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STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Julia T. Chackel) Case File No. NU37-0593
License No. 18703)

MODIFICATION OF ORDER

The Board of Nursing held a meeting on December 14, 1998 and, in the interest of saving the parties involved the time and expense of an appeal, has decided to modify its Order dated July 16, 1998, replacing paragraphs 2, 4, and 20 as follows:

(2) Administration of Medications.

The Respondent shall not administer narcotic medications and shall be allowed to administer nonnarcotic medications under supervision if and when she resumes nursing practice.

This condition may be removed upon petition of the Respondent. However, the Respondent may petition for removal no sooner than three (3) months from returning to nursing practice, during which time she works at least forty (40) hours every two weeks in nursing. In petitioning, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer all medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering narcotic medications and the requirement for supervision while administering nonnarcotic medications shall not result in automatic reinstatement of all medication privileges. The Board may choose to utilize the following intermediary step: full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision.

(4) Approval of Changes of Treating Professional.

The 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 Order.

certified equivalent in other states. The Board maintains a list of certified drug and alcohol counsellors.

(20) Types of Employment Prohibited.

This paragraph has been deleted.

All other conditions of the Restated Additional Findings of Fact and Remanded Order dated July 13, 1998 and entered July 16, 1998 shall remain in effect where not modified by the above.

Dated: Jan 11, 1999

BOARD OF NURSING

By: Marjorie Allard R.N.
Marjorie Allard, R.N.
Chair

Date of entry: 1-14-99

Appended 9/78
199

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Julia T. Chackel) Case File No. NU37-0593
Marlboro, NH)
License No. 18703)

RESTATED ADDITIONAL FINDINGS OF FACT AND REMANDED ORDER

The following is a restatement of the original Introduction and Findings of Fact issued by the Board. However, the Board's Order has been remanded as to Paragraphs A(2), A(4), A(5), A(14), A(17), A(20), A(26) and B and has been changed in accordance with the instructions of the Appellate Officer's Order dated March 28, 1998. These changes were made by the Board at its July 13, 1998 meeting.

Introduction

The Board of Nursing (Board) held a hearing in this case on Monday, June 9, 1997, at 133 State Street, Montpelier. Members Brenda Smith, Effie Chamberlin, Ray Phillips, Marjorie Allard, Kim Keaton, and Ingrid Brodin participated. Diane E. Zamos, Assistant Attorney General, appeared for the Attorney General (State). Julia Chackel notified the Board that she would be unable to attend and did not attend.

The hearing was held at the State's request. The purposes of the hearing were (1) to take evidence to ensure that there had been no change in Chackel's circumstances, including no relapses, since the previous evidentiary hearing in this case on October 14, 1996, and (2) to hear argument on the State's request that the Board clarify its conditions and amend or revise its April 15, 1997 order so that all parties are clear on what constitutes compliance and on the consequences of non-compliance.

Additional Findings of Fact

1. The sections of the Board's April 15, 1997 order entitled "Findings of Fact" and "Conclusions of Law" are incorporated herein by reference. The section of the Board's April 15, 1997 order entitled "Order" is replaced by the "Amended Order" section set forth below.

2. At the June 9 hearing, the Board took official notice of three packages of faxed materials submitted by Chackel: (1) five pages of handwritten materials dated May 24, (2) four pages of handwritten materials dated 5/25/97, and (3) 14 pages of handwritten, typed, and printed materials bearing the fax date of June 8, 1997.

3. On May 21, 1997, Ron West, the Board investigator assigned to this case, sent a letter to Chackel by certified mail to determine if her circumstances had changed since the October 1996 hearing. He received no response from Chackel.

4. He also called Beech Hill Hospital (BHH) and talked to the current Director of Nursing, Lois Hollow. Hollow informed West that former Co-Director of Nursing Kathy Byrne was no longer at BHH and had not been employed there since December 1996.

5. Hollow does not know Chackel and has never met her.

6. This means that, even if Chackel were to meet with the BHH Co-Director of Nursing for monitoring on a monthly basis, as required by the Board's April 15 order, Chackel would not be monitored by Byrne, who provided peer assistance and monitored her in the past, but rather would have to be monitored by Hollow or someone else who does not know her.

