

Hearings 10/1/2009

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

|              |                     |   |
|--------------|---------------------|---|
| <i>In re</i> | Rita Driscoll Blais | } |
| License No.  | 025-0004148         | } |
| Docket No.   | NU 28-1100          | } |

**FINDINGS OF FACT  
CONCLUSIONS OF LAW & ORDER**

Introduction:

On Monday 10 December 2008, the Board heard this contested case of alleged unprofessional conduct brought by the State of Vermont against Respondent Rita Blais. Board members Kenneth W. Bush, Ellen W. Leff, Donarae Metcalf, Sandra J. Norton, Linda M. Y. Rice (Chairperson), Deborah Robinson, Alan H. Weiss, DeAnn Welch and William White participated in the hearing of this matter. Board member Susan Farrell recused herself. The Respondent appeared by telephone. The Board granted the State of Vermont party status and Edward G. Adrian represented the State. Board counsel Kevin F. Leahy presided.

Findings of Fact &  
Conclusions of Law:

1. This Board licenses the Respondent and may exercise disciplinary authority for alleged acts of licensee unprofessional conduct. 26 V.S.A. Chapter 28; 3 V.S.A. § 129(a); and Admin. Rules for the Bd. of Nursing and the Office of Prof. Reg.
2. This board suspended Respondent's license in April 2007 pending a merits hearing due to her use of alcohol.
3. The State brought a specification of charges (the "Charges" dated 23 April 2007) against the Respondent alleging unprofessional conduct for violation of a board order that placed conditions on her license. The violations involved the consumption for alcohol, from which she is required to abstain as a condition of licensure.
4. Specifically, the State's material allegation is that in March 2007:  

the Respondent surrendered her New York license due to a relapse of alcohol use. . . the Respondent was arrested in January of 2007 on a [charge of driving while intoxicated].  
. . the Respondent [had a positive test] for alcohol use as a result of a breathalyzer test administered at her workplace.

*See, Charges at ¶ 6.*

5. The Respondent's license was condition by this board on pursuant to an order entered on 13 January 2005. The conditions require abstinence from all intoxicating substances. Charges at ¶3.
6. The Board suspended summarily the Respondent's license in April 2007 for conduct related to the facts alleged in the State's Charges.
7. In her answer filed with the Board, the Respondent admits the factual allegations set forth in the Charges.
8. In a disciplinary hearing, the state has the burden of proof. To satisfy its evidentiary burden, it must "show by a preponderance of the evidence that [a licensee] has engaged in unprofessional conduct." 3 V.S.A. § 129a (c).
9. In this contested case, the Respondent admits the operative facts. The State therefore meets its evidentiary burden.
10. The issues for the board are therefore legal.
11. The first issue is whether the Board finds that the Respondent engaged in unprofessional conduct. Because the Board does find that the Respondent engaged in unprofessional conduct as further explained in this order, the next issue is disposition.
12. Relative to disposition, the Respondent argues that she is safe to return to work and presented evidence that she argues supports that contention.
13. To return the Respondent's license, the issue to determine is whether the Respondent is safe to work as a licensed professional.
14. The Respondent supplied convincing evidence suggesting that she is ready to return to work.
15. This evidence included her testimony, documentation of a series of negative random toxicology screens and information about her treatment in New York.
16. The Respondent's evidence supports her testimony that she is maintaining her sobriety.
17. The State of New York has also reinstated the Respondent's license.
18. The evidence, while convincing, is nevertheless incomplete for this Board to return Respondent's licensing privileges immediately.
19. The Vermont Board of Nursing needs an additional period of documented sobriety to assure itself that the Respondent may safely return to work with conditions.
20. Based on a review of the evidence in support of Respondent's appeal for a conditioned license as final resolution to this matter, the Board holds the Respondent has demonstrated that she is entitled to a reinstated license. The license shall be conditional in order to protect the public health, safety and welfare.
21. Respondent's license shall therefore be reinstated by this order and consistent with conditions as set forth in the Appendix attached to this order.

