

VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

<i>In re</i>	Cynthia Burdett	}
License No.	026-0019715	}
Docket No.	NU 55-0595	}

DEFAULT ORDER

Upon the filing of a "Notice of Hearing for Default Judgment" by the Secretary of State, the Nursing Board heard this matter on Monday 14 January 2008 at the Secretary of State's Office of Professional Regulation, in the National Life Building at Montpelier, Vermont.

Findings of Fact

1. Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129 and 129a; 26 V.S.A. Chapter 28; Administrative Rules for the Board of Nursing ("Nursing Rules") and the Administrative Rules for the Office of Professional Regulation ("OPR Rules").
2. The State filed a Specification of Charges dated 23 October 2007 (charges"), which allege that the Respondent engaged in unprofessional conduct by violating the terms of a board order conditioning her license.
3. The Office of Professional Regulation ("OPR") served the Respondent notice of the charges via certified and first class mail. OPR used the address Respondent provided as required by 3 V.S.A. §129a (14).
4. The notice of charges contained instructions detailing the Respondent's legal obligation to answer the charges and explaining the consequences of failure to file a timely response. OPR also served a notice of this default hearing to the Respondent by certified mail.
5. The Respondent did not answer the charges within the legally prescribed time as required by OPR Rule 3.3 or at any time thereafter.
6. The Respondent did not appear for this default hearing.
7. Upon taking notice of the Respondent's file pursuant to 3 V.S.A. § 810(4), the Board finds the Respondent to be in default. The Board therefore treats the factual allegations contained in the State's specification of charges (copy attached) as proven. The allegations serve as the factual basis for the Board's disciplinary order. OPR Rule 3.4; 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

8. The Respondent received adequate and legal notice of the charges as evidenced by the Respondent's file kept by this Board and the State's presentation of the case to the Board. Because the Respondent failed to answer the charges of unprofessional conduct, the Board finds the Respondent in default and will treat the State's factual allegations as established pursuant to OPR Rule 3.4.
9. The Board concludes, in this default hearing held pursuant to 3 V.S.A. § 809(d), that the Respondent has engaged in unprofessional conduct as alleged by the State of Vermont and in violation of 3 V.S.A. § 129a (a)(4) (failure to comply with a board order).

Order

In accordance with the above findings of fact and conclusions of law and effective the date of entry of this order, the Board of Nursing ORDERS that the Respondent's license be REVOKED.

- END -

(signature page to follow)

Vermont Board of Nursing:

By: Linda M. Y. Rice Dated: Montpelier, Vermont 14 January 2008
Linda M. Y. Rice, APRN
Board Chairperson

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 1/15/08

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

IN RE:
CYNTHIA BURDETT
License No. 026-0019715

)
)
)

0595
Docket No. NU55-0509

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Cynthia Burdett, 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. Cynthia Burdett (the "Respondent") of Burlington, Vermont is a registered nurse holding license number 026-0019715, issued by the State of Vermont. This license was originally issued on or about August 29, 1990 and is set to expire March 31, 2009. The Respondent's license is currently conditioned pursuant to a Reinstatement Stipulation and Consent Order (the "Order") entered by this Board on July 11, 2006. Attachment A. The Respondent's license was previously revoked due to her failure to comply with conditions imposed by the Board prohibiting the Respondent's use of drugs and alcohol and requiring her to attend substance abuse counseling pursuant to a Stipulation and Modification of Consent Order entered on or about October 14, 1996. Attachment B.

3. Section A(8) of the Order requires the Respondent to abstain completely from the consumption of alcohol or the use or possession of any drugs during the conditioned time period.

4. Section A(7) of the Order requires the Respondent to submit to random drug and alcohol screenings and requires that all screens be negative.

5. On or about May 19, 2007 the Respondent was administered a urinalysis test. The results of the test indicated a positive result for EtG at a level of 3200.

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Prosecuting Attorney
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6. On or about May 30, 2007 the Respondent discussed the positive test with Board of Nursing staff member Elizabeth Hansen. The Respondent advised Ms. Hansen that she had consumed two (2) beers the night before the test.

