts

3. Respondent Rita D. Blais of Hoosick, New York, is a licensed practical nurse holding license number 25-4148 issued by the State of Vermont.
4. Respondent was Reprimanded and Respondent's license was conditioned for at least three years based upon an incident of driving while intoxicated on the way to work in September, 1996. Stipulation and Consent Order entered February 12, 1997 (the "February 1997 Order").
5. In July 1997, the Respondent did not completely abstain from the consumption of alcohol as required by paragraph C(9) of the February 1997 Order. A random urine screen drawn on July 17, 1997 did not come back negative. As a result, the Board entered a new order which extended the conditions on Respondent's license for three (3) years and required continued compliance with the conditions of the February 1997 Order. Stipulation and Modification of Consent Order entered October 14, 1997 (the "October 1997 Order").
6. In March 1998, Respondent violated the terms of the October 1997 Order when she did not completely abstain from the consumption of alcohol as required by paragraph C(9) of the February 1997 Order. Respondent was admitted into Samaritan Hospital on March 4, 1998 for chemical addiction and participated in

Phase I of Community Health Plan's outpatient Chemical Dependency Recovery Program. The Board suspended the Respondent's license for a period of at least sixty (60) days. Stipulation and Second Modification of Consent Order entered on May 11, 1998 (the "May 1998 Order").

7. Respondent actively participated in Phase II of CHP's Relapse Prevention Program and, on July 4, 1998, petitioned the Board for reinstatement of her suspended license. The Board reinstated Respondent's license and reinstated the conditions imposed on the license by Paragraph C of the February 1997 Order with new three-year period. Stipulation and Third Modification of Consent Order entered on August 12, 1998 (the "August 1998 Order").
8. On April 7, 1999, the Respondent was accused of drinking alcohol before work by her employer, although Respondent denied that she had been drinking that date, but admitted that she had drunk a bottle of wine on March 27 and 28, 1999. The Board suspended Respondent's license for a period of at least four (4) months. Stipulation and Fourth Modification of Consent Order entered on October 13, 1999 (the "October 1999 Order").
9. Respondent actively participated in the McPike Addiction Treatment Center's Program and, on December 19, 1999 completed the program and was discharged.
10. Currently Respondent is receiving continuing treatment at United Counseling Services of Bennington County, Inc.

Understandings

11. The Respondent understands that the board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
12. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
14. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
15. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
16. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

ORDER

A. Based on the above stipulation above, it is **ADJUDGED** as follows:

- (1) The "Facts" listed in paragraphs 3 – 10 are true.
- (2) Based on the documentation submitted by Respondent, she has satisfied the Board that she:
 - (a) is successfully pursuing a treatment plan approved by the Board; and
 - (b) poses no danger to the public or practice of nursing; and
 - (c) can competently perform the duties of a licensed practical nurse; and
 - (d) otherwise meets the applicable requirements for license renewal and license restatement.

B. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

- (1) The October 1999 Order is **MODIFIED** as follows:

The Respondent's license, Number 025-0004148 is **CONDITIONED** for a **period of not less than three (3) years**, commencing on the date this Order is entered by the Board. The **CONDITIONS** on Respondent's license are as follows:

- (1) 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 at least 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.

- (2) Completion of Counseling and Treatment Plan.

Respondent shall continue counseling with the 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 treatment plan approved by the Board and/or the Board's designee and the treating professional. Respondent shall obtain prior approval from the Board of all changes of treating professionals.

- (3) Substance Abuse Therapy and 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.

(4) 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 and shall be accompanied by a cover letter on the treating professional's letterhead. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

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

(5) Participation in Support Group.

Respondent shall participate, at least weekly, or as recommended by her treating professional, in Alcoholics Anonymous or a similar support group.

(6) Random Alcohol Testing.

Respondent shall designate a person or entity, approved by the Board or its designee, to administer random alcohol tests as required by the Board or its designee. All testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All screens shall be negative.

(7) Abstain from Alcohol.

Respondent shall abstain completely from the consumption of alcohol.

(8) Interview with the Board or its designee.

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

(9) Re-issue of License.

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

(10) 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.

