

10/26/09

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

IN RE:

SCOTT P. BRODERICK

License No. 026-0024016

)
)
)

Docket No. NU20-0905

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Scott P. Broderick, who stipulate and agree as follows:

Board Authority

1. The Vermont 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Scott P. Broderick (the "Respondent") of Plattsburgh, New York is licensed by the State of Vermont as a Registered Nurse under license number 026-0024016. This license was originally issued on or about June 3, 1998 and is currently set to expire on March 31, 2009.
3. By way of history, Respondent's license is currently conditioned pursuant to a Reinstatement Stipulation and Consent Order (the "Reinstatement Order") that was entered by the Board on or about March 12, 2008. Attachment A. The Reinstatement Order included, among other conditions, the requirements that Respondent submit to random drug and alcohol testing, and to cause his employer and treating professional to submit reports to the Board.
4. In a letter to Respondent from Board Administrator Elizabeth Hansen dated May 20, 2008, Ms. Hansen informed Respondent that Respondent was not in compliance with the terms of the Reinstatement Order because Ms. Hansen had not received materials Respondent was supposed to submit by April 2008 deadlines, and because FirstLab had informed Ms. Hansen that Respondent had not followed up with FirstLab regarding the random specimen selection program.

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05609-1107

5. In an email from Respondent to Ms. Hansen dated June 6, 2008, Respondent advised Ms. Hansen that Respondent was not currently seeking registered nurse positions and that he would like his license inactivated.

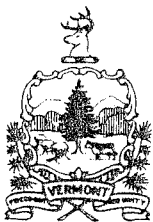
Charges

6. 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. 3 V.S.A. § 129a(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board); and
 - b. 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).

Understandings

7. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
8. 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.
9. 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.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
12. 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.
13. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
14. Respondent agrees that the Order set forth below may be entered by the Board.

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Office of
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Montpelier, VT
05609-1107

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 registered nursing. If, in the future, Respondent seeks reinstatement, his license will be **CONDITIONED** pursuant to the terms of the Reinstatement Stipulation and Consent Order that was entered by the Board on or about March 12, 2008, and by any conditions the Board finds reasonable based on the amount of time that has passed between the date of entry of this Stipulation and Consent Order and the date in which Respondent seeks reinstatement.
- B. 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).
- C. 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:

Dated: 10/6/08

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]

Edward G. Adrian
State Prosecuting Attorney

SCOTT P. BRODERICK
RESPONDENT

Dated: 9/21/08

By: [Signature]

Scott P. Broderick

APPROVED AND SO ORDERED:

Dated: 11.10.08

VERMONT BOARD OF NURSING

By: [Signature]

Chairperson

Date of Entry: 11/18/08

nu.broderick.stip

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05609-1107

Pennings

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

IN RE:)
SCOTT P. BRODERICK) Docket No. NU20-0905
License No. 026-0024016)

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Scott P. Broderick, who stipulate and agree as follows:

Board Authority

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

Statement of Facts

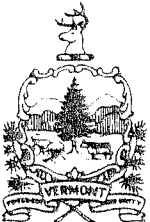
2. Scott P. Broderick (the "Respondent") of Swanton, Vermont is a licensed registered nurse holding license number 026-0024016, issued by the State of Vermont. This license was originally issued on or about June 3, 1998 and lapsed on March 31, 2007.

3. By way of history, the Respondent's license is currently suspended pursuant to a Stipulation and Consent Order ("Order #1") entered by the Board on or about April 11, 2007. Attachment A. Order #1 was due to the Respondent's admitted diversion of Fentanyl on at least twenty (20) occasions. Attachment A.

4. The Respondent's license was previously suspended and subsequently reinstated with conditions pursuant to a Stipulation and Consent Order ("Order #2") in combination with a Supplemental Order ("Supplemental Order") entered by the Board on or about March 17, 2006. Attachment B. Order #2 and the Supplemental Order were based on the Respondent obtaining Percocet using forged prescriptions from a stolen prescription pad. Attachment B.

5. In a letter to the Board received November 28, 2007, the Respondent expressed his desire for the Board to consider reinstating his registered nursing license. In his letter, the Respondent advised that he has been active in his recovery, first by entering Brattleboro Retreat for thirty (30) days in May of 2006, and currently by participating in Narcotics

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Anonymous meetings three (3) to five (5) nights a week. The Respondent also advised that he continues to participate in regular sessions with his therapist and all urine screens requested of him have been negative.