7. In a letter to the Respondent from Ms. Hansen dated July 11, 2007, Ms. Hansen advised the Respondent that she was out of compliance with the Order due to the Respondent's failure to call in to the random specimen collection system on approximately eleven (11) occasions between June 30, 2007 and July 10, 2007.

Charges

8. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- 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. 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);
- iii. 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause); and
- iv. 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).

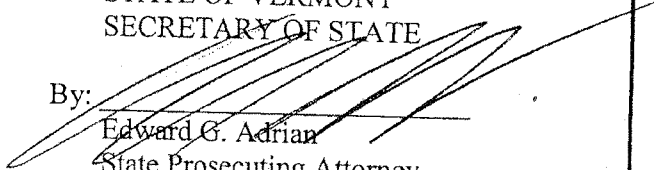
Relief Requested

WHEREFORE, the license of Cynthia Burdett should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 23rd day of October 2007.

STATE OF VERMONT
SECRETARY OF STATE

By:


Edward G. Adrian
State Prosecuting Attorney

nu.burdett.soc

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

IN RE:)
CYNTHIA TAYLOR-KING) Docket No: NU55-0595
License No. 026-0019715)

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Cynthia Taylor-King, 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 pursuant to 3 V.S.A. §§129, 129a, and 814; 26 V.S.A. §1582, the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Cynthia Taylor-King, was licensed in the State of Vermont as a registered nurse under license number 026-0019715. The Respondent's license was originally issued on August 29, 1990.

3. Respondent's license was revoked pursuant to a Findings of Fact, Conclusions of Law and Order entered by the Board on or about May 13, 1997. (See Attachment A). Respondent's license was revoked due to her failure to comply with the conditions imposed by the Board pursuant to a Stipulation and Consent Order entered on or about October 14, 1996. (See Attachment B).

4. In a letter to the Board dated July 1, 2005, the Respondent expressed her desire for the Board to consider reinstating her nursing license.

5. In support of her reinstatement, the Respondent has provided an independent drug and alcohol evaluation performed on or about July 21, 2005 by Phyllis Satink, a licensed mental health counselor. In Ms. Satink's evaluation, she reported that the Respondent has been drug free for approximately three (3) years. Additionally, Ms. Satink reported that the Respondent has made a number of positive lifestyle changes that will contribute to her recovery and has developed a good plan for relapse prevention. Ms. Satink assessed the Respondent's risk for

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further abuse to be minimal and fully supported reinstatement of the Respondent's registered nursing license, provided certain conditions are in place to assure the Respondent's safe practice. The conditions recommended by Ms. Satink are 1) completion of a nursing refresher course; 2) continued therapy with her counselor Dr. Dennis Leisenring; 3) restricted access to narcotics; and 4) limiting the Respondent's working hours to forty (40) hours per week maximum. In a follow-up letter to the Board dated April 16, 2006, Ms. Satink reaffirmed her recommendation in support of the Respondent's reinstatement.

6. Also in support of the Respondent's reinstatement is a letter to Ms. Satink from the Respondent's counselor, Dr. Leisenring, dated February 27, 2006. Dr. Leisenring advised that he has been treating the Respondent since September of 2003 for her narcotic addiction. Dr. Leisenring reported that the Respondent has been drug free since May of 2003 and has made steady positive progress in her recovery since that time. Dr. Leisenring advised that he regards the Respondent's desire to return to the nursing profession as a positive step for her and he supports her reinstatement.

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

Understandings

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 her 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 she 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 her 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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ORDER

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

A. The Board of Nursing hereby **CONDITIONS** the Respondent's registered nursing license for a minimum period of **THREE (3) YEARS**. This Stipulation and Consent Order shall take effect upon the Respondent's successful completion of a registered nursing re-entry course, approved in advance by the Board or its designee. The conditions are as follows:

(1) License to be labeled "Conditioned".