7. When it investigated Chackel's reinstatement request, the Board investigating committee found that her file lacked a great deal of important information: there were no details about her progress in counseling, no treatment plan, and no urine screen results.

8. The investigating committee notified Chackel in May 1996 that it was opposed to reinstatement but would consider not opposing a conditioned license if it received from Chackel the information missing from her file. The committee never received the requested information from Chackel and still had not received it as of the June 9 hearing.

9. Because of her history of not responding to investigative committee requests for information and of providing, just before her hearing, incomplete information to other entities and individuals who had not requested it, Chackel's license should be conditioned to provide her with a more structured framework for compliance than that set forth in the Board's April 15 order.

10. She should also be provided with a definite deadline for compliance, so that the consequences of non-compliance are clear and immediate.

Amended Order

A. The suspension now in place on Chackel's license is lifted and her license is **CONDITIONED** for a minimum period of **TWO YEARS** commencing with the date this order is entered by the Vermont Board of Nursing. The **CONDITIONS** on Chackel's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Chackel has completed two (2) 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 (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

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

The removal of the prohibition against administering narcotic medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary step: full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision.

(3) Substance Abuse Therapy and Notification to Treating Professional.

Chackel shall obtain a substance abuse assessment and develop a treatment plan with a Board-approved treating professional within thirty (30) days of the date of entry of this order. Chackel shall provide the Board with a copy of the treatment plan, which must be reviewed and approved by the Board. Chackel shall provide a copy of this Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Order and ability to comply with the conditions related to treatment and with all other terms of this Order. Chackel shall waive any therapist/patient privilege for purposes of obtaining information from her treating professional.

(4) Approval of Changes of Treating Professional.

Chackel 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 Order.

Treating professionals who meet Board approval are those who are drug and alcohol counselors certified by the Vermont Alcohol and Drug Abuse Counsellors Association (VADACA) or the Vermont Office of Alcohol and Drug Abuse Programs (ADAP). The Board maintains a list of certified drug and alcohol counsellors.

(5) Completion of Counseling and Treatment Plan.

Chackel shall enter into and continue counseling with the treating professional approved by the Board until the treating professional indicates that such counseling is no longer necessary. Chackel shall comply with the treatment plan approved by the Board.

(6) Substance Abuse Therapy and Notification to Treating Professional.

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

(7) Reports from Treating Professional.

Chackel 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 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 Order and subsequent reports are due every month thereafter.

Chackel 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 Order is in effect.

(8) Participation in Support Group.

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

(9) Random Drug Testing.

Chackel shall submit to random drug and alcohol screening at the request of the Board. Chackel shall ensure that her 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 Chackel under the care of a physician, dentist, or nurse practitioner. (See paragraph (A)(10) Drug Use Exception.)

(10) Abstinence from Alcohol or Drug Use.

Chackel shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph (A)(10).

(11) Drug Use Exception.

Chackel 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 Chackel within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Chackel shall ensure that the physician, dentist, or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Chackel's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Chackel 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. Chackel shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon the request of the Board or its designee.

(12) Interview With the Board or Its Designee.

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

(13) Re-Issue of License.

Chackel's license to practice nursing shall be labelled "Conditioned."

(14) Out-of-State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Chackel shall first obtain approval from the Board. If Chackel fails to receive such approval, none of the time spent out-of-

state will be credited toward fulfillment of the terms and conditions of this Order.

Board approval will be granted so long as the Respondent's out-of-state practice allows her to comply with all other conditions of this Order.

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

Within five (5) days of the date of entry of this Order, Chackel shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Chackel shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(16) Notification to Employers/Nursing School.

Chackel shall provide a copy of this Order to all employers in any current or future setting in which she practices in nursing and shall inform them of the conditional license status. Within ten (10) days of the date of entry of this Order or of any subsequent employment, Chackel shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Order and the ability to comply with the conditions in the Order. In the event Chackel is attending a nursing program, she shall provide a copy of the Order to the Program Director. Chackel shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Order and ability of the program to comply with the conditions in the Order during clinical experience.

