

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:)
Carlena Jo Budwick) Case File No. NU33-1001
License No. 25-7058)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, March 10, 2003 at 133 State Street in Montpelier, Vermont. Board members Alan Weiss, Susan Farrell, De-Ann Welch, Linda Rice, Elayne Clift, Sandra Norton and Donarae Metcalf participated in the decision. William Ahlers, Assistant Attorney General, appeared for the State. Carlena Jo Budwick ("the Respondent") was not present. Chris Winters was the Presiding Officer.

The Respondent did file an answer in this case, which was distributed to the Board. The Respondent also participated in a prehearing conference when the date for the hearing was set.

Findings of Fact

1. The Respondent is a licensed practical nurse who holds license number 25-7058 issued by the State of Vermont.
2. On or about October 10, 2001, the Respondent obtained prescription medications for herself. The medication was Vicoprofen, a schedule II controlled substance.
3. On or about October 10, 2001, the Respondent gave approximately 12 tablets of Vicoprofen to her husband, who ingested at least two of them and placed the others in an old prescription bottle and kept them.
4. The Respondent and her husband were subsequently arrested and the tablets discovered. The Respondent pled guilty to, and was convicted of, violating New York State Public Health Law, Title 4 § 3345.
5. In investigating the case, the Office, through its investigators, discovered that the Respondent changed mailing addresses at least twice without informing the Nursing Board of such changes.

Conclusions of Law

A. Pursuant to 26 V.S.A. § 1582 and 3 V.S.A. § 129, The Board of Nursing may revoke, suspend, discipline or otherwise condition the license of a nurse who engages in unprofessional conduct as defined by 26 V.S.A. § 1582 and 3 V.S.A. § 129a.

B. Respondent, by engaging in the acts described above with regard to medication prescribed for her own personal use, has violated Nursing Board Administrative Rule Chapter 4, Rule IV(B)(4)(d) (diverting...drugs for personal or other unauthorized use) which also constitutes unprofessional conduct under 3 V.S.A. § 129(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

C. Respondent, by engaging in the acts described above with regard to her address changes, has violated Nursing Board Administrative Rule Chapter 4, Rule II(D)(1) (...A licensee is responsible for notifying the office promptly of a change in name or mailing address...) and Nursing Board Administrative Rule Chapter 4, Rule II(H)(2) (...A licensee whose address changes from the address appearing on the current license card shall notify the Board in writing of this change...) which also constitutes unprofessional conduct under 3 V.S.A. § 129(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Order

In light of the above findings and conclusions, the Board hereby REVOKES the Respondent's license, effective as of the date of the hearing.

Appeal Rights

This is a final administrative determination by the Vermont 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.

By: Susan Farrell
Susan Farrell, RN
Chair

Date: March 16, 2003

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 3/20/03