6. Additionally, the Respondent provided an independent drug and alcohol evaluation performed over six (6) hours between October 5, 2007 and November 8, 2007 by Holly Tuck, a licensed mental health counselor. In Ms. Tuck's evaluation, she reported that the Respondent has been drug free since May of 2006. In her evaluation, Ms. Tuck supported the reinstatement of the Respondent's registered nursing license with the following recommendations: 1) participation in mental health/substance abuse counseling at a minimum of once every three (3) weeks; 2) attending a minimum of three (3) AA/NA meetings per week; 3) maintained contact with Respondent's AA/NA sponsor; 4) random urinalysis testing for a minimum of two (2) years; and 5) employment in a position that does not allow the Respondent to have contact with or dispense any opiate drugs for a minimum of two (2) years.

7. The Respondent agrees that the conditions below are necessary for him to return to the practice.

Understandings

8. Respondent agrees that the Order below is necessary to protect the public.

9. 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.

10. 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.

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

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

13. 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.

14. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

15. Respondent agrees that the Order set forth below may be entered by the Board.

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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 as a registered nurse for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Re-issue of License.

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 registered nursing in which he works forty (40) hours every two (2) weeks as a registered 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.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

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

(4) Notification to Treating Professional.

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

(5) Reports from Treating Professional.

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

(6) Notification to Employers/Nursing School.

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Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a registered nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered 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 the Respondent is attending a nursing program, 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.

(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 registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the 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 his 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.

(8) Practice Under Supervision.

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

(9) Administration of Medications.

Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after he has worked as nurse for twelve (12) weeks for at least 40 hours every two weeks (or the part time equivalent) after the date of reinstatement.

In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that he can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from his treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

(10) Participation in Recovery Groups.

Respondent shall participate as recommended by his treating professional, in Narcotics Anonymous meetings and/or other recovery group(s).

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(11) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All 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 medications as outlined in paragraph A.(12) for the period of time described in paragraph A.(2).

(13) Drug Use Exception.

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

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

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

(14) Interview with the Board or its Designee.

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

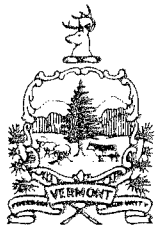
(15) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. 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.

(16) 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

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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.

(17) 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 his 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.

(18) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), he must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of his Vermont registered 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.

(19) 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 as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(20) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

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The Respondent understands that his treatment provider may require him to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(21) Costs.

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

(22) 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.

(23) Completion of Conditional License Period.

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

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

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

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

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 2/29/08

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

SCOTT P. BRODERICK
RESPONDENT

Dated: 2/26/08

By: [Signature]
Scott P. Broderick

APPROVED AND SO ORDERED:
VERMONT BOARD OF NURSING

Dated: 2-17-08

By: Sandra Rice
Chairperson

Date of Entry: 3/12/08

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Prosecuting Attorney
Office of
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9 Baldwin Street
Montpelier, VT
05609-1107

Burleyton

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

IN RE:)
SCOTT P. BRODERICK) Docket No. NU20-0905
License No. 026-0024016)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Scott P. Broderick, who stipulate and agree as follows:

Board Authority

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

Statement of Facts

2. Scott P. Broderick (the "Respondent") of Swanton, Vermont is a licensed registered nurse holding license number 026-0024016, issued by the State of Vermont. This license was originally issued on or about June 3, 1998 and is set to expire on March 31, 2007.
3. On October 9, 2005 the Respondent's license was summarily suspended by this Board for obtaining Percocet on a stolen prescription pad, using forged prescriptions. On March 17, 2006 the Board reinstated the Respondent's license with conditions. Attachment A. Condition A(11) prohibits the Respondent from consuming or possessing drugs.
4. At all times relevant, the Respondent was employed as a nurse at the Northwestern Medical Center (the "Facility") located in St. Albans, Vermont.
5. On or about June 28, 2006 the Respondent admitted to Investigator Derek Everett that from March, 2006 to May, 2006 he would open glass vials of Fentanyl and suck out several milliliters and then replace the vials. This was done on at least twenty separate occasions.
6. The Respondent was terminated from employment on May 10, 2006 and immediately went to a drug rehabilitation program at the Brattleboro Retreat.