(17) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Order and every month thereafter, Chackel shall cause every employer she has worked for in nursing during the month to submit to the Board an evaluation of Chackel'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 Chackel attends nursing school, she shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her 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 Chackel is not employed in nursing or attending nursing school during any month or portion thereof, she shall submit to the Board, in writing, a self-report describing other employment or activities.

Chackel 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 Order is in effect.

(18) Practice Under Supervision.

Chackel shall practice only in a setting where she has on-site supervision for the entire shift by a licensed nurse in good standing with the Vermont Board of Nursing or the Board of Nursing of another jurisdiction.

(19) Prohibited Duties.

Chackel shall not work as a Charge Nurse.

(20) Types of Employment Prohibited.

Chackel 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 Order if the employers cannot provide the supervision required in paragraph 18, above.

(21) Prohibited Hours of Work.

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

(22) License Renewal.

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

(23) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to her, Chackel shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this 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. Chackel 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 her substance

abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by Chackel of such a consent to disclosure during the term of this Order shall be considered a violation of this Order.

(24) Costs.

Chackel shall bear all costs of complying with this Order.

(25) Violation of the Order.

If Chackel violates the terms of this Order in any respect, the Board, after giving her 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 Chackel during the term of this Order, the conditional license period shall be extended until the matter is final.

(26) Re-Evaluation of Conditions.

In the event Chackel does not work in nursing within two (2) years of the date of entry of this Order, she may appear before the Board for re-evaluation of the conditions of this Order.

The Board will take into consideration the Respondent's progress with her treating professional and otherwise in her life over the two years as it relates to her ability to practice nursing. The Board may modify the conditions on the Respondent's license if petitioned to do so. In any case, the Board will still require some evidence that the Respondent is able to practice safely in a nursing environment before there is a complete removal of the conditions.

(27) Completion of Conditional License Period.

Upon completion of the conditional license period, Chackel may petition the Board to remove any and all conditions on the license and after formal review by the Board, Chackel's nursing license may be fully restored by appropriate Board action. Chackel, 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 the treating professional and employer or nursing school administrator. Furthermore, Chackel shall demonstrate, to the Board's satisfaction, full compliance with all the terms of this Order.

B. If the Board (1) does not approve the treating professional presented to the Board for approval pursuant to paragraph (3) of this Order, or (2) does not approve the

treatment plan presented to the Board for review and approval pursuant to paragraph (3) of this Order, Chackel must submit another treating professional or treatment plan for the Board's approval prior to the next regularly scheduled monthly meeting of the Board.

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

D. In addition to the information required to be provided in the conditions set forth above, Chackel shall furnish the Board, within 30 days of the date of entry of this Order, with signed originals of the materials she faxed to various individuals at the Office of Professional Regulation, the Board, and the Attorney General's Office on May 27 and June 8, 1997 (the three packages of faxed materials which the Board officially noticed at the June 9 hearing).

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

Appeal Rights

A party aggrieved by this decision may appeal by sending a notice in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order.

Dated: July 13, 1998
BOARD OF NURSING

By: Majorie Allard
Chair

Date of entry: 7-16-98

STATE OF VERMONT
BOARD OF NURSING

IN RE:	)	
Julia T. Chackel	)	Case File No. NU37-0593
Marlboro, NH	)	
License No. 18703	)	

ADDITIONAL FINDINGS OF FACT AND AMENDED ORDER

Introduction

The Board of Nursing (Board) held a hearing in this case on Monday, June 9, 1997, at 133 State Street, Montpelier. Members Brenda Smith, Effie Chamberlin, Ray Phillips, Marjorie Allard, Kim Keaton, and Ingrid Brodin participated. Diane E. Zamos, Assistant Attorney General, appeared for the Attorney General (State). Julia Chackel notified the Board that she would be unable to attend and did not attend.

The hearing was held at the State's request. The purposes of the hearing were (1) to take evidence to ensure that there had been no change in Chackel's circumstances, including no relapses, since the previous evidentiary hearing in this case on October 14, 1996, and (2) to hear argument on the State's request that the Board clarify its conditions and amend or revise its April 15, 1997 order so that all parties are clear on what constitutes compliance and on the consequences of non-compliance.