Any license issued to the Respondent by this Board shall be 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 practice in which Respondent works at least 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 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.

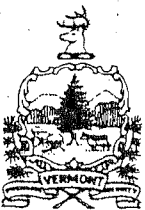
(5) Reports from Treating Professional.

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 the commencement of the conditions and subsequent reports are due **monthly** thereafter.

Respondent shall authorize her 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) Participation in Recovery Groups.

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

(7) 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.

(8) 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.(9) for the period of time described in paragraph A.(2).

(9) 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.

(10) Interview with the Board or its Designee.

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

(11) 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

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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.

(12) 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.

(13) 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 she 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 she can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from her 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.

(14) Practice Under Supervision.

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

(15) Types of Employment Prohibited.

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) 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 employment, personal address, and

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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) 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.

(18) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her 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 she 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 her treatment provider may require her 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 her license. The Respondent must present proof that she has fully complied with the terms of this Order and that she 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.

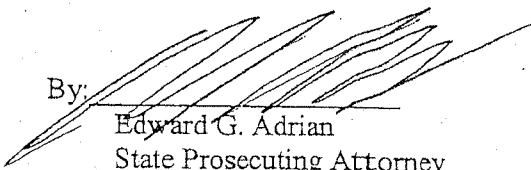
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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

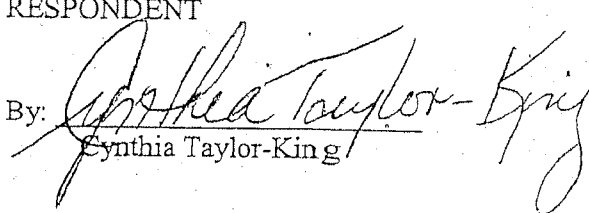
Dated: 6/22/06

By: 

Edward G. Adrian
State Prosecuting Attorney

CYNTHIA TAYLOR-KING
RESPONDENT

Dated: 6-21-06

By: 

Cynthia Taylor-King

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

STATE OF VERMONT



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

Dated: 7/10/06

By: Linda Rice APRN
Chairperson

Date of Entry: 7/11/06

nu.taylor-king.reinstate.stip

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

STATE OF VERMONT
BOARD OF NURSING

In re:
Cynthia Ann Taylor
License No. 19715

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Case File No. NU55-0595

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

INTRODUCTION

The Board of Nursing held a hearing on Monday, April 14, 1997, at 133 State Street, Montpelier, on the Specification of Charges dated February 6, 1997 and filed by Attorney General's Office. A quorum of the Board was present. Diane Zamos appeared for the Attorney General. The respondent, Cynthia Taylor, did not attend and was not represented. The Board took evidence and made the following findings of facts and conclusions of law:

FINDINGS OF FACT

1. The Board approved a Stipulation and Modification of Consent Order (Order) concerning Respondent's license and ordered on October 14, 1996, that her license was conditioned.
2. The Order imposed conditions that required Respondent to enter and continue alcohol and drug counseling; submit monthly reports concerning that counseling; provide negative random drug screens; and completely abstain from the consumption of alcohol or the use or possession of any drugs. A further condition stated that if Respondent violated any terms of the Order, the Board, after giving notice and opportunity to be heard, could revoke the conditions and take further disciplinary action.
3. On October 9, 1996, a random urinalysis conducted upon Respondent was positive for marijuana.
4. In mid-November, 1996, Respondent reported a relapse with Percocet.
5. On or about December 18, 1996, Respondent discontinued her counseling sessions and attendance at AA/NA meetings.
6. Respondent's actions violated several terms of the Order imposed October 14, 1996.

CONCLUSIONS OF LAW

- A. Respondent, by failing to continue counseling sessions and attend AA/NA meetings, violated Paragraph A. (4) of the Order.
- B. Respondent, by testing positive for cannabinoids, violated Paragraph A. (8) of the Order.