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7. The Respondent's license was summarily suspended by the Board on or about July 10, 2006.

Charges

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

- i. 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);
- ii. 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause);
- iii. Vermont Board of Nursing Administrative Rules 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);
- iv. 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs); and
- v. 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

Understandings

9. Respondent agrees that the Order below is necessary to protect the public.

10. 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.

11. 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.

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 he 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 his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

16. Respondent agrees that the Order set forth below may be entered by the Board.

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Office of
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ORDER

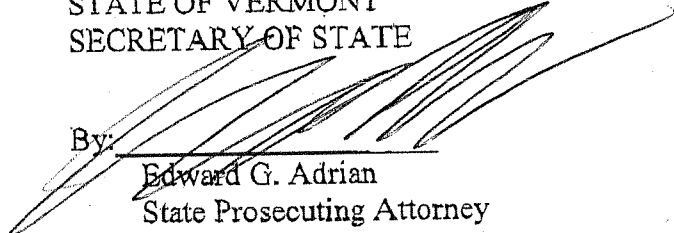
Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **SUSPENDS** Respondent's license to practice nursing for a **MINIMUM PERIOD OF EIGHTEEN (18) MONTHS**. This time begins to run from March 17, 2006. Before applying for reinstatement, Respondent must obtain (1) an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; and (2) the drug and alcohol abuse counselor's evaluation must indicate that the Respondent does not present a risk to the safety, health or welfare of his potential patients. If the Respondent applies for reinstatement in the future, and if the Board decides to reinstate his license, the license will be conditioned and limited pursuant to the Laws of the State of Vermont and the Rules of this Board.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 3/30/07

By: 

Edward G. Adrian
State Prosecuting Attorney

SCOTT P. BRODERICK
RESPONDENT

Dated: 3/26/07

By: 

Scott P. Broderick

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
. 05609-1107

APPROVED AND SO ORDERED:
VERMONT BOARD OF NURSING

Dated: 9 April 2007

By: Sinda Rice APRN
Chairperson

Date of Entry: 4/11/07

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Prosecuting Attorney
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Swanton

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

IN RE: Scott P. Broderick }
License No. 026-0024016 }

Docket No. NU20-0905

SUMMARY SUSPENSION ORDER

On 10 July 2006, this matter came before the Vermont State Board of Nursing on the prosecution's Request for Summary Suspension pursuant to 3 V.S.A. § 814(c). The hearing took place at the Heritage Building, 81 River Street in Montpelier, Vermont.

The Board has authority to summarily suspend a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action.

Findings of Fact & Conclusions of Law:

Based on a review of the evidence presented to the Board at the hearing on 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), and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a "Request for Summary Suspension" dated 24 June 2006, (attached) alleging that Respondent was in violation of the terms of the consent order entered on his behalf on 17 March 2006. The State further alleges the Respondent diverted fentanyl from his employer while working.
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.

Order:

Pursuant to 3 V.S.A. § 814(c), the Board issues the following temporary order which shall remain in effect until further action by the Board.

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.

Vermont Board of Nursing

By: Susan O. Farrell
Susan O. Farrell, RN, Chairperson

Dated at Montpelier: 10 July 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7/11/06

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

IN RE: SCOTT P. BRODERICK) DOCKET No. NU20-0905
License No. 026-0024016)

REQUEST FOR SUMMARY SUSPENSION

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28 and; the rules of the Board and the Vermont Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety or welfare imperatively requires emergency action.

Statement of Facts

3. Scott P. Broderick (the "Respondent") of Swanton, Vermont is a licensed registered nurse holding license number 026-0024016, issued by the State of Vermont. This license was originally issued on or about June 3, 1998 and is set to expire on March 31, 2007.
4. On October 9, 2005 the Respondent's license was summarily suspended by this Board for obtaining Percocet on a stolen prescription pad, using forged prescriptions. On March 17, 2006 the Board reinstated the Respondent's license with conditions. Attachment A. Condition A(11) prohibits the Respondent from consuming or possessing drugs.
5. At all times relevant the Respondent was employed as a nurse at the Northwestern Medical Center (the "Facility") located in St. Albans, Vermont.
6. On or about June 28, 2006 the Respondent admitted to Investigator Derek Everett that from March, 2006 to May, 2006 he would open glass vials of Fentanyl and suck out several milliliters and then replace the vials. This was done on at least twenty separate occasions.
7. The Respondent was terminated from employment on May 10, 2006 and immediately went to a drug rehabilitation program at the Brattleboro Retreat.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Request for Relief

8. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.
9. The above acts and circumstances, alone or in combination, violate: 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); 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); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); Vermont Board of Nursing Administrative Rules 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). 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public);

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026-0024016 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 29 day of June, 2006.