(11) 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 nursing employment, 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. Respondent shall provide a copy of this Consent Order to all employers, current and future, and shall inform them of the conditional status of her license.

(12) Notification to Employers.

Respondent shall provide a copy of this Stipulation and Consent 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 Consent Order or of any subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

(13) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the 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 Respondent is not employed in nursing during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities. In the event the Respondent is attending a nursing program, she shall provide a copy of the Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

Respondent shall sign a consent, upon request of the Board, to authorize her employer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(14) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing. "On site supervision" means actual presence in the building and should not be construed to include "on-call" supervision.

(15) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling 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.

(16) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(17) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

Respondent shall not work more than forty (40) hours in a given week.

(18) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(19) 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. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(20) Costs.

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

(21) Violation of the Consent Order.

If Respondent violates the terms of this Consent 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 Consent Order, the conditional license period shall be extended until the matter is final.

(22) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(23) 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. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a nurse. Such proof shall include appropriate support from her treating professional, employer and/or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

C. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

D. This Stipulation and Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(8).

E. This Stipulation and Order will remain part of the Respondent's licensing file and may be used in determining sanctions in any future disciplinary matter.

AGREED TO:

BY: RITA D. BLAIS,
RESPONDENT

Date: 5-4-2000

Rita D. Blais
Rita D. Blais

AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Date: 6/6/00

George C. Haegle IV
George C. Haegle IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: June 12, 2000

Laura Farrell
Chairperson

Dated entered: 6-20-00

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

IN RE:
RITA D. BLAIS
License No. 25-4148

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Docket No: NU14-0996

STIPULATION AND FOURTH MODIFICATION OF CONSENT ORDER

STIPULATION

NOW COME the Respondent, Rita D. Blais, and the State of Vermont, by its Attorney General, William H. Sorrell, and stipulate to the following:

Board Authority

1. The Vermont State Board of Nursing ["the Board"] has authority to issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of licenses after disciplinary hearings. 3 V.S.A. §129(a)(5).
2. The Board has authority to adopt consent orders approving a settlement which has been agreed to and submitted by a respondent and the investigating committee. 3 V.S.A. §129(a)(3).
3. Failing to comply with an order of the Board or violating a term or condition of a license restricted by the Board is unprofessional conduct which may be grounds for disciplinary action. 3 V.S.A. §129a(a)(4).

Facts

4. Respondent Rita D. Blais of Hoosick, New York, is a licensed practical nurse holding license number 25-4148 issued by the State of Vermont.
5. Respondent was Reprimanded and Respondent's license was conditioned for at least three years based upon an incident of driving while intoxicated on the way to work in September, 1996. Stipulation and Consent Order entered February 12, 1997 (the "February 1997 Order").
6. In July 1997, the Respondent did not completely abstain from the consumption of alcohol as required by paragraph C(9) of the February 1997 Order. A random urine screen drawn on July 17, 1997 did not come back negative. As a result, the Board entered a new order which extended the conditions on Respondent's license for three (3) years and required continued compliance with the conditions of the February 1997 Order. Stipulation and Modification of Consent Order entered October 14, 1997(the "October 1997 Order").

7. In March 1998, Respondent violated the terms of the October 1997 Order when she did not completely abstain from the consumption of alcohol as required by paragraph C(9) of the February 1997 Order. Respondent was admitted into Samaritan Hospital on March 4, 1998 for chemical addiction and participated in Phase I of Community Health Plan's outpatient Chemical Dependency Recovery Program. The Board suspended the Respondent's license for a period of at least sixty (60) days. Stipulation and Second Modification of Consent Order entered on May 11, 1998 (the "May 1998 Order").
8. Respondent actively participated in Phase II of CHP's Relapse Prevention Program and, on July 4, 1998, petitioned the Board for reinstatement of her suspended license. The Board reinstated Respondent's license and reinstated the conditions imposed on the license by Paragraph C of the February 1997 Order with new three-year period. Stipulation and Third Modification of Consent Order entered on August 12, 1998 (the "August 1998 Order").
9. On the morning of April 7, 1999, the Respondent's employer believed that she had an odor of alcohol on her breath at work. A urine sample taken at the time did not have positive results for alcohol but there are indications that it was not screened for the presence of alcohol. During an interview that morning with the Respondent's supervisor and her employer's Personnel Officer, the Respondent denied that she had been drinking but admitted that she had drunk a bottle of wine on March 27 and 28, 1999.