C. Respondent, by using Percocet in November, 1996, violated Paragraph A. (9) of the Order.

D. Respondent violated several provisions of the Order imposed by the Board on October 14, 1996. Paragraph A. (24) of the Order subjected Respondent to further disciplinary action if she violated the terms of the Order.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED by the Board of Nursing that:

1. The conditions imposed on Respondent's license by Board's Order dated October 14, 1996 are REVOKED.
2. Respondent's license to practice as a registered nurse in the State of Vermont is REVOKED.

BOARD OF NURSING

by: Brenda B. Ameth
Chair

Dated: 5-9-97

Date of Entry: 5-13-97

Stone

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

IN RE:)
CYNTHIA TAYLOR-KING) Docket No: NU55-0595
License No. 026-0019715)

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Cynthia Taylor-King, 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 pursuant to 3 V.S.A. §§129, 129a, and 814; 26 V.S.A. §1582, the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Cynthia Taylor-King, was licensed in the State of Vermont as a registered nurse under license number 026-0019715. The Respondent's license was originally issued on August 29, 1990.

3. Respondent's license was revoked pursuant to a Findings of Fact, Conclusions of Law and Order entered by the Board on or about May 13, 1997. (See Attachment A). Respondent's license was revoked due to her failure to comply with the conditions imposed by the Board pursuant to a Stipulation and Consent Order entered on or about October 14, 1996. (See Attachment B).

4. In a letter to the Board dated July 1, 2005, the Respondent expressed her desire for the Board to consider reinstating her nursing license.

5. In support of her reinstatement, the Respondent has provided an independent drug and alcohol evaluation performed on or about July 21, 2005 by Phyllis Satink, a licensed mental health counselor. In Ms. Satink's evaluation, she reported that the Respondent has been drug free for approximately three (3) years. Additionally, Ms. Satink reported that the Respondent has made a number of positive lifestyle changes that will contribute to her recovery and has developed a good plan for relapse prevention. Ms. Satink assessed the Respondent's risk for

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further abuse to be minimal and fully supported reinstatement of the Respondent's registered nursing license, provided certain conditions are in place to assure the Respondent's safe practice. The conditions recommended by Ms. Satink are 1) completion of a nursing refresher course; 2) continued therapy with her counselor Dr. Dennis Leisenring; 3) restricted access to narcotics; and 4) limiting the Respondent's working hours to forty (40) hours per week maximum. In a follow-up letter to the Board dated April 16, 2006, Ms. Satink reaffirmed her recommendation in support of the Respondent's reinstatement.

6. Also in support of the Respondent's reinstatement is a letter to Ms. Satink from the Respondent's counselor, Dr. Leisenring, dated February 27, 2006. Dr. Leisenring advised that he has been treating the Respondent since September of 2003 for her narcotic addiction. Dr. Leisenring reported that the Respondent has been drug free since May of 2003 and has made steady positive progress in her recovery since that time. Dr. Leisenring advised that he regards the Respondent's desire to return to the nursing profession as a positive step for her and he supports her reinstatement.

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

Understandings

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 her 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 she 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 her 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.

STATE OF VERMONT



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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 registered nursing license for a minimum period of **THREE (3) YEARS**. This Stipulation and Consent Order shall take effect upon the Respondent's successful completion of a registered nursing re-entry course, approved in advance by the Board or its designee. The conditions are as follows:

(1) License to be labeled "Conditioned".

Any license issued to the Respondent by this Board shall be 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 practice in which Respondent works at least 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 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.

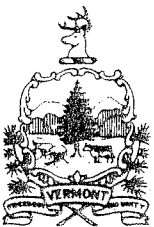
(5) Reports from Treating Professional.

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 the commencement of the conditions and subsequent reports are due **monthly** thereafter.

Respondent shall authorize her 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) Participation in Recovery Groups.

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

(7) 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.

(8) 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.(9) for the period of time described in paragraph A.(2).

(9) 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.

(10) Interview with the Board or its Designee.

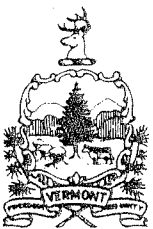
Respondent shall appear in person for interviews with the Board or its designee upon request.