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

NU142.sum.susp.lit.wpd

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

In re: }
 Scott P. Broderick }
 License No. 026-0024016 }

The Board specifically modifies Stipulation condition 2 to allow Mr. Broderick to work in the position identified in Respondent Ex. B (letter from employer). The letter from Mr. Broderick's employer represented to the Board that Mr. Broderick is qualified for a position currently posted and that the

position may require an individual to work in excess of 40 hours in one work week due to a required on-call rotation schedule. This call rotation and the potential to work in excess of 40 hours in one week occurs approximately once every six or seven weeks.

Respondent Ex. B

As long as the frequency of the on-call rotation does not exceed the "once every six weeks" formulation, the Board finds that this particular employment arrangement will well serve the purposes of the Stipulation.

The modification to condition no. 2 shall only apply to the employer referenced in Respondent Ex. B.

ORDER

The Stipulation is modified to permit Respondent to take the employment referenced in Respondent Ex. B consistent with terms set forth in that exhibit.

Vermont Board of Nursing:

By: Susan O. Farrell Date: 3/12/06
Susan O. Farrell, RN, Chairperson

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/17/06

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

IN RE:)
SCOTT P. BRODERICK) Docket No. NU20-0905
License No. 026-0024016)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Scott P. Broderick, who stipulate and agree as follows:

Board Authority

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

Statement of Facts

2. Scott P. Broderick (the "Respondent") of Swanton, Vermont is a licensed registered nurse holding license number 026-0024016, issued by the State of Vermont. This license was originally issued on or about June 3, 1998 and is set to expire on March 31, 2007.
3. On October 9, 2005 the Respondent's license was summarily suspended by this Board for obtaining Percocet on a stolen prescription pad, using forged prescriptions. On March 17, 2006 the Board reinstated the Respondent's license with conditions. Attachment A. Condition A(11) prohibits the Respondent from consuming or possessing drugs.
4. At all times relevant, the Respondent was employed as a nurse at the Northwestern Medical Center (the "Facility") located in St. Albans, Vermont.
5. On or about June 28, 2006 the Respondent admitted to Investigator Derek Everett that from March, 2006 to May, 2006 he would open glass vials of Fentanyl and suck out several milliliters and then replace the vials. This was done on at least twenty separate occasions.
6. The Respondent was terminated from employment on May 10, 2006 and immediately went to a drug rehabilitation program at the Brattleboro Retreat.

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Prosecuting Attorney
Office of
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9 Baldwin Street
Montpelier, VT
05609-1107

7. The Respondent's license was summarily suspended by the Board on or about July 10, 2006.

Charges

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

- i. 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);
- ii. 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause);
- iii. Vermont Board of Nursing Administrative Rules 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);
- iv. 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs); and
- v. 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public).

Understandings

9. Respondent agrees that the Order below is necessary to protect the public.

10. 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.

11. 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.

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 he 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 his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

16. Respondent agrees that the Order set forth below may be entered by the Board.

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ORDER

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

A. The Board of Nursing hereby **SUSPENDS** Respondent's license to practice nursing for a **MINIMUM PERIOD OF EIGHTEEN (18) MONTHS**. This time begins to run from March 17, 2006. Before applying for reinstatement, Respondent must obtain (1) an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; and (2) the drug and alcohol abuse counselor's evaluation must indicate that the Respondent does not present a risk to the safety, health or welfare of his potential patients. If the Respondent applies for reinstatement in the future, and if the Board decides to reinstate his license, the license will be conditioned and limited pursuant to the Laws of the State of Vermont and the Rules of this Board.

