

STATE OF VERMONT
BOARD OF NURSING

In re Denise Carr

}
}
}
Docket No. NU18-1197

SUMMARY SUSPENSION ORDER

On December 8, 1997, this case came before the Board of Nursing for a hearing on a 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 public health, safety, and welfare imperatively require emergency action.

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

BOARD OF NURSING

By: Brenda B. Smith
Brenda Smith, R.N.
Vermont Board of Nursing Chair

Dated: 12/8/97

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12-9-97

ATTEST: Just R. Richard
Support Services Coordinator

STATE OF VERMONT
BOARD OF NURSING

IN RE:	)	
	)	
Denise Carr	)	Docket No.: NU18-1197
<u>License No: 25-7593</u>	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through its Attorney General, William H. Sorrell and Respondent Denise Carr, who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate and adjudicate complaints of unprofessional conduct committed by nurses pursuant to 3 V.S.A. §§129, 129a and 26 V.S.A. §§1574, 1582.
2. Respondent Denise Carr, of Bethel, Vermont, is a licensed practical nurse holding license number 25-7593 issued by the State of Vermont.
3. The Board of Nursing summarily suspended Respondent's license on December 8, 1997.
4. Respondent admits that since January, 1997, she obtained large amounts of narcotic painkillers, including Vicodin and Percocet, from more than one doctor for her personal use by not disclosing to each doctor that she was receiving prescriptions for these drugs from the other physicians.
5. Respondent has a diagnosed health problem for which she legitimately was receiving painkillers.

6. Respondent admits she has a substance abuse problem with prescription drugs.
7. Respondent's employer confirms that there have not been any problems with Respondent's work or her clinical abilities.
8. At the time this Stipulation and Consent Order is approved by the Board, Respondent agrees that she shall have submitted to the Board or its designee for approval the name, address, and professional qualifications of a qualified treating professional, an approved drug/alcohol abuse counselor, from whom Respondent intends to obtain counseling.
9. At the time this Stipulation and Consent Order is approved by the Board, Respondent agrees that she shall have submitted to the Board or its designee for review and approval a copy of a treatment plan developed by her treating professional.
10. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
11. 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.
12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. 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.
14. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

15. 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.

16. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

17. 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. By engaging in the conduct described in paragraphs 4 through 6 above, the Board concludes Respondent acted unprofessionally pursuant to 26 V.S.A.

§1582(a)(5)(addicted to the use of habit-forming drugs).

B. If the Board (1) does not approve the treating professional presented to the Board for approval pursuant to paragraph 8 of the Stipulation or (2) does not approve the treatment plan presented to the Board for review and approval pursuant to paragraph 9 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 should again reject the proposed treating professional or treatment plan, Respondent shall be deemed to have violated this Consent Order.

C. The Nursing Board **CONDITIONS** Respondent's license to practice nursing **for a period of three (3) 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) 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.

(3) 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 notifies the Board in writing that such counseling is no longer necessary in his/her professional opinion. Respondent shall comply with the treatment plan approved by the Board.

(4) 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.

(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 **monthly** 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.

(6) Participation in Substance Abuse Support Group.

Respondent shall participate in one or more substance abuse support groups programs such as Alcoholics Anonymous, Narcotics Anonymous, or other program approved by the Board or Respondent's treating professional, at least three times weekly or as recommended by the Respondent's treating professional.

(7) Random Drug Testing.

Respondent shall submit to random drug screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random 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.(9) Drug Use Exception). Respondent shall authorize the Board to share the results of these screens with Respondent's treating professional.

(8) Abstain from Drug Use.

Respondent shall abstain completely from the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph C.(9).

(9) 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 inform each physician, dentist, or nurse practitioner of any and all medications already prescribed to her from any other physicians, dentists, or nurse practitioners. 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.

(10) Interview with the Board or its Designee.

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

(11) Re-issue of License.

Within five (5) days of the date of entry of this Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled

"conditioned".

(12) 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.

(13) 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.

(14) 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.

(15) 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.

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.

(16) Practice Under Supervision.

Respondent shall practice only in a setting where she is under the direction of a registered nurse in good standing with the Vermont Board of Nursing.

(17) 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.

(18) Prohibition on Medication Administration

For **six (6) months** following the date of this Stipulation and Consent Order, Respondent shall not administer or dispense narcotic medications to patients.

(19) 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.

(20) 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.

(21) Costs.

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

(22) 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 pursuant to 3 V.S.A. §129a(a)(4).

(23) Reevaluation of Conditions.

In the event Respondent does not work in nursing within two (2) 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. Conditions may also be reevaluated by the Board upon petition by Respondent and upon sufficient showing by Respondent that certain conditions should be modified.

(24) 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 licensed 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. Also upon completion of the conditional license period, the Board may remove any conditions on Respondent's license by appropriate Board action, without a

petition from Respondent.

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

E. 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).

F. 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

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 2/3/98

by:

Annika Green

Annika Green
Special Asst. Atty. General

RESPONDENT
DENISE CARR

Dated: 2/3/98

by:

Denise Carr

Denise Carr

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/9/98

by:

Brinda B. Smith

Chairperson

Date of entry: 2-10-98