22. This Order shall also suspend the Respondent's license for a period of six months and require that Respondent successfully complete six (6) months of conditions under a suspended license prior to reinstatement.
23. The six month suspension and the requirement that Respondent meet the conditions set forth in the Appendix shall begin upon entry of this order.
24. Upon successfully completing a six month suspension including compliance with all conditions, other than the practice requirements and employer reports, the Board will conditionally reinstate the Respondent's license.
25. In light of the findings made by the Board, we rule as follows:
26. The record of facts in this case demonstrates that the Respondent engaged in unprofessional conduct in violation of 3 V.S.A. § 129a (4) by failing to abide by a board order and failing to abide by conditions placed on Respondent's license. Specifically, Respondent consumed alcohol in violation of the terms of her license and in violation of this board's January 2005 Order.
27. The State's other charges of unprofessional conduct in violation of 3 V.S.A. § 129(a) (3); 3 V.S.A. § 129(b) and 26 V.S.A. § 1582(3) are dismissed for failure to plead facts in support of those charges.
28. The license conditions imposed by this order shall remain in place until Respondent successfully completes and complies with all conditions set forth in this order and demonstrates rehabilitation to the Board.
29. The Board shall reinstate the Respondent's license upon successful completion of the conditions set forth in the appendix to this order.

#### ORDER

Based on the findings of facts set forth above, the Board of Nursing therefore finds that the Respondent engaged in unprofessional conduct in violation of 3 V.S.A. § 129a (4); and

The Board of Nursing ORDERS that the Respondent's license be SUSPENDED for SIX (6) MONTHS from the date of entry of this Order; and

The Board ORDERS that the Respondent's license be CONDITIONALLY reinstated after completing six months of successful compliance with all non-practice related conditions required by this Order; and

The Board further ORDERS that upon receipt of a conditional license, the Respondent shall practice under the conditions set forth in the Appendix to this Order for three (3) years and until she successfully complies with all conditions mandated by this Order.

- END -

*(signature page to follow)*

Vermont Board of Nursing:

By: Linda Rice APRN  
Linda M. Y. Rice, APRN

Date: March 10, 2008

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/12/08

## APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a Board may appeal the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Secretary of State's Office, National Life Building, FL2, 1 National Life Drive, Montpelier, Vermont 05602-3402 within 30 days of the entry of the order.

For more information about the procedure for filing an appeal, please see the Administrative Rules for the Office of Professional Regulation, which you can find at: <http://www.vtprofessionals.org/opr1/opr/admnrule.pdf> and the Rules are also available at the Office of Professional Regulation.

If you file an appeal, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The appellate officer will review the record (the tape recording, exhibits etc.) created before the board during the hearing of your case. In cases of alleged irregularities in procedure before the board, not shown in the record, proof related to that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

**APPENDIX**  
**(License conditions Rita Driscoll Blais License No. 025-0004148)**

1. Re-issue of License.

Respondent Rita Driscoll Blais (Respondent) shall be issued a license labeled "conditioned" at the conclusion of a six month suspension. During the suspension, and for the six (6) months preceding reinstatement of the Respondent's license, Respondent must comply with, and successfully meet, all of the conditions listed in this appendix (other than those conditions that apply only to nursing practice).

2. Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent completes a six (6) month suspension followed by three (3) years of supervised nursing practice in which Respondent works forty (40) hours every two (2) weeks as a licensed practical nurse. Respondent shall receive credit for part-time work (*i.e.* work that is less than forty (40) hours every two (2) weeks) on a prorated basis. The Respondent may not work more than forty (40) hours per week.

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 certifies that counseling is no longer necessary. Respondent shall comply with the substance abuse treatment plan approved by the Board and the treating professional.

4. Notification to Treating Professional.

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

5. Reports from Treating Professional.

Respondent shall authorize and cause Respondent's treating professional to submit evidence of satisfactory progress with the treatment plan during the effective period of this Order. These reports shall be submitted 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 Respondent's treating professional to provide information requested by the Nursing Board while this Order is in effect.

6. Notification to Employers/Nursing School.

Respondent shall provide a copy of this Order to all employers in any current or future setting in which Respondent practices nursing and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Order and acknowledging the ability to comply with its conditions. In the event Respondent attends a nursing program, 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.

7. Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of nursing employment and monthly thereafter, Respondent shall cause every nursing employer for which Respondent worked during that month to submit an evaluation of Respondent's work performance and number of days worked. 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 submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and days attended. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

8. Practice Supervision.

Respondent shall practice only in a setting where Respondent has direct supervision for the entire shift by a licensed registered nurse who is in good standing.

9. Administration of Medications

Respondent may not administer controlled substances. The Respondent may petition to have this condition removed or modified after completing twelve (12) weeks of work as a nurse. A petition seeking removal or modification of this condition must demonstrate that Respondent can safely administer controlled substances. Support for the petition shall include an explanation of Respondent's employer/school administrator inventory control procedures, and the Board may also require documented support for removing this condition from any applicable treating professional.

10. Participation in Recovery Group.

Respondent shall participate in a substance abuse recovery group as recommended by Respondent's treating professional.

11. Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee pursuant to Board procedures. Testing shall be random. Urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

12. Abstain from Drug and Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of prescribed medications while these conditions are in place.

13. Drug Use Exception.

The Respondent may only use lawfully prescribed medications. Respondent shall inform the Board in writing of a prescribing, physician, dentist, or nurse practitioner's identity within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the prescribing health care professional confirms, in writing and on appropriate letterhead, knowledge of Respondent's substance abuse history 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 health care professional, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request that Respondent's practitioner document the continued necessity for scheduled medications prescribed for an extended term.

14. Records.

Respondent shall keep a record of all medications that the Respondent takes including over-the-counter medications, and Respondent shall produce the record upon reasonable request of the Board or its designee.

15. Types of Employment Prohibited.

Respondent shall not work in a supervisory role with the exception of supervising unlicensed assistive persons. 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 Order.

16. Out of State Practice/Residence.

Before the Board credits any out-of-state practice or residence toward fulfillment of these terms and conditions, Respondent must obtain Board approval prior to Respondent leaving the State of Vermont. If Respondent fails to receive approval, the Board will not

credit time spent out-of-state toward the fulfillment of the terms and conditions of this Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Order.

17. 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 Respondent's current place of employment, personal address, email address and telephone number. Respondent must notify the Board, in writing, within forty-eight (48) hours of any change in employment or contact information.

18. Notification to Other States.

If the Respondent is licensed in nursing in another state(s), Respondent must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.

19. License Renewal.

Respondent must timely apply for renewal and otherwise comply with the requirements for license renewal.

20. Release of Information Forms.

In fulfilling the conditions of this Order, the Respondent must authorize various persons identified in this order to report information or to discuss the Respondent with the Board. This includes treating professionals and employers. The Respondent must execute a consent form that allows disclosure to the Board or its designee.

21. Violation of this Order.

If the Respondent violates the terms of this Order, the Board, after giving the Respondent notice and an opportunity to be heard, may impose additional disciplinary actions.

22. Completion of Conditional License Period.

After completion of the conditional license period, the licensee may petition the Board to remove the license conditions. The Respondent must present proof that Respondent has complied with the terms of this Order. The Respondent must also present proof of successful rehabilitation in order to be reinstated.

( - END - )

4-12-2007 6:00 PM, Day

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

|              |                     |   |
|--------------|---------------------|---|
| <i>In re</i> | Rita Driscoll Blais | } |
| License No.  | 025-0004148         | } |
| Docket No.   | NU28-1100           | } |

**SUMMARY SUSPENSION ORDER**

On Monday 9 April 2007, this matter came before the Vermont State Board of Nursing by petition of the State of Vermont. The State seeks a summary suspension pursuant to 3 V.S.A. § 814(c). The hearing took place at Central Vermont Hospital, 130 Fisher Road in Berlin, Vermont.

If the Board determines that emergency action is imperatively required to protect the public health, safety or welfare, it has authority to suspend summarily a license pending further administrative proceedings. 3 V.S.A. § 814(c).

**Findings of Fact &  
Conclusions of Law:**

Based on a review of the evidence presented at the hearing of this matter, the Board finds:

1. The Respondent is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a)(3); the Administrative Rules of the Nursing Board and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a "Request for Summary Suspension" dated 3 April 2007 stating that the Respondent's license is currently conditioned due to prior disciplinary action for substance abuse and alleging that the Respondent "surrendered her New York license due to a relapse of alcohol use." The State further alleges that the Respondent was arrested in February 2007 for driving while under the influence.
3. The State argues that public health, safety or welfare imperatively requires emergency action, and the state asks this Board to suspend summarily the Respondent's license prior to a full hearing on the merits.
4. The Board has considered the evidence related to the allegations in the State's request for summary suspension.
5. The Board finds that the State has, in its presentation of evidence, met its burden to the necessary degree of showing the need for emergency action to protect the public health, safety and welfare.
6. Pursuant to 3 V.S.A. § 814(c), the Board issues the following temporary order, which shall remain in effect until further action by this Board.

**ORDER**

The Board of Nursing GRANTS the State of Vermont's Request for Summary Suspension.

The Respondent's license is SUMMARILY SUSPENDED pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

- END -

Vermont Board of Nursing

By: Sinda Rice APRN Dated at Montpelier: 9 April 2007  
Presiding Board Member

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 4/11/07

## APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a Board may appeal the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of the order.

If you file an appeal, the Director of the Office of Professional Regulation assigns the case to an appellate officer. The appellate officer reviews the order based on the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, the appellate officer may take proof on that issue. *See* 3 V.S.A. §§ 129(d) and 130a.