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:

Dated:

3/30/07

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

SCOTT P. BRODERICK
RESPONDENT

Dated:

3/26/07

By:

Scott P. Broderick

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

APPROVED AND SO ORDERED:
VERMONT BOARD OF NURSING

Dated: 9 April 2007

By: Sinda Rice APRN
Chairperson

Date of Entry: 4/11/07

nu.broderick.stip6

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

IN RE:

SCOTT P. BRODERICK
License No. 026-0024016

)
) DOCKET No. NU20-0905
)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Scott P. Broderick, who stipulate and agree as follows:

Board Authority

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

Statement of Facts

2. Scott P. Broderick (the "Respondent") of Swanton, Vermont is a licensed nurse holding license number 026-0024016, issued by the State of Vermont. This license was originally issued on or about June 3, 1998 and is set to expire on March 31, 2007. The Respondent's license was summarily suspended by the Board on October 9, 2005.

3. At all times relevant, the Respondent was employed as a nurse at the Northwestern Medical Center (the "Facility") located in St. Albans, Vermont.

4. On or about September 23, 2005 the Respondent admitted to Investigator Derek Everett that on or about September 9, 2005 the Respondent had attempted to obtain 180 Percocet using a prescription that he had forged on a stolen prescription pad belonging to one of the doctors at the Facility.

5. On or about September 23, 2005 the Respondent also admitted to Investigator Everett that he had been submitting fraudulent prescriptions for Percocet and receiving the prescribed medications since March, 2005.

6. The Respondent admitted to using approximately 15 Percocet tabs per day.

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ATTACHMENT B

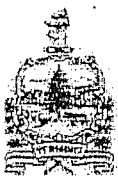
Charges

7. The Respondent does not contest that the acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:
- (i) 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);
 - (ii) 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause);
 - (iii) Vermont Board of Nursing Administrative Rules 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);
 - (iv) 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); and
 - (v) 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public).

Understandings

8. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above the parties reach a full and final Stipulation pursuant to these Understandings and the Order below. Furthermore, the Respondent does not contest that if this matter were heard by the Board, the State could prove the charges by a preponderance of the evidence.
9. 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.
10. 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.
11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
13. 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.
14. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

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Office of
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05609-1107

5. 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 **SUSPENDS** the Respondent's license to practice nursing for a minimum period of **SIX (6) MONTHS**. The Respondent shall get credit against this period of suspension from the date his summary suspension of October 9, 2005.

After a minimum six month suspension as outlined above and upon receiving confirmation from the Respondent's treating professional referenced in paragraph A(3) below, that the Respondent is capable of returning to the practice of nursing and does not present an identifiable risk of harm to the public or his patients; the Board of Nursing shall **CONDITION** the Respondent's license to practice as a registered nurse for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Re-issue of License.

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 registered nursing in which he works forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

The Parties have not reached agreement as to whether the Respondent shall have prohibitions on the amount of hours he can work per week. It is the State's position that Respondent shall be prohibited from working more than forty (40) hours per week. At the time of the disposition hearing, the Respondent may argue for a different limitation.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

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

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to his treating professional and cause his treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating

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professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

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

(6) 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 Respondent practices as a registered nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered 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 the Respondent is attending a nursing program, 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.

(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 registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the 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 his 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.

(8) Practice Under Supervision.

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

(9) Participation in Recovery Groups.

STATE OF VERMONT



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Respondent shall participate as recommended by his treating professional, in Narcotics Anonymous meetings and/or other recovery group(s).

(10) Random Substance Testing.

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

The Parties have not reached agreement as to whether the Respondent shall be subject to alcohol screening. It is the State's position that the Respondent be subject to alcohol screening identical to that required for drugs in as set forth above. The Respondent is free to argue for a less restrictive condition concerning alcohol screening at the disposition hearing.

(11) Abstain from Substance Use.

Respondent shall abstain completely from the consumption or possession drugs with the exception of medications as outlined in paragraph A.(12) for the period of time described in paragraph A.(2).

The Parties have not reached agreement as to whether the Respondent shall have prohibitions on his ability to use and consume alcohol. It is the State's position that the Respondent be prohibited from using or consuming alcohol while his license is encumbered. The Respondent is free to argue for a less restrictive condition concerning alcohol use and consumption at the disposition hearing.

(12) Drug Use Exception.