Additional Findings of Fact

1. The sections of the Board's April 15, 1997 order entitled "Findings of Fact" and "Conclusions of Law" are incorporated herein by reference. The section of the Board's April 15, 1997 order entitled "Order" is replaced by the "Amended Order" section set forth below.

2. At the June 9 hearing, the Board took official notice of three packages of faxed materials submitted by Chackel: (1) five pages of handwritten materials dated May 24, (2) four pages of handwritten materials dated 5/25/97, and (3) 14 pages of handwritten, typed, and printed materials bearing the fax date of June 8, 1997.

3. On May 21, 1997, Ron West, the Board investigator assigned to this case, sent a letter to Chackel by certified mail to determine if her circumstances had changed since the October 1996 hearing. He received no response from Chackel.

4. He also called Beech Hill Hospital (BHH) and talked to

the current Director of Nursing, Lois Hollow. Hollow informed West that former Co-Director of Nursing Kathy Byrne was no longer at BHH and had not been employed there since December 1996.

5. Hollow does not know Chackel and has never met her.

6. This means that, even if Chackel were to meet with the BHH Co-Director of Nursing for monitoring on a monthly basis, as required by the Board's April 15 order, Chackel would not be monitored by Byrne, who provided peer assistance and monitored her in the past, but rather would have to be monitored by Hollow or someone else who does not know her.

7. When it investigated Chackel's reinstatement request, the Board investigating committee found that her file lacked a great deal of important information: there were no details about her progress in counseling, no treatment plan, and no urine screen results.

8. The investigating committee notified Chackel in May 1996 that it was opposed to reinstatement but would consider not opposing a conditioned license if it received from Chackel the information missing from her file. The committee never received the requested information from Chackel and still had not received it as of the June 9 hearing.

9. Because of her history of not responding to investigative committee requests for information and of providing, just before her hearing, incomplete information to other entities and individuals who had not requested it, Chackel's license should be conditioned to provide her with a more structured framework for compliance than that set forth in the Board's April 15 order.

10. She should also be provided with a definite deadline for compliance, so that the consequences of non-compliance are clear and immediate.

Amended Order

A. The suspension now in place on Chackel's license is lifted and her license is **CONDITIONED for a minimum period of TWO YEARS** commencing with the date this order is entered by the Vermont Board of Nursing. The **CONDITIONS** on Chackel's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Chackel has completed two (2) 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 (40) hours every two (2)

weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Chackel's license is conditioned to prohibit administering any medications except she may administer immunization medications.

(3) Substance Abuse Therapy and Notification to Treating Professional.

Chackel shall obtain a substance abuse assessment and develop a treatment plan with a Board-approved treating professional within thirty (30) days of the date of entry of this order. Chackel shall provide the Board with a copy of the treatment plan, which must be reviewed and approved by the Board. Chackel shall provide a copy of this Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Order and ability to comply with the conditions related to treatment and with all other terms of this Order. Chackel shall waive any therapist/patient privilege for purposes of obtaining information from her treating professional.

(4) Approval of Changes of Treating Professional.

Chackel 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 Order.

(5) Completion of Counseling and Treatment Plan.

Chackel 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. Chackel shall comply with the treatment plan approved by the Board.

(6) Substance Abuse Therapy and Notification to Treating Professional.

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

(7) Reports from Treating Professional.

Chackel 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 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 Order and subsequent reports are due every month thereafter.

Chackel 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 Order is in effect.

(8) Participation in Support Group.

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

(9) Random Drug Testing.

Chackel shall submit to random drug and alcohol screening at the request of the Board. Chackel shall ensure that her 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 Chackel under the care of a physician, dentist, or nurse practitioner. (See paragraph (A)(10) Drug Use Exception.)

(10) Abstinence from Alcohol or Drug Use.

Chackel shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph (A)(10).

(11) Drug Use Exception.

Chackel 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 Chackel within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Chackel shall ensure that the physician, dentist, or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Chackel's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Chackel 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. Chackel shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon the request of the Board or its designee.

(12) Interview With the Board or Its Designee.

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

(13) Re-Issue of License.

Chackel's license to practice nursing shall be labelled "Conditioned."

