

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:	)	
Brenda J. Bruce	)	Docket No: NU44-0300
License Number 101-19245	)	

SANCTION ORDER

Introduction

The Vermont State Board of Nursing ("the Board") held a hearing in this case on Monday, June 12, 2000 at 81 River Street in Montpelier, Vermont. Board Members Larry Kingsbury, Pat Rock, Diane Dowgiewicz, Susan Farrell, Louise Lamphere, Susan Cota and Elayne Clift participated in the decision. Robert Gagnon, Assistant Attorney General, appeared for the State. Respondent Brenda Bruce was present and was represented by Attorney Michael Kainen. Chris Winters was the Presiding Officer.

The parties stipulated to the facts of the case and the findings of unprofessional conduct. A stipulation and consent order to that effect was filed with the Office of Professional Regulation on June 7, 2000 and approved by the Board at the start of the hearing. That document is hereby incorporated by reference. The hearing was held on the issue of sanction only.

Opinion

In reviewing the stipulation and consent order filed by the parties in this case, it is important to emphasize that the Respondent admits she was diverting Morphine and Demoral for a period of more than a year and only stopped diverting and using as recently as February of this year. The Board feels that while the Respondent is a prime candidate for a full recovery from her addiction, the Respondent is still in early recovery and needs more time away from nursing to fully appreciate the seriousness of her situation. As a nurse anesthetist with a serious addiction, the public health, safety and welfare have been seriously jeopardized to an extent rarely seen by this Board. The Board's duty to protect the public demands a suspension and strict conditions on the Respondent's license.

Mrs. Bruce is to be applauded for her candor and strength in beginning to come through this most difficult time in her life. The Board hopes that once the suspension is complete, the Respondent can find employment under the conditions set forth below, as it will undoubtedly help in her recovery process. However, the Board is first and foremost concerned with the safety of the public and will not accommodate, at this time, the Respondent's requests to serve a short suspension, work as a charge nurse in limited capacity, or administer nonnarcotic medications.

ORDER

Based on the facts as stipulated (attached) and the argument and evidence presented by the parties at the disposition hearing, it is **ORDERED AND ADJUDGED** as follows:

A. The Board hereby **continues the suspension** of Respondent's license to practice nursing, for a period of three months commencing with the date of entry of this Order, below. At that time, with a treatment plan in place and approved by the Board, the Respondent may petition for reinstatement. In petitioning the Board, Respondent must prove to the satisfaction of the Board that she is in the process of rehabilitation and that her return to the practice of nursing will not present a substantial risk to the public.

Upon such a showing, the Board will reinstate Respondent under the following terms and conditions, which conditions shall be in place **for a minimum period of three (3) years**. The **CONDITIONS** on Respondent's license would be as follows:

(1) Length of Time Conditions Imposed

The conditions shall remain in place until Respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Prescribing Medications

Respondent's authority to prescribe medications is suspended until further order of the Board.

(3) Administration of Medications

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later. In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from her 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 nonnarcotic medications under supervision while the prohibition on administering narcotic medications remains in place; and (2) full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision.

(4) Approval of Changes of Treating Professional

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

(5) Completion of Counseling and Treatment Plan

Respondent shall enter into and continue counseling with the treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall comply with the treatment plan approved by the Board.

(6) Substance Abuse Therapy and Notification to Treating Professional

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

(7) Reports from Treating Professional

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

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

(8) Participation in NA/AA

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

(9) Random Drug Testing

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

All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph A. (11) Drug Use Exception).

(10) Abstain from Alcohol or Drug Use

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph A. (11).

(11) Drug Use Exception

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription. The Board or its designee may request at any time that the practitioner document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(12) Interview with the Board or its designee

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

(13) Re-issue of License

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

(14) 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.

(15) Notification of Place of Employment/ Personal Address/Telephone Number

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone

number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(16) Notification to Employers/Nursing School/Collaborating Physician

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience. Advance Practice Registered Nurses shall cause a copy of the Stipulation and Consent Order to be provided to their collaborating physician and have that individual notify the Board in writing of their receipt of same, on their professional letterhead.

(17) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(18) Practice Under Supervision

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing. The persons who will be supervising Respondent shall be given a copy of this stipulation and consent order by Respondent.

(19) Prohibited Duties

Respondent shall not work as a Charge Nurse. The Respondent shall not work as an Advance Practice Registered Nurse until further order of the Board. Respondent shall not work as a Certified Registered Nurse Anesthetist until further order of the Board.

(20) Types of Employment Prohibited

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

(21) Prohibited Hours of Work

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

(22) License Renewal

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

(23) Release of Information Forms

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding Respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by Respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(24) Costs

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

(25) Violation of the Consent Order

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent

during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(26) Reevaluation of Conditions

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

(27) Completion of Conditional License Period

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse and advance practice registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(8).

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.

APPEAL RIGHTS

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

VERMONT BOARD OF NURSING

Susan Farrell
Susan Farrell, R.N., Chair

June 21, 2000
Date

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 6-29-00

STATE OF VERMONT
BOARD OF NURSING

In re: Brenda Bruce
License No. 101-19245

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Docket No. NU44-0300

SUMMARY SUSPENSION ORDER

On March 8, 2000, this case came before the Board of Nursing for a hearing on the State's request for summary suspension.

Based upon the evidence presented by the parties, the Board finds that the allegations in the request for summary suspension have been established to the necessary degree. Therefore, the Board finds that the public health, safety, or welfare imperatively require emergency action against the Respondent's license.

Pursuant to 3 V.S.A. § 814(c), Brenda Bruce's nursing license is SUMMARILY SUSPENDED until a hearing on charges has been held and determined, or other resolution of this case.

BOARD OF NURSING

By: Susan Farrell
Susan Farrell
Chair

Dated: 5-8-00

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 5-10-00