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

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

STATE OF VERMONT



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05609-1107

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

(12a) Administration of Medications

Respondent's license is conditioned to prohibit him from administering any medications for a period of three (3) months. This condition may be removed only by the Respondent petitioning the Board for its removal no sooner than three (3) months (during which time he works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date which he returns to work as a nurse, whichever is later. In petitioning the Board, Respondent agrees that he must demonstrate, to the satisfaction of the Nursing Board, that he can safely and completely administer medications. Such proof shall include appropriate support from his treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer non-narcotic medications under supervision while the prohibition on administering narcotic medications remains in place; and (2) full permission to administer non-narcotic medications along with permission to administer narcotic medications only under supervision.

(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 in a supervisory role. 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.

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.

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05609-1107

(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 his 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 in nursing in any other state(s), he must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of his Vermont registered 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 as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(19) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that his treatment provider may require him to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(20) Costs.

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

(21) 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

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05609-1107

VERMONT BOARD OF NURSING

Dated: 2/13/06

By: Lisa Farrell
Chairperson

Date of Entry: 3/17/06

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STATE OF VERMONT



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Office of
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Montpelier, VT
05609-1107

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

IN RE:)
SCOTT P. BRODERICK) DOCKET No. NU20-0905
License No. 026-0024016)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Scott P. Broderick, who stipulate and agree as follows:

Board Authority

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

Statement of Facts

2. Scott P. Broderick (the "Respondent") of Swanton, Vermont is a licensed nurse holding license number 026-0024016, issued by the State of Vermont. This license was originally issued on or about June 3, 1998 and is set to expire on March 31, 2007. The Respondent's license was summarily suspended by the Board on October 9, 2005.

3. At all times relevant, the Respondent was employed as a nurse at the Northwestern Medical Center (the "Facility") located in St. Albans, Vermont.

4. On or about September 23, 2005 the Respondent admitted to Investigator Derek Everett that on or about September 9, 2005 the Respondent had attempted to obtain 180 Percocet using a prescription that he had forged on a stolen prescription pad belonging to one of the doctors at the Facility.

5. On or about September 23, 2005 the Respondent also admitted to Investigator Everett that he had been submitting fraudulent prescriptions for Percocet and receiving the prescribed medications since March, 2005.

6. The Respondent admitted to using approximately 15 Percocet tabs per day.

STATE OF VERMONT



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Charges

7. The Respondent does not contest that the acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:
- (i) 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);
 - (ii) 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause);
 - (iii) Vermont Board of Nursing Administrative Rules 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);
 - (iv) 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); and
 - (v) 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public).

Understandings

8. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above the parties reach a full and final Stipulation pursuant to these Understandings and the Order below. Furthermore, the Respondent does not contest that if this matter were heard by the Board, the State could prove the charges by a preponderance of the evidence.
9. 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.
10. 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.
11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
13. 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.
14. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

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15. 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 **SUSPENDS** the Respondent's license to practice nursing for a minimum period of **SIX (6) MONTHS**. The Respondent shall get credit against this period of suspension from the date his summary suspension of October 9, 2005.

After a minimum six month suspension as outlined above and upon receiving confirmation from the Respondent's treating professional referenced in paragraph A(3) below, that the Respondent is capable of returning to the practice of nursing and does not present an identifiable risk of harm to the public or his patients; the Board of Nursing shall **CONDITION** the Respondent's license to practice as a registered nurse for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Re-issue of License.

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 registered nursing in which he works forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

The Parties have not reached agreement as to whether the Respondent shall have prohibitions on the amount of hours he can work per week. It is the State's position that Respondent shall be prohibited from working more than forty (40) hours per week. At the time of the disposition hearing, the Respondent may argue for a different limitation.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

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

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to his treating professional and cause his treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating

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professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

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

(6) 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 Respondent practices as a registered nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered 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 the Respondent is attending a nursing program, 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.

(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 registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the 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 his 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.

(8) Practice Under Supervision.

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

(9) Participation in Recovery Groups.

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Respondent shall participate as recommended by his treating professional, in Narcotics Anonymous meetings and/or other recovery group(s).

(10) Random Substance Testing.

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

The Parties have not reached agreement as to whether the Respondent shall be subject to alcohol screening. It is the State's position that the Respondent be subject to alcohol screening identical to that required for drugs in as set forth above. The Respondent is free to argue for a less restrictive condition concerning alcohol screening at the disposition hearing.