(11) 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

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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.

(12) 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.

(13) 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 she 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 she can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from her 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.

(14) Practice Under Supervision.

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

(15) Types of Employment Prohibited.

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) 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 employment, personal address, and

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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) 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.

(18) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her 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 she 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 her treatment provider may require her 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 her license. The Respondent must present proof that she has fully complied with the terms of this Order and that she 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.

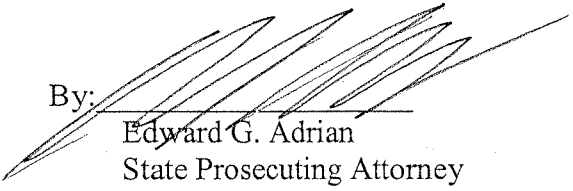
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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: 6/22/06

By: 

Edward G. Adrian
State Prosecuting Attorney

CYNTHIA TAYLOR-KING
RESPONDENT

Dated: 6-21-06

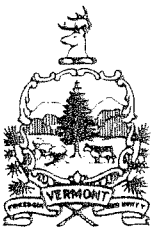
By: 

Cynthia Taylor-King

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

STATE OF VERMONT



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

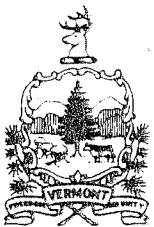
Dated: 7/10/06

By: Sinda Rice APRU
Chairperson

Date of Entry: 7/11/06

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

**STATE OF VERMONT
BOARD OF NURSING**

In re:	)	
Cynthia Ann Taylor	)	Case File No. NU55-0595
License No. 19715	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

INTRODUCTION

The Board of Nursing held a hearing on Monday, April 14, 1997, at 133 State Street, Montpelier, on the Specification of Charges dated February 6, 1997 and filed by Attorney General's Office. A quorum of the Board was present. Diane Zamos appeared for the Attorney General. The respondent, Cynthia Taylor, did not attend and was not represented. The Board took evidence and made the following findings of facts and conclusions of law:

FINDINGS OF FACT

1. The Board approved a Stipulation and Modification of Consent Order (Order) concerning Respondent's license and ordered on October 14, 1996, that her license was conditioned.
2. The Order imposed conditions that required Respondent to enter and continue alcohol and drug counseling; submit monthly reports concerning that counseling; provide negative random drug screens; and completely abstain from the consumption of alcohol or the use or possession of any drugs. A further condition stated that if Respondent violated any terms of the Order, the Board, after giving notice and opportunity to be heard, could revoke the conditions and take further disciplinary action.
3. On October 9, 1996, a random urinalysis conducted upon Respondent was positive for marijuana.
4. In mid-November, 1996, Respondent reported a relapse with Percocet.
5. On or about December 18, 1996, Respondent discontinued her counseling sessions and attendance at AA/NA meetings.
6. Respondent's actions violated several terms of the Order imposed October 14, 1996.

CONCLUSIONS OF LAW

- A. Respondent, by failing to continue counseling sessions and attend AA/NA meetings, violated Paragraph A. (4) of the Order.
- B. Respondent, by testing positive for cannabinoids, violated Paragraph A. (8) of the Order.

C. Respondent, by using Percocet in November, 1996, violated Paragraph A. (9) of the Order.

D. Respondent violated several provisions of the Order imposed by the Board on October 14, 1996. Paragraph A. (24) of the Order subjected Respondent to further disciplinary action if she violated the terms of the Order.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED by the Board of Nursing that:

1. The conditions imposed on Respondent's license by Board's Order dated October 14, 1996 are REVOKED.
2. Respondent's license to practice as a registered nurse in the State of Vermont is REVOKED.