Understandings

10. The Respondent understands that the board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
11. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
13. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
14. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
15. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.
16. The Respondent understands that when she does seek reinstatement of her license, the Board of Nursing will, at that time, determine any appropriate conditions on her license and the time period such conditions would be imposed.

ORDER

A. Based on the above stipulation above, it is **ADJUDGED** as follows:

- (1) The "Facts" listed in paragraphs 4 – 9 are true.
- (2) The consumption of alcohol on March 27 and 28, violated Paragraph C(9) of the Stipulation and Consent Order entered February 12, 1997.

B. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

(1) The August 1998 Order is **MODIFIED** as follows:

(a) The Respondent's license, Number 025-0004148 is **SUSPENDED** for a **period of not less than four months**, commencing on the date this Order is entered by the Board and the Respondent shall immediately surrender her license to the Board, if she has not already done so.

(b) The conditions imposed by the August 1998 Order are revoked;

(2) At any time within thirty days before, or anytime after the end of the minimum suspension period, the Respondent may petition the Board to reinstate her license:

(a) If the Respondent petitions the Board to reinstate her license, in the petition the Respondent must demonstrate, to the satisfaction of the Board, that she has been successfully rehabilitated or has established a relationship with a treating professional and is successfully pursuing a treatment plan, both approved by the Board or its designee and she must execute a consent form permitting disclosure to the Board, the Office of Professional Regulation and the Office of the Attorney General any information regarding any substance abuse treatment or program participation during the suspension;

(b) If the Respondent petitions the Board to reinstate her license, in the petition the Respondent must demonstrate, to the satisfaction of the Board, that she poses no danger to the public or the practice of nursing, that she will safely and competently perform the duties of a licensed practical nurse, and that she is not likely to violate terms and conditions similar to those of the February 1996 Order;

(c) If the Respondent petitions the Board to reinstate her license, in the petition the Respondent must demonstrate, to the satisfaction of the Board, that she meets any applicable requirements for license renewal and license reinstatement.

(3) This Stipulation and Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7).

(4) This Stipulation and Order will remain part of the Respondent's licensing file and may be used in determining sanctions in any future disciplinary matter.

AGREED TO:

Date: 9-23-99

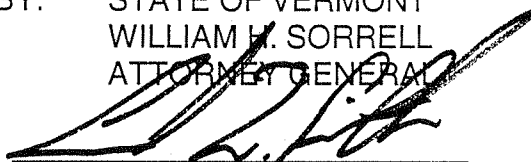
BY: RITA D. BLAIS,
RESPONDENT



Rita D. Blais

AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Date: 9-27-99

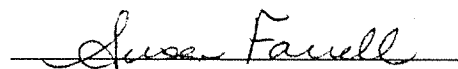


Conrad W. Smith
Assistant Attorney General

ACCEPTED AND SO ORDERED:

Date: 10-11-99

BOARD OF NURSING


Chairperson

Dated entered: 10-13-99

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:
RITA D. BLAIS
License No.:25-4148

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Docket No: NU14-0996

STIPULATION AND THIRD MODIFICATION OF CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Rita D. Blais who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §§129, 129a, and 26 V.S.A. §§1574, 1582.
2. Respondent Rita D. Blais of Hoosick, New York, is a licensed practical nurse holding license number 25-4148 issued by the State of Vermont.
3. Respondent's license was conditioned due to an alcohol problem for a minimum period of three years in a Stipulation and Consent Order entered February 12, 1997 (February 1997 Order). A copy of the February 1997 Order is attached and incorporated.
4. Respondent admits that she suffered a set back in July 1997 and did not completely abstain from the consumption of alcohol as required by paragraph C(9) of the February 1997 Order. A random urine screen drawn on July 17, 1997 did not come back negative as required by paragraph C(8) of the February 1997 Order, but instead indicated the presence of alcohol.
5. Respondent admits that she violated the terms of the February 1997

Order.