(11) Abstain from Substance Use.

Respondent shall abstain completely from the consumption or possession drugs with the exception of medications as outlined in paragraph A.(12) for the period of time described in paragraph A.(2).

The Parties have not reached agreement as to whether the Respondent shall have prohibitions on his ability to use and consume alcohol. It is the State's position that the Respondent be prohibited from using or consuming alcohol while his license is encumbered. The Respondent is free to argue for a less restrictive condition concerning alcohol use and consumption at the disposition hearing.

(12) Drug Use Exception.

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

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

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

(12a) Administration of Medications

Respondent's license is conditioned to prohibit him from administering any medications for a period of three (3) months. This condition may be removed only by the Respondent petitioning the Board for its removal no sooner than three (3) months (during which time he works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date which he returns to work as a nurse, whichever is later. In petitioning the Board, Respondent agrees that he must demonstrate, to the satisfaction of the Nursing Board, that he can safely and completely administer medications. Such proof shall include appropriate support from his treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer non-narcotic medications under supervision while the prohibition on administering narcotic medications remains in place; and (2) full permission to administer non-narcotic medications along with permission to administer narcotic medications only under supervision.

(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 in a supervisory role. 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.

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 his 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.

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(17) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), he must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of his Vermont registered 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 as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(19) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that his treatment provider may require him to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(20) Costs.

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

(21) 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

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Order shall be automatically extended until the unprofessional conduct matter is concluded.

(22) Completion of Conditional License Period.

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

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

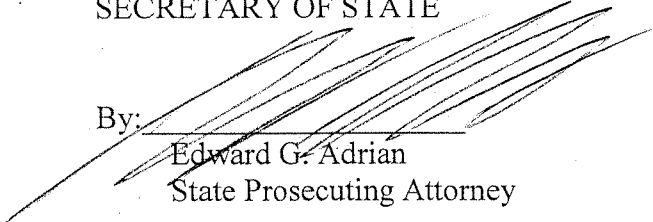
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

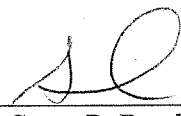
Dated: 2/13/06

By: 

Edward G. Adrian
State Prosecuting Attorney

SCOTT P. BRODERICK
RESPONDENT

Dated: 2/13/06

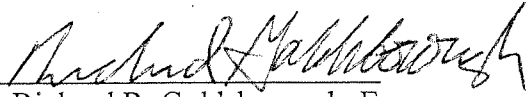
By: 

Scott P. Broderick

Approved as to Form:

ATTORNEY FOR RESPONDENT

Dated: 2/13/06

By: 

Richard R. Goldsborough, Esq.

APPROVED AND SO ORDERED:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

VERMONT BOARD OF NURSING

Dated: 2/13/06

By: Susan Farrell
Chairperson

Date of Entry: 3/17/06

nu.broderick.stip3

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Susan T...

**STATE OF VERMONT
BOARD OF NURSING**

In re: Scott Broderick }
License No. 026-0024016 }
}

Docket No. NU20-0905

**DECISION ON REQUEST FOR
SUMMARY SUSPENSION ORDER**

Appearances:

for Petitioner, State of Vermont:	Edward G. Adrian, prosecuting attorney
for Respondent:	Richard Goldsborough, Respondent's attorney
Presiding Officer:	Larry S. Novins, Board counsel

for the Board of Nursing:

Ken Bush
Susan Farrell, Chair
Sandra Norton
Linda Rice
Alan Weiss
De-Ann Welch

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

On 10 October 2005, this matter came before the Vermont State Board of Nursing on the prosecution's Request for Summary Suspension pursuant to 3 V.S.A. § 814(c). The Respondent did appear in person. The Board has authority to summarily suspend a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action.

Findings of Fact:

Based on a Review of the pleadings, the file, and the evidence presented to the Board at the hearing on 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), and the Administrative Rules of the Office of Professional Regulation.
2. The Respondent is a licensed nurse holding license no. 026-0024016.
3. The State filed a "Request for Summary Suspension" dated 27 September 2005 alleging that Respondent fraudulently obtained controlled substances and violated state statutes and rules.