Hudson Falls

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

IN RE: )  
RITA DRISCOLL BLAIS ) Docket No. NU 28-1100  
License No. 025-0004148 )

STIPULATION AND CONSENT ORDER

**STIPULATION**

NOW COMES the State of Vermont, through State Prosecuting Attorney, Angela B. Stanski, and the Respondent, Rita Driscoll Blais, who stipulate and agree as follows:

**Board Authority**

1. The Vermont Board of Nursing ("the Board") has jurisdiction to investigate complaints of unprofessional conduct and discipline nursing license applicants pursuant to 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

**Facts**

2. The Respondent, Rita Driscoll Blais, is licensed in the State of Vermont as a Licensed Practical Nurse under license number 025-0004148.

3. The Respondent's license has been suspended since February 14, 2001 pursuant to the Specification of Charges, Stipulation and Consent Order entered by the Board of Nursing. (See Attachment A). As set forth in this document, the Respondent's license has been disciplined by the Board on numerous occasions since February 12, 1997 due to the Respondent having been addicted to alcohol. The Respondent has recently requested that the Board consider her for license reinstatement.

4. On June 17, 2003, the Respondent was admitted into a treatment program at Hudson Mohawk Recovery Center in New York State. The Respondent was discharged from the program on March 9, 2004 with a prognosis of good after having "successfully completed all program requirements". According to the Discharge Summary, while in the program, the Respondent attended 3 individual sessions and 25 group sessions. She attended Alcoholics Anonymous meetings two to three times per week and had a sponsor. She became active with the New York State Education Department's Professional Assistance Program while in treatment. The Discharge Summary further states that the Respondent "has all the knowledge needed by a

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

person to work a successful recovery program” and that while in treatment, the Respondent “was able to verbalize what she needed to do to remain sober, she had a plan in place to facilitate a lifestyle free of alcohol”.

5. On December 30, 2003, the Respondent was admitted into New York State Education Department’s Professional Assistance Program. (See Attachment B). The Respondent has not received any positive drug or alcohol screens since entering the program and she has continued with alcohol abuse counseling and attendance at AA. She has also enrolled in New York’s Statewide Peer Assistance for Nurses (SPAN) program. The Respondent will continue to be monitored under the PAP program until at least December 30, 2005.

6. On June 10, 2004, the Respondent’s counselor, Randi L. Eyerman, R.N. of the Unified Services Center located in Hoosick Falls, New York advised by way of letter to the Board that the Respondent has been seeing her since early March of 2004 and that the Respondent is “quite stable and doing well”. She further states that the Respondent has maintained her sobriety and states that it is clear to her that the Respondent “is ready and able to return to nursing”. She recommends the Respondent’s “return to the profession without reservation” and further states that the Respondent “will be an asset to our profession”.

7. On August 3, 2004, the Board received an independent evaluation of the Respondent from Thomas McGivern, CADAC. Mr. McGivern advises in his report that the Respondent has maintained abstinence from alcohol use since August 3, 2003. He states that the Respondent is in remission at this time and he recommends that the Respondent remain active in self-help programs and that she continue treatment with Respondent’s counselor in order for relapse prevention.

### **Charges**

8. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

- i. 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
- ii. 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**

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

10. Respondent understands that the Nursing Board must review and accept the

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.

11. 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.

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 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.

15. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

16. 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) Issuance of License.

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) New York State Education Department's Professional Assistance Program (PAP).

Respondent shall comply with all terms of the New York State Education Department's Professional Assistance Program in which the Respondent is a

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

participant. (See Attachment B). She shall sign written authorizations upon request authorizing the Board, its designees, investigators and the Office of Professional Regulation to communicate with, and receive documents from, the New York State Education Department's Professional Assistance Program.

(4) Completion of Alcohol Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue 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 alcohol abuse treatment plan approved by the Board and the treating professional.

(5) 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. 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.

(7) 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 during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the commencement of nursing employment and of any subsequent nursing employment, Respondent shall cause Respondent's 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 which has a clinical portion which involves actual patient care, he 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 its conditions during clinical experience.

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

(8) Reports from Employers.

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 month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. 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 submit to the Board, on a monthly basis, a written evaluation of her 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.

(9) 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.

(10) Participation in Recovery Group.

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

(11) Abstain from Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol.

(12) Random Alcohol Testing.

Respondent shall submit to random 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 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.

(13) Interview with the Board or its Designee.