6. As a result of Respondent's violations of the February 1997 Order, the Board entered a Modified Stipulation and Consent Order on October 14, 1997 (October 1997 Order), extending the conditions on Respondent's license for three (3) years from the date of entry of the October 1997 Order. A copy of the October 1997 Order is attached and incorporated.

7. Respondent admits that she again suffered a relapse in March 1998 and did not completely abstain from the consumption of alcohol as required by paragraph C(9) of the February 1997 Order. Paragraph B of the October 1997 Order required compliance with the conditions of the February 1997 Order.

8. Respondent was admitted into Samaritan Hospital on March 4, 1998 for chemical addiction and participated in Phase I of Community Health Plan's outpatient Chemical Dependency Recovery Program.

9. Respondent admits that she violated the terms of the October 1997 Order.

10. Respondent's license was suspended for a minimum period of sixty (60) days by a Stipulation and Second Modification of Consent Order entered on May 11, 1998 (May 1998 Order). A copy of the May 1998 Order is attached and incorporated.

11. Respondent is currently participating in Phase II of CHP's Relapse Prevention Program.

12. Respondent petitioned the Board on July 4, 1998 for reinstatement of her currently suspended license.

13. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

14. Respondent understands that the Nursing Board must review and accept the terms of this Third Modification of Consent Order. If the Board rejects any portion, the entire Stipulation and Third Modification of Consent Order shall be null and void.

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

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

17. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Third Modification of Consent Order.

18. 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.

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

20. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

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

A. Respondent violated the October 1997 Order, which constitutes unprofessional conduct and discipline is warranted pursuant to paragraph C(24) of the February 1997 Order. Respondent's license was consequently suspended by the May 1998 Order.

B. Respondent has actively participated in a substance abuse treatment program since her suspension in May 1998, and has petitioned the Board for reinstatement of her license.

C. The May 1998 Order is hereby **MODIFIED** as follows:

- (1) Respondent's suspended license is reinstated.
- (2) The **CONDITIONS** placed on Respondent's license in paragraph C of Respondent's February 1997 Order are reinstated
- (3) The minimum **three (3) year** conditioned time period referred to in paragraph C of the February 1997 Order shall re-commence on the date this Stipulation and Third Modification of Consent Order is entered.
- (4) All other terms and conditions of the February 1997 Order shall be in effect for the conditional period.

D. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

E. This Stipulation and Third Modification of 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)(7).

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

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 8/3/98

by: Annika Green
Annika Green
Special Assistant Attorney General

RESPONDENT
RITA D. BLAIS

Dated: 7-31-98

by: Rita D. Blais
Rita D. Blais

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 08 10 98

by: Marjorie Allard
Chairperson

Date of entry: 8-12-98

STATE OF VERMONT
BOARD OF NURSING

IN RE:	)	
RITA D. BLAIS	)	Docket No: NU14-0996
License No.:25-4148	)	

STIPULATION AND SECOND MODIFICATION OF CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Rita D. Blais who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §§129, 129a, and 26 V.S.A. §§1574, 1582.
2. Respondent Rita D. Blais of Hoosick, New York, is a licensed practical nurse holding license number 25-4148 issued by the State of Vermont.
3. Respondent's license was conditioned for a minimum period of three years in a Stipulation and Consent Order entered February 12, 1997 (February 1997 Order). A copy of the February 1997 Order is attached and incorporated.
4. Respondent admits that she suffered a set back in July 1997 and did not completely abstain from the consumption of alcohol as required by paragraph C(9) of the February 1997 Order.
5. Respondent admits that a random urine screen drawn on July 17, 1997 did not come back negative as required by paragraph C(8) of the February 1997 Order but instead indicated the presence of alcohol.
6. Respondent admits that she violated the terms of the February 1997

Order.

7. As a result of Respondent's violations of the February 1997 Order, the Board entered a Modified Stipulation and Consent Order on October 14, 1997 (October 1997 Order), extending the conditions on Respondent's license for three (3) years from the date of entry of the October 1997 Order. A copy of the October 1997 Order is attached and incorporated.

8. Respondent admits that she again suffered a relapse in March 1998 and did not completely abstain from the consumption of alcohol as required by paragraph C(9) of the February 1997 Order. Paragraph B of the October 1997 Order required compliance with the conditions of the February 1997 Order.