4. The State further alleges that public health, safety or welfare imperatively requires emergency action, and the state asks this Board to summarily suspend the Respondent's license.
5. The Respondent was provided notice of this matter and he appeared in person at the hearing.
6. The Board has reviewed documents presented by the State and from Respondent's counsel.
7. The Board finds that the State established the allegations, in its Request for Summary Suspension (copy attached), to the necessary degree.
8. The Board finds that emergency action is needed to protect the public health, safety and welfare.

Conclusions of Law:

The prosecution's Request for a Summary Suspension is supported by the evidence as required by 3 V.S.A. § 814(c). The Board concludes that the public health, safety and welfare imperatively require emergency action.

Order:

Pursuant to 3 V.S.A. § 814(c), the Board issues the following order which shall remain in effect until further action by the Board.

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

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, RN, Chair

Date: October 17, 2005

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/24/05

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, 26 Terrace Street, Montpelier, Vermont 05609-1101 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.

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

IN RE:)
SCOTT P. BRODERICK) DOCKET No. NU20-0905
License No. 026-0024016)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Scott P. Broderick, R.N.:

Board Authority

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

Statement of Facts

2. Scott P. Broderick (the "Respondent") of Swanton, Vermont is a licensed nurse holding license number 026-0024016, issued by the State of Vermont. This license was originally issued on or about June 3, 1998 and is set to expire on March 31, 2007.

3. At all times relevant the Respondent was employed as a nurse at the Northwestern Medical Center (the "Facility") located in St. Albans, Vermont.

4. On or about September 23, 2005 the Respondent admitted to Investigator Derek Everett that on or about September 9, 2005 the Respondent had obtained 180 Percocet using a prescription that he had forged on a stolen prescription pad belonging to one of the doctors at the Facility.

5. On or about September 23, 2005 the Respondent also admitted to Investigator Everett that he had been submitting fraudulent prescriptions for Percocet and receiving the prescribed medications since March, 2005.

6. The Respondent admitted to using approximately 15 Percocet tabs per day.

Charges

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

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- (i) 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);
- (ii) 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause);
- (iii) Vermont Board of Nursing Administrative Rules 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);
- (iv) 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); and
- (v) 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

Relief Requested

WHEREFORE, the license of Scott P. Broderick should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 13 day of October, 2005.

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

nu.broderick.soc

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

IN RE: SCOTT P. BRODERICK) DOCKET No. NU20-0905
License No. 026-0024016)

REQUEST FOR SUMMARY SUSPENSION

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28 and; the rules of the Board and the Vermont Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety or welfare imperatively requires emergency action.

Statement of Facts

3. Scott P. Broderick (the "Respondent") of Swanton, Vermont is a licensed nurse holding license number 026-0024016, issued by the State of Vermont. This license was originally issued on or about June 3, 1998 and is set to expire on March 31, 2007.
4. At all times relevant the Respondent was employed as a nurse at the Northwestern Medical Center (the "Facility") located in St. Albans, Vermont.
- 5.. On or about September 23, 2005 the Respondent admitted to Investigator Derek Everett that on or about September 9, 2005 the Respondent had obtained 180 Percocet using a prescription that he had forged on a stolen prescription pad belonging to one of the doctors at the Facility.
6. On or about September 23, 2005 the Respondent also admitted to Investigator Everett that he had been submitting fraudulent prescriptions for Percocet and receiving the prescribed medications since March, 2005.
7. The Respondent admitted to using approximately 15 Percocet tabs per day.

Request for Relief

8. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.

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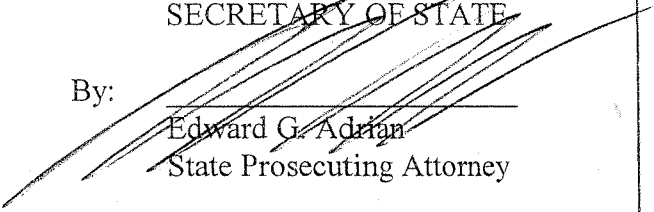
9. The above acts and circumstances, alone or in combination, violate: 3 V.S.A. § 129a(a) (3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); Vermont Board of Nursing Administrative Rules 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). 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public);

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026-0024016 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 3rd day of October, 2005.

STATE OF VERMONT
SECRETARY OF STATE

By:


Edward G. Adrian
State Prosecuting Attorney

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