(14) Out-of-State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Chackel shall first obtain approval from the Board. If Chackel fails to receive such approval, none of the time spent out-of-state will be credited toward fulfillment of the terms and conditions of this Order.

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

Within five (5) days of the date of entry of this Order, Chackel shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Chackel shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(16) Notification to Employers/Nursing School.

Chackel shall provide a copy of this Order to all employers in any current or future setting in which she practices in nursing and shall inform them of the conditional license status. Within ten (10) days of the date of entry of this Order or of any subsequent employment, Chackel shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Order and the ability to comply with the conditions in the Order. In the event Chackel is attending a nursing program, she shall provide a copy of the Order to the Program Director. Chackel shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Order and ability of the program to comply with the conditions in the Order during clinical experience.

(17) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Order and every month thereafter, Chackel shall cause every employer she has worked for during the month to submit to the Board an evaluation of Chackel'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 Chackel attends nursing school, she shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her 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 Chackel is not employed in nursing or attending nursing school during any month or portion thereof, she shall submit to the Board, in writing, a self-report describing other employment or activities.

Chackel 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 Order is in effect.

(18) Practice Under Supervision.

Chackel shall practice only in a setting where she has on-site supervision for the entire shift by a licensed nurse in good standing with the Vermont Board of Nursing or the Board of Nursing of another jurisdiction.

(19) Prohibited Duties.

Chackel shall not work as a Charge Nurse.

(20) Types of Employment Prohibited.

Chackel 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 Order.

(21) Prohibited Hours of Work.

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

(22) License Renewal.

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

(23) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to her, Chackel shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this 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. Chackel 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 her substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by Chackel of such a consent to disclosure during the term of this Order shall be considered a violation of this Order.

(24) Costs.

Chackel shall bear all costs of complying with this Order.

(25) Violation of the Order.

If Chackel violates the terms of this Order in any respect, the Board, after giving her 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 Chackel during the term of this Order, the conditional license period shall be extended until the matter is final.

(26) Re-Evaluation of Conditions.

In the event Chackel does not work in nursing within two (2) years of the date of entry of this Order, she may appear before the Board for re-evaluation of the conditions of this Order.

(27) Completion of Conditional License Period.

Upon completion of the conditional license period, Chackel may petition the Board to remove any and all conditions on the license and after formal review by the Board, Chackel's nursing license may be fully restored by appropriate Board action. Chackel, 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 the treating professional and employer or nursing school administrator. Furthermore, Chackel shall demonstrate, to the Board's satisfaction, full compliance with all the terms of

this Order.

B. If the Board (1) does not approve the treating professional presented to the Board for approval pursuant to paragraph (3) of this Order, or (2) does not approve the treatment plan presented to the Board for review and approval pursuant to paragraph (3) of this Order, Chackel 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 Chackel fails to comply with this paragraph of the Board again rejects the proposed treating professional or treatment plan, Chackel shall be deemed to have violated this Order.

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

D. In addition to the information required to be provided in the conditions set forth above, Chackel shall furnish the Board, within 30 days of the date of entry of this Order, with signed originals of the materials she faxed to various individuals at the Office of Professional Regulation, the Board, and the Attorney General's Office on May 27 and June 8, 1997 (the three packages of faxed materials which the Board officially noticed at the June 9 hearing).

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

Appeal Rights

A party aggrieved by this decision may appeal by sending a notice in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order.

Dated: 7/3/97

BOARD OF NURSING

By: Brenda B. Smith RNC
Brenda B. Smith, R.N.
Chair

Date of entry: 7-10-97

STATE OF VERMONT
BOARD OF NURSING

IN RE:	)	
Julia T. Chackel	)	Case File No. NU37-0593
Marlboro, NH	)	
License No. 18703	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Introduction

The Board of Nursing (Board) held a hearing in this case on Monday, October 14, 1996, at 133 State Street, Montpelier. Members Brenda Smith, Effie Chamberlin, Ray Phillips, Marjorie Allard, Kim Keaton, and Ingrid Brodin participated. Diane E. Zamos, Assistant Attorney General, appeared for the Attorney General (State). Julia Chackel also attended.