9. Respondent admits that she violated the terms of the October 1997 Order.

10. Respondent was admitted into Samaritan Hospital on March 4, 1998 for chemical addiction and is currently in Community Health Plan's outpatient Chemical Abuse Recovery Program.

11. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

12. Respondent understands that the Nursing Board must review and accept the terms of this Second Modification of Consent Order. If the Board rejects any portion, the entire Stipulation and Second Modification of Consent Order shall be null and void.

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

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

15. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Second Modification of Consent Order.

16. 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.

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

18. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

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

A. Respondent violated the October 1997 Order, which constitutes unprofessional conduct and further discipline is warranted pursuant to paragraph C(24) of the February 1997 Order.

B. The October 1997 Order is **MODIFIED** as follows:

(1) Respondent's nursing license is **SUSPENDED** for a period of **sixty (60) days** commencing on the date of entry of this order by the Board.

(2) the conditions imposed by the October 1997 Order are revoked.

C. Respondent shall immediately surrender her nursing license to the Vermont Board of Nursing if she has not already done so. Failure to surrender the

license within 5 days of the entry date of this order shall be considered a violation of the Order.

D. Respondent may petition the Board to lift the suspension no earlier than the time period imposed in paragraph B above.

E. If Respondent petitions the Board to lift the suspension, the Board shall be entitled to review this Stipulation and Second Modification of Consent Order when it considers her request.

F. If Respondent petitions the Board to lift the suspension, she must demonstrate, to the satisfaction of the Board, that she poses no danger to the practice of nursing or the public and that she can safely and competently perform the duties of a licensed nurse.

G. If Respondent petitions the Board to lift the suspension, she shall demonstrate, to the satisfaction of the Nursing Board, that she has been successfully rehabilitated or has entered a relationship and treatment plan with a treating professional approved by the Board. Respondent shall specifically execute a consent form which meets the requirements of 42 C.F.R. §2.31 permitting disclosure of all information to the Nursing Board, its investigators, and the Attorney General's Office, from any treating professional regarding the Respondent's substance abuse treatment during the suspension.

H. If Respondent petitions the Board to lift the suspension, the Board may require a period of probation, along with supportive or restrictive conditions, to ensure that patients and the public are protected.

I. Notwithstanding any provision above, Respondent must meet all

Nursing Board requirements for license renewal and license reinstatement.

J. This Stipulation and Second Modification of 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)(7).

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

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 5/4/98

by: Annika Green
Annika Green
Special Assistant Attorney General

RESPONDENT
RITA D. BLAIS

Dated: 5-1-98

by: Rita D. Blais
Rita D. Blais

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5-11-98

by: Margie Allard
Chairperson

Date of entry: 5-11-98

IN RE:)
Rita D. Blais) Docket No: HU14-0996
License No.:25-4148)

STIPULATION

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.

3. Respondent's license was conditioned for a minimum period of three years in a Stipulation and Consent Order entered February 12, 1997 (February 1997 Order). A copy of the February 1997 is attached and incorporated.

5. Respondent admits that a random urine screen drawn on July 17, 1997 did not come back negative as required by paragraph C(8) of the February 1997 Order but instead indicated the presence of alcohol.

6. Respondent admits that she violated the terms of the February 1997 Order.

7. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

8. Respondent understands that the Nursing Board must review and accept the terms of this Modification of Consent Order. If the Board rejects any portion, the entire Stipulation and Modification of Consent Order shall be null and void.

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 Modification of Consent Order.

11. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Modification of Consent Order.

12. 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.

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

14. Respondent agrees that the order set forth below may

be entered by the Board.

ORDER

Based on the stipulations above it is ORDERED AND ADJUDGED as follows:

A. Respondent violated the February 1997 Order, which constitutes unprofessional conduct and further discipline is warranted pursuant to paragraph C(24) of that Order.

B. The February 1997 Order is MODIFIED as follows:

(1) the minimum three year time period referred to in paragraph C shall re-commence on the date this Stipulation and Modification of Consent Order is entered. All other terms and conditions of the February 1997 Order shall remain in effect.

C. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

D. This Stipulation and Modification of 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)(7).

E. This Stipulation and Modification of Consent Order will remain part of Respondent's licensing file and may be used

for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 9-30-97

by: *Diane E. Zamos*
Diane E. Zamos
Assistant Attorney General

RESPONDENT
RITA D. BLAIS

Dated: 9-29-97

by: *Rita D. Blais*
Rita D. Blais

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 10-13-97

by: *[Signature]*
Chairperson

Date of entry: 10-14-97

IN RE:)
Rita D. Blais) Docket No: NU14-0996
License No.:25-4148)

STIPULATION

7. Respondent admits that she was convicted of Driving

While Intoxicated in State v. Blais, 1265-10-96Bncr (Vt., Benn. Dist. Ct.) on October 24, 1996 for the September 15, 1996 incident.

8. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

9. At the time this Stipulation and Consent Order is approved by the Board, Respondent agrees that she shall have submitted to the Board for approval the name, address, and professional qualifications of a qualified treating professional from whom Respondent intends to obtain counseling.

10. At the time this Stipulation and Consent Order is approved by the Board, Respondent agrees that she shall have submitted to the Board for review and approval a copy of a treatment plan developed by her treating professional.

11. 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.

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

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

14. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent

Order.

15. 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.

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

17. 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. By engaging in the conduct described in paragraphs 2 through 8 above, Respondent is unable to practice nursing competently as defined by Board of Nursing Rule IV.B.3, which constitutes unprofessional conduct pursuant to 26 V.S.A. §1582(a)(3)(unable to practice nursing by reason of any cause).

B. If the Board (1) does not approve the treating professional presented to the Board for approval pursuant to paragraph 10 of the Stipulation or (2) does not approve the treatment plan presented to the Board for review and approval pursuant to paragraph 11 of the Stipulation, Respondent must submit another treating professional or treatment plan for the Board's approval prior to the next regularly scheduled monthly

meeting of the Board. If Respondent fails to comply with this paragraph or the Board should again reject the proposed treating professional or treatment plan, Respondent shall be deemed to have violated this Consent Order.

C. The Nursing Board **REPRIMANDS** Respondent and **CONDITIONS** Respondent's license to practice nursing for a minimum period of three (3) years commencing with the date this order is entered by the Vermont Board of Nursing. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years 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) Administration of Medications.

Respondent may administer medication, including narcotics, under supervision.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board

until the Board and treating professional agree that such counseling is no longer necessary. Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and 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.

(6) 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 and shall be accompanied by a cover letter on the treating professional's professional letterhead. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

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

(7) Participation in Substance Abuse Support Group.

Respondent shall participate in one or more substance abuse support groups programs such as Alcoholics Anonymous, Narcotics Anonymous, or other program approved by the Board or Respondent's treating professional, at least three times weekly or as recommended by the Respondent's treating professional.

(8) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph C.(10) Drug Use Exception).

(9) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph C.(10).

(10) 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.

(11) Interview with the Board or its designee.

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

(12) Re-issue of License.

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

(13) 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.

(14) 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 nursing employment, 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.

(15) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent 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 Consent Order or of any subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during

clinical experience.

(16) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the 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 and accompanied by a cover letter on the employer's letterhead. 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 and accompanied by a cover letter on the school's letterhead. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

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 Consent Order is in effect.

(17) Practice Under Supervision.

Respondent shall practice only in a setting

where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(19) Types of Employment Prohibited.

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

(20) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(21) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(22) 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. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(23) Costs.

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

(24) Violation of the Consent Order.

If Respondent violates the terms of this Consent 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 Consent Order, the conditional license period shall be extended until the matter is final.

(25) Reevaluation of Conditions.

In the event Respondent does not work in nursing

within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(26) 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. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

D. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

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.

STATE OF VERMONT

JEFFREY L. AMESTOY
ATTORNEY GENERAL

Dated: 1/21/97

by: Diane B. Zamos
Diane B. Zamos
Assistant Attorney General

RESPONDENT
RITA D. BLAIS

Dated: Jan 17, 1997

by: Rita D. Blais
Rita D. Blais

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Feb. 10, 1997

by: Margaret Allard
Chairperson

Date of entry: 2-12-97