

**STATE OF VERMONT
BOARD OF NURSING**

In re: Barbara L. Bristol
License No. 025-0007660

}
}
} Docket No. NU17-0908

Appearances:

Petitioner, State of Vermont: Edward G. Adrian
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on January 12, 2009 at the National Life Building in Montpelier, Vermont. Ms. Bristol did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Bristol licensed by and subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. §§ 1582 and 1598, the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On October 30, 2008 Ms. Bristol was sent notice of Charges in this matter by certified mail to her last known address.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. Stamps on the envelope indicate that three notices of the certified mail were sent to Ms. Bristol. The letter was "unclaimed."
6. Ms. Bristol has not filed an answer to the charges.
7. On December 16, 2008 Notice of the default hearing scheduled for January 12, 2009 was mailed to Ms. Bristol at that same address by certified mail. The file shows no return on this mailing.
8. Ms. Bristol has still not answered the charges.
9. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Bristol to be in Default. The allegations contained in the State's Specification of Charges (copy attached) are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Bristol has received notice of the charges in this matter as indicated by the Board's

file and the State's presentation. Because Ms. Bristol has failed to answer the charges, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Bristol has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Bristol's license is hereby SUSPENDED INDEFINITELY effective as of the date of the hearing.

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 this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2, Montpelier, VT 05620-3402 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By: Linda Rice APRN Date: January 12, 2009
Linda Rice, APRN, Chair

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 1/14/09

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

IN RE:

BARBARA L. BRISTOL
License No. 025-0007660

Docket No. NU17-0908

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Barbara L. Bristol, LPN:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Barbara L. Bristol (the "Respondent") of Newfane, Vermont is licensed by the State of Vermont as a Practical Nurse under license number 025-0007660. This license was originally issued on or about August 7, 1998 and is currently set to expire January 31, 2010. Respondent is also licensed by the State of Massachusetts as a Practical Nurse under license number 69079. Respondent's Massachusetts license was issued on or about December 21, 2007 and is currently set to expire February 8, 2009.
3. On or about May 28, 2008 in Claremont, New Hampshire, Respondent was pulled over by a police officer for erratic driving. In an ensuing search of Respondent's clothing, the police officer found two (2) 5mg tablets of Methadone, and one (1) 10 mg tablet of Methadone in Respondent's pocket. Respondent did not have a prescription for the Methadone. In a search of the vehicle Respondent was driving, the police officer found two (2) crack pipes. Moreover, the Respondent admitted to the police officer that she occasionally uses crack, but said that the last time she used crack was in or around February 2008.
4. On or about June 18, 2008 in the Sullivan County Superior Court in Newport, New Hampshire under Docket Number 08-5-262, Respondent was indicted for knowingly possessing the controlled drug Methadone.

STATE OF VERMONT



Prosecuting Attorney
Office of
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9 Baldwin Street
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Charges

5. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
- a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause);
 - b. ARBN Chapter 4, Rule IV(II)(B)(1) and (2) ("Inability to practice nursing competently" includes: (1) performance of unsafe or unacceptable patient care; and (2) failure to conform to the essential standards of acceptable and prevailing practice);
 - c. ARBN Chapter 4, Rule IV(II)(C) ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals, or any other type of materials);
 - d. 26 V.S.A. § 1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs);
 - e. 3 V.S.A. § 129a(b)(1) and (2) (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; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - f. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Request for Relief

WHEREFORE, the license of Barbara L. Bristol should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 20 day of October, 2008.

STATE OF VERMONT



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STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

New Hampshire

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

In re Barbara Bristol }
License No. 025-~~007660~~ 0007660 }
Docket No. NU 17-0908 }

SUMMARY SUSPENSION ORDER

On Monday 13 October 2008, this matter came before the Vermont State Board of Nursing from a petition filed by the State of Vermont. The State of Vermont seeks a summary suspension of Respondent's professional license pursuant to 3 V.S.A. § 814(c).

The hearing took place at the Secretary of State's Office of Professional Regulation, National Life Building, Montpelier, Vermont before a quorum of the Vermont Board of Nursing.

**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 Board of Nursing licenses the Respondent, and the Respondent is subject to the disciplinary authority of this Board. *See generally*, 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a)(3); and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a "Request for Summary Suspension" dated 3 October 2008, alleging that the Respondent had been arrested in New Hampshire for possession of controlled substances.
3. The State argues that it is imperative for the Board of Nursing to take emergency action in order to protect the public health, safety or welfare.
4. The State further contends that the evidence it presented demonstrates an imperative need for this administrative agency to prevent the Respondent from engaging in professional practice. It is the State's position that the Board needs to act, prior to a full hearing on the merits, by suspending summarily the Respondent's license.
5. This Board has authority to suspend summarily a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action. 3 V.S.A. § 814.
6. The Board has considered the evidence related to the allegations in the State's Request for Summary Suspension.

7. The Board finds that the State has, in its presentation of evidence, met its burden to the necessary degree of showing an imperative need for emergency action to protect the public health, safety and welfare.
8. 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: Linda M. Y. Rice
Linda M. Y. Rice, APRN
Board Chairperson

Dated at Montpelier: 13 October 2008

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/14/08