BOARD OF NURSING

by: Brenda B. Ameth
Chair

Dated: 5-9-97

Date of Entry: 5-13-97

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
CYNTHIA TAYLOR) Docket No: NU55-0595
License Number 19715)

STIPULATION AND MODIFICATION OF CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General Jeffrey L. Amestoy, and Respondent Cynthia Taylor who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent Cynthia Taylor, of Stowe, Vermont, is a registered nurse holding license number 19715 issued by the State of Vermont.
3. The Nursing Board suspended Respondent's nursing license in a Stipulation and Consent Order entered December 14, 1995. The Stipulation and Consent Order is attached and incorporated by reference (hereinafter "1995 Order").
4. Respondent has petitioned the Board to lift the suspension now imposed on her license and in effect modify the 1995 Order.
5. The State is not opposed to lifting the suspension and modifying the 1995 Order as long as certain conditions are met.
6. The parties have reached an agreement on a modification of the 1995 Order which grants Respondent's request to lift the suspension and which also imposes the conditions sought by the

State. This modification is submitted to the Board for approval.

7. At the time this Stipulation and Consent Order is approved by the Board, Respondent agrees that she shall have submitted to the Board for approval the name, address, and professional qualifications of the treating professional from whom Respondent intends to obtain counseling.

8. At the time this Stipulation and Consent Order is approved by the Board, Respondent agrees that she shall have submitted to the Board for review and approval a copy of a treatment plan developed with her treating professional.

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 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 she signs this Stipulation and Consent Order.

12. Respondent voluntarily enters 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 her right to a hearing on

her request to lift the suspension and modify the 1995 Order before the Board of Nursing.

14. 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 1995 Order is modified. The suspension placed on Respondent's license by the 1995 Order is lifted and Respondent's license is CONDITIONED for a minimum period of THREE YEARS commencing with the date this order is entered by the Vermont Board of Nursing. The CONDITIONS on Respondent's license are 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) 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

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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.

(3) 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.

(4) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board until the Board and treating professional agree that such counseling is no longer necessary. Respondent shall comply with the

treatment plan approved by the Board.

(5) 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.

(6) 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 and shall be accompanied by a cover letter on the treating professional's professional letterhead. 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.

(7) 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.

(8) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph C.(10) Drug Use Exception).

(9) 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 C.(10).

(10) 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.

(11) Interview with the Board or its designee.

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

(12) Re-issue of License.

Respondent's license to practice nursing shall be labelled "conditioned."

(13) 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.

(14) 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,

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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.

(15) 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 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.

(16) 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 and accompanied by a cover letter on the employer's letterhead. 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 and accompanied by a cover letter on the school's letterhead. 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.

(17) 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.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(19) Types of Employment Prohibited.

Respondent shall not work for a nurse registry,

travelling 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.

(20) 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.

(21) 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.

(22) 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.

(23) Costs.

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

(24) 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.

(25) 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.

(26) 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. 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. If the Board (1) does not approve the treating professional presented to the Board for approval pursuant to paragraph 7 of the Stipulation or (2) does not approve the treatment plan presented to the Board for review and approval pursuant to paragraph 8 of the Stipulation, Respondent must submit another treating professional or treatment plan for the Board's approval prior to the next regularly scheduled monthly meeting of the Board. If Respondent fails to comply with this paragraph or the Board again rejects the proposed treating professional or treatment plan, Respondent shall be deemed to have violated this Consent Order.

C. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

D. 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)(7).

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

STATE OF VERMONT

JEFFREY L. AMESTOY
ATTORNEY GENERAL

Dated: 9/9/96

by: Diane E. Zamos
Diane E. Zamos
Assistant Attorney General

CYNTHIA TAYLOR
RESPONDENT

Dated: 9-6-96

by: Cynthia Taylor
Cynthia Taylor

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 1-14-96

by: Brenda B. Smith
Chairperson

Date of entry: 10-14-96

**STATE OF VERMONT
BOARD OF NURSING**

In re:	)	
Cynthia Ann Taylor	)	Case File No. NU55-0595
License No. 19715	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