Findings of Fact

1. Julia T. Chackel is a registered nurse holding license number 18703 issued by the Board.
2. The State filed a specification of charges in this case on July 15, 1994, and an amended specification of charges on June 6, 1995.
3. On August 14, 1995, the Board approved a stipulation and consent order between the State and Chackel and suspended her license for an unspecified length of time.
4. In the stipulation, Chackel admitted that she was addicted to the use of a habit-forming drug (Stadol NS Nasal Spray), that she engaged in the intemperate use of alcohol, that she reported for nursing duty at a hospital while under the influence of benzodiazepines, put patients at risk, and was unable to practice nursing competently.
5. In the stipulation, Chackel did not admit but did not contest a finding by the Board that she made false statements on her 1993 Vermont nursing license renewal form in response to the question about a substance abuse problem and the question about receiving care for a physical or mental health problem that may cause a threat to public safety during nursing practice.
6. In the stipulation, Chackel agreed that if she petitions the Board to lift the suspension, she must demonstrate to the Board's satisfaction that she poses no danger to the practice of nursing or the public, that she can safely and competently

perform the duties of a registered nurse, and that she has been successfully rehabilitated.

7. In the stipulation, Chackel also specifically agreed to execute a consent form which meets the requirements of 42 C.F.R. § 2.31 permitting disclosure of all information about her substance abuse treatment to the Board, its investigators, and the Attorney General's Office.

8. Chackel's New Hampshire nursing license has been suspended.

9. From June 2 to 30, 1995, Chackel participated in an intensive out-patient program for substance abuse problems at Beech Hill Hospital (BHH) in Dublin, New Hampshire, and received a guarded prognosis for improvement from her program therapist.

10. After completing the out-patient program, Chackel entered into a one-year contract with the Co-Director of Nursing at BHH that provided for random drug screens, attendance at a minimum of three 12-step meetings a week, continued out-patient counseling, participation in BHH's 12-week aftercare group, monthly meetings with the BHH Co-Director of Nursing, and attendance at a nursing support group at least twice a month. This contract is currently being re-negotiated and will continue for another year.

11. Chackel has complied with the BHH contract. However, the other party to the contract, the BHH Co-Director of Nursing, supports reinstatement of Chackel's nursing license but feels strongly that Chackel should continue to be monitored by means of drug screens and proof of meeting attendance for a minimum of two years after re-entry into nursing practice.

12. Chackel has been in counseling for a year and a half. She has maintained sobriety and goes to Alcoholics Anonymous meetings three times a week. She has a sponsor and talks to her sponsor at least once a week. She no longer takes benzodiazepines. The only medications she has taken are Zoloft for depression and BuSpar for anxiety. She now uses exercise and meditation to deal with stress and anxiety. She has just started a paralegal program and wants to work eventually as a nurse paralegal. She realizes how serious her addictions are and that she is powerless to deal with them unless she is very careful. She knows that her nursing career will be adversely affected if she does not continue in treatment and use all available help to combat her addictions.

13. There is some dispute as to whether or not Chackel has complied with the provision in the 1995 stipulation and consent order specifically requiring her to execute a consent form which meets the requirements of 42 C.F.R. § 2.31 permitting disclosure

of all information regarding her substance abuse treatment.

14. The Board Executive Director never received a release from Chackel for her treatment records and, at the time of the October 14 hearing, had never seen a treatment plan from Chackel's treating professionals.

15. The Board Investigator working on this case has had no involvement with the case since Chackel's license was suspended in August 1995. At some point prior to August 14, 1995, the Board Investigator asked Chackel for releases from her treating professionals. Chackel agreed with the Investigator to sign releases after talking to her treating professionals, but the Investigator never heard from her again. The Board Investigating Committee's work was further hampered by Chackel's being treated out-of-state, in New Hampshire. The Committee was thus unable to use subpoenas to obtain Chackel's treatment records.

16. Chackel claims that the only releases that she was ever asked to execute were those discussed with the Board Investigator at some point prior to issuance of the 1995 stipulation and consent order. However, paragraph 22 of the 1995 stipulation and consent order clearly states that she is to execute a consent form meeting specific requirements. The sense of paragraph 22 is that she execute such a consent form in the context of requesting reinstatement of her license. Chackel was thus put on notice by the 1995 stipulation and consent order that she needed to execute the consent form as part of the license reinstatement process.