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

(14) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse, with the exception of supervising LNAs and other unlicensed assistive persons. 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.

(15) Out of State Practice/Residence.

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

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.

(16) 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.

(17) Notification to Other States.

In the event that the Respondent is licensed as a nurse in any other state(s), she must inform the nurse licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(18) 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.

(19) Costs.

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

(20) 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.

(21) 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 fully 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

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

practice of nursing and that she can safely and competently perform the duties of an L.P.N.

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: 12/17/04

By: Angela B. Stanski  
Angela B. Stanski  
State Prosecuting Attorney

RITA DRISCOLL BLAIS  
RESPONDENT

Dated: 12-8-2004

By: Rita Driscoll Blais  
Rita Driscoll Blais

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 1/10/05

By: Susan Farrell  
Chairperson

Date of Entry: 1/13/05

nu.blais.stip

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

009-42-0071

STATE OF VERMONT  
BOARD OF NURSING

In re: Rita Blais  
License No. 25-4148

}  
}  
}

Docket No. NU28-1100

SUMMARY SUSPENSION ORDER

On February 12, 2001, 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 Rita Blais' 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: Susan Farrell  
Susan Farrell  
Chair

Dated: Feb. 12, 2001

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2-14-01

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

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

)  
)  
)

Docket No: NU28-1100

SPECIFICATION OF CHARGES, STIPULATION AND CONSENT ORDER

SPECIFICATION OF CHARGES

- 1) The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
- 2) The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
- 3) Failing to comply with an order of the board or violating any term or condition of a license restricted by the board is a basis on which the Board can impose 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

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

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 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").
- 10) Respondent actively participated in the McPike Addiction Treatment Center's Program and, on December 19, 1999 completed the program and was discharged.
- 11) On June 20, 2000, the Board approved a Stipulation and Fifth Modification of Consent Order (the "2000 Order") which placed Respondent under three (3) years of conditions, including that Respondent completely abstain from all consumption of alcohol.

- 12) On or about October 10, 2000, Respondent was given a random urinalysis test as required under the 2000 Order. The sample was taken from Respondent when she arrived at work.
- 13) The results of the analysis showed alcohol was present.

### **Claims**

- 14) The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
- 15) Failing to comply with an order of the board or violating any term or condition of a license restricted by the board is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(4).

### **STIPULATION**

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

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
3. Failing to comply with an order of the board or violating any term or condition of a license restricted by the board is a basis on which the Board can impose 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 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").
10. Respondent actively participated in the McPike Addiction Treatment Center's Program and, on December 19, 1999 completed the program and was discharged.

11. On June 20, 2000, the Board approved a Stipulation and Fifth Modification of Consent Order (the "2000 Order") which placed Respondent under three (3) years of conditions, including that Respondent completely abstain from all consumption of alcohol.
12. On or about October 10, 2000, Respondent was given a random urinalysis test as required under the 2000 Order. The sample was taken from Respondent when she arrived at work.
13. The results of the analysis showed alcohol was present.

### **Claims**

14. The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
15. Failing to comply with an order of the board or violating any term or condition of a license restricted by the board is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(4).

### **Understandings**

- A. Respondent admits the facts above and the conclusions of unprofessional conduct as set forth below in the Board's Order.
- B. 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.
- C. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- D. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. Respondent specifically waives any claims that any disclosures made to the full Board during its review of

this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

- E. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- F. 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.
- G. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
- H. Respondent agrees that the Board may set forth the order below.

### **ORDER**

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

- I. By engaging in the conduct above, Respondent acted unprofessionally pursuant to, and in violation of:
  - (1) Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3) (The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently); and
  - (2) 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).
- J. The Nursing Board **SUSPENDS** the Respondent's license for a **minimum period of one (1) year**, commencing on the date this order is entered, continuing until she demonstrates, to the satisfaction of the Board: possession of entry level

qualifications; specific rehabilitation; good moral character and fitness; methods of assuring public safety, and; that reinstatement would not be detrimental to the integrity of the profession or subversive of the public interest.

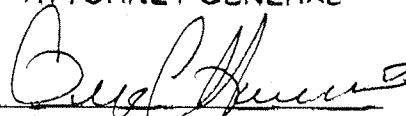
- K. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- L. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

Dated: 2-8-01

by:



George C. Haegle IV  
Assistant Attorney General

RESPONDENT  
RITA BLAIS

Dated: 2-8-01

by:



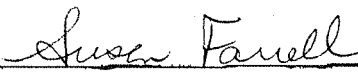
Rita Blais

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/12/01

by:



Chairperson

Date of entry: 2-14-01