INTRODUCTION

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FINDINGS OF FACT

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2. The Order imposed conditions that required Respondent to enter and continue alcohol and drug counseling; submit monthly reports concerning that counseling; provide negative random drug screens; and completely abstain from the consumption of alcohol or the use or possession of any drugs. A further condition stated that if Respondent violated any terms of the Order, the Board, after giving notice and opportunity to be heard, could revoke the conditions and take further disciplinary action.
3. On October 9, 1996, a random urinalysis conducted upon Respondent was positive for marijuana.
4. In mid-November, 1996, Respondent reported a relapse with Percocet.
5. On or about December 18, 1996, Respondent discontinued her counseling sessions and attendance at AA/NA meetings.
6. Respondent's actions violated several terms of the Order imposed October 14, 1996.

CONCLUSIONS OF LAW

- A. Respondent, by failing to continue counseling sessions and attend AA/NA meetings, violated Paragraph A. (4) of the Order.
- B. Respondent, by testing positive for cannabinoids, violated Paragraph A. (8) of the Order.

C. Respondent, by using Percocet in November, 1996, violated Paragraph A. (9) of the Order.

D. Respondent violated several provisions of the Order imposed by the Board on October 14, 1996. Paragraph A. (24) of the Order subjected Respondent to further disciplinary action if she violated the terms of the Order.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED by the Board of Nursing that:

1. The conditions imposed on Respondent's license by Board's Order dated October 14, 1996 are REVOKED.
2. Respondent's license to practice as a registered nurse in the State of Vermont is REVOKED.

BOARD OF NURSING

by: Brenda B. Ameth
Chair

Dated: 5-9-97

Date of Entry: 5-13-97

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
CYNTHIA TAYLOR) Docket No: NU55-0595
License Number 19715)

STIPULATION AND MODIFICATION OF CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General Jeffrey L. Amestoy, and Respondent Cynthia Taylor who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent Cynthia Taylor, of Stowe, Vermont, is a registered nurse holding license number 19715 issued by the State of Vermont.
3. The Nursing Board suspended Respondent's nursing license in a Stipulation and Consent Order entered December 14, 1995. The Stipulation and Consent Order is attached and incorporated by reference (hereinafter "1995 Order").
4. Respondent has petitioned the Board to lift the suspension now imposed on her license and in effect modify the 1995 Order.
5. The State is not opposed to lifting the suspension and modifying the 1995 Order as long as certain conditions are met.
6. The parties have reached an agreement on a modification of the 1995 Order which grants Respondent's request to lift the suspension and which also imposes the conditions sought by the

her request to lift the suspension and modify the 1995 Order before the Board of Nursing.

14. 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 1995 Order is modified. The suspension placed on Respondent's license by the 1995 Order is lifted and Respondent's license is **CONDITIONED** for a minimum period of **THREE YEARS** commencing with the date this order is entered by the Vermont Board of Nursing. The **CONDITIONS** on Respondent's license are 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) 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

treatment plan approved by the Board.

(5) 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.

(6) 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 and shall be accompanied by a cover letter on the treating professional's professional letterhead. 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.

(7) Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in

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.

(11) Interview with the Board or its designee.

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

(12) Re-issue of License.

Respondent's license to practice nursing shall be labelled "conditioned."

(13) 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.

(14) 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,

submitted in writing on forms issued by the Board and accompanied by a cover letter on the employer's letterhead. 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 and accompanied by a cover letter on the school's letterhead. 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.

(17) 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.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(19) Types of Employment Prohibited.

Respondent shall not work for a nurse registry,

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.

(23) Costs.

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

(24) 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.

(25) 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.

(26) 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,

record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7).

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

STATE OF VERMONT

JEFFREY L. AMESTOY
ATTORNEY GENERAL

Dated: 9/9/96

by: Diane E. Zamos
Diane E. Zamos
Assistant Attorney General

CYNTHIA TAYLOR
RESPONDENT

Dated: 9-6-96

by: Cynthia Taylor
Cynthia Taylor

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 10-14-96

by: Brinda B. Smith
Chairperson

Date of entry: 10-14-96