17. Chackel was not represented by an attorney at the October 14 hearing, but that does not excuse her from responsibility to read the 1995 stipulation and consent order carefully, to make sure that she understood its terms, and to take affirmative steps to comply with them.

18. On the other hand, Chackel could comply with paragraph 22 of the 1995 stipulation and consent order only if, in connection with her reinstatement request, she executed a consent form which met the requirements of 42 C.F.R. § 2.31. The Board Investigating Committee was in a better position than Chackel to provide her with this specific type of consent form. There is no evidence in the case to show that the Committee did, indeed, provide her with such a form after August 14, 1995, in connection with her reinstatement request.

19. Although both Chackel and the Board Investigating Committee appear to have played some role in the less-than-ideal state of communications since the 1995 stipulation and consent order, in the final analysis, the person seeking license reinstatement must show initiative and persistence and take proactive steps to regain licensure rather than remaining passive during the reinstatement process. The applicant, and not the

Investigating Committee, has the burden of showing the Board that he or she merits license reinstatement.

20. In this case, Chackel has not shown that she is ready for full and unrestricted licensure. Her treatment records entered into evidence at the October 14 hearing indicate that she has made progress. She complied with her contract with the BHH co-director of nursing, her random drug screens have been negative, and she has continued in out-patient counseling. However, the BHH Co-Director of Nursing strongly recommends that she continue being monitored for a minimum of two years after re-entry into practice, including drug screens and proof of attendance at meetings. The BHH Co-Director of Nursing is in an excellent position to evaluate Chackel's progress and to make recommendations about future monitoring. The Co-Director's recommendations are persuasive.

Conclusions of Law

Under Board of Nursing Rule IV(D), the Board may reinstate a license following suspension. Under paragraph 21 of the 1995 stipulation and consent order, the Board may also require a period of probation, along with supportive or restrictive conditions, to ensure that patients and the public are protected.

The terms of paragraph 21 should be applied. Chackel has acknowledged her addiction problems and has demonstrated her commitment to treatment for them. However, her recovery is an ongoing process. At this stage, Chackel requires continued monitoring, as recognized by the BHH Co-Director of Nursing. Accordingly, the Board will reinstate her nursing license but, to protect patients and the public, will place her on probation and attach conditions to her license, as ordered below.

Order

(A) The request of Julia T. Chackel to lift the suspension of her license is hereby GRANTED.

(B) However, Chackel is placed on PROBATION for a period of two years from the date of entry of this order.

(C) In addition, the following CONDITIONS are imposed on her license:

(1) Chackel shall continue to submit to random drug screens.

(2) Chackel shall attend a minimum of three 12-step meetings a week and shall document and retain proof of attendance at such meetings for provision to the Board at any time at its request.

(3) Chackel shall continue out-patient counseling.

(4) Chackel shall meet with the Co-Director of Nursing at Beech Hill Hospital once a month.

(5) Chackel shall attend a nursing support group at least twice a month.

(D) No sooner than two years from the date of entry of this order, Chackel may petition the Board for termination of her probation and for removal of the conditions set forth above.

Appeal Rights

A party aggrieved by this decision may appeal by sending a notice in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order.

Dated: April 15, 1997

BOARD OF NURSING

By: Brenda B. Smith R.N.
Brenda B. Smith, R.N.
Chair

Date of entry: 4-15-97

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STATE OF VERMONT
BOARD OF NURSING

IN RE: Julia Chackel) Docket No.: NU37-0593
 License No.: 18703)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont through Attorney General Jeffrey L. Amestoy and Respondent Julia Chackel 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 is a registered nursing holding license number 18703 issued by the State of Vermont.
3. The State filed a Specification of Charges in this matter on or about July 15, 1994.
4. The hearing on the merits of the Specification of Charges scheduled for August 8, 1994 was continued.
5. The State filed an Amended Specification of Charges in this matter on or about June 6, 1995.
6. The State's Amended Specification of Charges allege six counts of unprofessional conduct.
7. Respondent waives her right to a hearing on the State's Amended Specification of Charges.
8. Respondent admits that she obtained Stadol NS Nasal Spray from various pharmacies and various different physicians because she was addicted to Stadol NS Nasal Spray as alleged in Count I.
9. Respondent admits that she engaged in the intemperate use

of alcohol as alleged in Count II.

