

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

IN RE:)
JAMIE L. BONE) **Docket No. 2020-118**
License No. 025.0122940)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Elizabeth St. James, and the Respondent, Jamie L. Bone, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Jamie L. Bone ("Respondent") of Newport, Vermont, is registered in the State of Vermont as a Licensed Practical Nurse under license number 025.0122940. This license was first issued on July 26, 2016 and expires on January 31, 2022.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse at Bel-Aire Center (the "Facility"), a skilled nursing facility in Newport, Vermont.
4. At all relevant times, Patient 1 was a resident of the Facility.
5. Patient 1 was prescribed Oxycodone 5mg as needed for pain.
6. At all relevant times, Patient 2 was a resident of the Facility.
7. Patient 2 was prescribed Fludrocortisone Acetate 0.1mg once daily for adrenogenital syndrome.
8. On November 5, 2020, Respondent popped at least two Oxycodone 5mg pills out of Patient 1's blister medication pack and took them out of the facility for her own personal use.

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9. In the process of diverting Oxycodone from Patient 1, Respondent replaced the Oxycodone in the blister pack with Patient 2's Fludrocortisone Acetate 0.1mg tablets, which looked similar to Oxycodone pills.
10. Respondent took the risk she did in replacing the Oxycodone with Fludrocortisone Acetate 0.1mg in part because she believed Patient 1 would be discharged from the facility before he had a need for the replaced pills.
11. Prior to diverting from the Facility, Respondent started getting Oxycodone from a friend in early October to help her deal with stress and depression.

Violation One: 26 V.S.A. § 1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

12. The State re-alleges and incorporates Paragraphs 2 through 11 above.
13. As a Licensed Practical Nurse, Respondent is prohibited from diverting or attempting to divert drugs, equipment, or supplies for unauthorized use.
14. Respondent diverted or attempted to divert drugs for unauthorized use as demonstrated in Paragraphs 2 through 11 above.
15. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 26 V.S.A. § 1582(a)(2).

Violation Two: 26 V.S.A. § 1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

16. The State re-alleges and incorporates Paragraphs 2 through 11 above.
17. As a Licensed Practical Nurse, Respondent is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
18. Paragraphs 2 through 11 above demonstrate Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public.
19. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. § 1582(a)(3).

Violation Three: 26 V.S.A. § 129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

20. The State re-alleges and incorporates Paragraphs 2 through 11 above.

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21. As a Licensed Practical Nurse, Respondent is required to exercise independent professional judgment in the performance of licensed activities.
22. Paragraphs 2 through 11 above demonstrate Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
23. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. § 129a(a)(15).

Violation Four: 3 V.S.A. § 129a(b)(1) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care.

24. The State re-alleges and incorporates Paragraphs 2 through 11 above.
25. As a Licensed Practical Nurse, Respondent has an obligation to provide safe and acceptable patient care.
26. Paragraphs 2 through 11 above demonstrate that Respondent provided unsafe and unacceptable patient care.
27. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. § 129a(b)(1).

Understandings

28. Respondent admits that the facts above are true and the parties reach a full and final Stipulation pursuant to these Understandings and the Order below.
29. Respondent understands that the Nursing Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
30. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing if this agreement is not accepted by the Board and proceeds to a contested hearing.
31. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

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32. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
33. 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.
34. Respondent voluntarily waives Respondent's right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
35. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

- A. The Board of Nursing hereby **INDEFINITELY SUSPENDS** Respondent's license to practice as a Licensed Practical Nurse from the date of entry below. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost:
 1. Obtain an independent substance abuse evaluation report by a pre-approved licensed professional specializing in drug and alcohol abuse ("Independent Evaluator") who has verified receipt of the Summary Suspension Order and this Stipulation and Consent Order. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients, as well as any recommendations that would ensure Respondent is safe to practice. The evaluation must be submitted the Enforcement Unit Case Manager.
 2. Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random urine analyses:
 - a. When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager to set-up the drug screen process and receive instructions. Once registered with the pre-approved person or entity, Respondent will have approximately 45 days to submit a minimum of three (3) random urine analyses. The process by which Respondent learns whether she is selected to provide a sample on any given day will be governed by the policy of the pre-approved person or entity conducting the testing at that time.
 - b. The drug screens must be collected in an observed setting; administered by a pre-approved person or entity; and analyzed by a pre-approved lab qualified to analyze samples for forensic purposes, the results of which shall be negative.

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- c. Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any drug screen shall cause that screen to be presumed positive; and
3. If recommended by an Independent Evaluator, enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations.
- B. If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms the Board finds reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, drug screen results, the facts above, and anything else the Board deems relevant at that time.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
- D. This Stipulated 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).
- E. 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.
- F. This Stipulation and Consent Order shall be applicable as a matter of law to all other licenses issued by the Board of Nursing, as provided in 3 V.S.A. §129(l).

AGREED TO:

Dated: August 05, 2021

STATE OF VERMONT
SECRETARY OF STATE

E-SIGNED by Elizabeth A. St. James
on 2021-08-05 08:59:26 EDT
By: Elizabeth A. St. James
State Prosecuting Attorney

JAMIE L. BONE
RESPONDENT

Dated: August 04, 2021

E-SIGNED by Jamie L. Bone
on 2021-08-04 15:38:57 EDT
By: Jamie L. Bone

APPROVED AND SO ORDERED:

Dated: September 13, 2021

VERMONT BOARD OF NURSING

E-SIGNED by Jennifer Laurent
on 2021-09-13 15:47:21 EDT
By: _____

Chairperson

Date of Entry: 9/14/21

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