10. Respondent does not admit, but does not contest a finding by the Board, that she made a false statement on her Vermont nursing license renewal form signed on or about February 23, 1993 when she did not answer "yes" to the question about a substance abuse problem as alleged in Count III.

11. Respondent does not admit, but does not contest a finding by the Board, that she made a false statement on her Vermont nursing license renewal form signed on or about February 23, 1993 when she did not answer "yes" to the question about receiving care for a physical or mental health problem that may cause a threat to public safety during nursing practice as alleged in Count IV.

12. Respondent admits that on March 11, 1995 she reported for nursing duty at Beech Hill Hospital in Dublin, New Hampshire while under the influence of Benzodiazepines and put patients at risk as alleged in Count V.

13. Respondent admits that on March 11, 1995 when she reported for nursing duty at Beech Hill Hospital she was unable to practice nursing competently because she was under the influence of drugs as alleged in Count VI.

14. Respondent admits that the facts outlined in the Amended Specification of Charges and admitted in paragraphs 8 through 13 above violated the Administrative Rules of the Nursing Board and constitute unprofessional practice pursuant to 26 V.S.A. §1582(a)(5) (addicted to the use of a habit forming drug or

habitually intemperate), 26 V.S.A. §1582(a)(1)(false statement in renewing a license to practice nursing), 26 V.S.A. §1582(a)(5)(conduct of a character likely to harm the public) and 26 V.S.A. §(a)(3)(inability to practice nursing by reason of any cause) as alleged in Count I, Count II, Count III, Count IV, Count V, and Count VI of the Amended Specification of Charges.

15. Respondent voluntarily waives her to a contested hearing before the Board of Nursing on the pending charges.

WHEREFORE, the parties agree that the violations are reasonably resolved as follows:

16. The Nursing Board **SUSPENDS** Respondent's license to practice nursing.

17. Respondent shall immediately surrender her nursing license to the Vermont Board of Nursing.

18. Respondent may petition the Board to lift the suspension no earlier than one month from the date this order is entered and if the Board declines, then no more than once every three months thereafter unless this provision is modified in the future by the Board upon Respondent's request.

19. Respondent agrees that if she petitions the Board to lift the suspension, the Board shall be entitled to review this Stipulation and Consent Order when it considers her request.

20. Respondent agrees that if she petitions the Board to lift the suspension, she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of

nursing or the public and that she can safely and competently perform the duties of a registered nurse.

21. Respondent understands that the Board, in considering a request to lift the suspension, may require a period of probation, along with supportive or restrictive conditions, to ensure that patients and the public are protected.

22. Respondent agrees that if she petitions the Board to lift the suspension she shall demonstrate to the satisfaction of the Nursing Board that she has been successfully rehabilitated.

Respondent shall specifically execute a consent form which meets the requirements of 42 C.F.R. §2.31 permitting disclosure of all information regarding the respondent's substance abuse treatment to the Nursing Board , its investigators, and the Attorney General's Office.

23. Respondent agrees that she must also meet all requirements of the Nursing Board as set out in 26 V.S.A. Chapter 28 and the Administrative Rules for the Board of Nursing.

24. This Stipulation and Consent Order are a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7).

25. Respondent understands that this Stipulation and Consent Order will remain part of her licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

26. The Nursing Board must review and accept the terms of this Stipulation and Consent Order. If the Board rejects any

portion, the entire Stipulation and Consent Order shall be null and void.

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

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

29. 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.

STATE OF VERMONT

JEFFREY L. AMESTOY
ATTORNEY GENERAL

Dated: 8/4/95

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

RESPONDENT

Dated: 7/20/95

by: Julia Chackel RN
Julia Chackel

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 8/14/95

by: Brenda B. Smith
Chairperson

Date of Entry: 8-17-95