

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

IN RE:

GLEN PATRICK COONEY

License No. 025.0006681

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Docket No. M2009-182

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Glen Patrick Cooney, 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, or 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 (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Glen Patrick Cooney (the "Respondent") of White River Junction, Vermont was licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0006681. This license was originally issued on or about November 6, 1991 and expired on or about January 31, 2004.
3. By way of history, on or about February 12, 2003, the Board summarily suspended Respondent's license. Attachment A.
4. By way of further history, on or about May 13, 2003 pursuant to a Stipulation and Consent Order, the Board suspended Respondent's license. Attachment B. This discipline was due to the allegation that Respondent repeatedly diverted, without authorization, regulated medications including Oxycontin, Morphine, and Percocet, and subsequently ingested those drugs. Attachment B.
5. On or about August 14, 2009 in a written letter, Respondent requested that his nursing license be reinstated. Respondent stated that a past drinking problem led to a thinking problem which resulted in his narcotic conviction. Respondent indicated that he has been attending years of therapy and has been attempting to get his life back on track.

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6. On or about February 23, 2010, the Board received an independent evaluation by Licensed Clinical Mental Health Counselor and Licensed Alcohol and Drug Counselor R.T., which indicated that Respondent has been abstinent from alcohol for approximately five (5) years, and that Respondent attends several Alcoholics Anonymous meetings weekly. R.T. diagnosed Respondent with Alcohol Dependence in full late remission, and stated that he saw no need for Respondent to attend any further formal treatment for substance abuse and/or dependence based on Respondent's current AA maintenance stage of recovery. R.T. stated that Respondent seems quite content being in alcoholism recovery and maintaining total abstinence. Furthermore, R.T. stated that Respondent presented no indication of abuse of narcotic drugs. R.T. reported that although he didn't see any need for Respondent to continue substance abuse counseling, Respondent has indicated he is very open to continue such counseling if necessary for nursing licensure. Finally, R.T. advised that his opinion is that Respondent presents neither a high or even moderate risk to the practice of nursing.
7. In support of his request for reinstatement, Respondent submitted to the Board three (3) random urine screens from on or about April 21, 2010 and May 12 and 18, 2010, which were all negative.
8. Respondent has not practiced nursing for at least one hundred twenty (120) days (960 hours) in the previous five (5) years, and therefore must complete the education and clinical components of the Board's Re-Entry Program before having his license reinstated.

Understandings

9. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
10. 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.
11. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.

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14. 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.
15. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
16. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER REGARDING RE-ENTRY PROGRAM AND TEMPORARY PERMIT

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

- A. Respondent's license to practice registered nursing **remains suspended**. Before applying for reinstatement, Respondent must: **1)** be enrolled in a Board-approved Re-Entry Program; **2)** provide a copy of this Stipulation and Consent Order to the Program Director of Respondent's Re-Entry Program and inform the Program Director of Respondent's conditional license status; **3)** within ten (10) days of the commencement of the classroom component of the Re-Entry Program, Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience; **4)** successfully complete the classroom component of the Re-Entry Program and submit evidence of completion of the same to the satisfaction of the Board or its designee; **5)** enter into a treating professional agreement with a treating professional pre-approved by the Board; and **6)** enter into a substance abuse treatment plan approved by the Board with the pre-approved treating professional. Once these prerequisites are met, the Respondent shall be issued a **TEMPORARY PERMIT for the purpose of permitting limited practice in a clinical setting for the clinical component of the Re-Entry Program FOR NINETY (90) DAYS**. In the case of extenuating circumstances, the Executive Director may grant an extension to allow the Respondent to hold this temporary permit for a period of time not to exceed one (1) year. This temporary permit shall be subject to the standard conditions of the ARBN and/or guidelines for re-entry programs established by the Board, and shall furthermore be subject to **SPECIAL CONDITIONS**, as follows:

- (1) Issue of Temporary Permit.

Upon the commencement of these conditions, Respondent shall be issued a temporary permit labeled "conditioned."

- (2) Length of Time of Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent successfully completes **limited practice in a clinical setting for ninety (90) days**, that may be

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extended in cases of extenuating circumstances, but not to exceed one (1) year, according to the ARBN and/or guidelines for re-entry programs established by the Board.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue substance abuse counseling with a treating professional pre-approved by the Board until the treating professional shall certify in writing to the 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) Reports from Treating Professional.

Respondent shall authorize and cause his 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 these conditions and subsequent reports are due **monthly** thereafter.

Respondent shall authorize his 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.

(5) Participation in Recovery Groups.

Respondent shall participate as recommended by his treating professional in substance abuse recovery group(s), and shall submit **quarterly** reports documenting such attendance on forms issued by the Board.

(6) 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 shall be 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.

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine screen shall cause that screen to be presumed positive. Any positive screen shall act as a violation of this Order.

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

(8) Drug Use Exception.

Respondent shall not take controlled substances unless medically 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 prescription.

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Respondent shall cause the physician, dentist or nurse practitioner to inform the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within seven (7) days of entering into the practitioner/patient relationship. Moreover, the Respondent shall cause this prescribing practitioner to inform the Board, in writing and on appropriate letterhead, of all scheduled/controlled medications prescribed – and the anticipation of how long such prescriptions will need to be taken – within seven (7) days of the prescription.

The Board or its designee may request at any time that the practitioner document the necessity for the prescribed scheduled/controlled medications or other medications known to have abuse potential. 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 fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall provide the Board with a current medication list of any medications taken on a scheduled or as-needed basis on forms issued by the Board within seven (7) days of the date of reinstatement and shall update this list within forty-eight (48) hours of any change in these medications.

(9) Reports from Program Director.

Within one (1) month of the commencement of the clinical component of the Re-Entry Program and **monthly** thereafter, Respondent shall cause his Program Director to submit to the Board 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. All Program Director reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

(10) Practice Under Supervision.

Respondent shall practice under his temporary permit only in a setting where Respondent has direct supervision for the entire shift by a registered nurse that is licensed and in good standing with the Board, and as according to the ARBN and/or guidelines for re-entry programs established by the Board.

(11) Administration of Medications.

Respondent is prohibited from administering any controlled substances.

(12) Interview with the Board or its Designee.

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

(13) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), he must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of his Vermont temporary permit 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.

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(14) Temporary Permit Renewal.

Respondent is prohibited from renewing his temporary permit.

(15) 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 registered nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that his treatment provider may require him to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(16) Costs.

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

(17) 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.

(18) Completion of Conditional Temporary Permit Period.

After the conditional temporary permit period, the Respondent may complete an application for reinstatement of his license. The Respondent must present proof that he has fully complied with the terms of this Order.

ORDER REGARDING CONDITIONED LICENSE

- B. After successful completion of the Re-Entry Program as outlined above in the Order Regarding Re-Entry Program and Temporary Permit and the conditions required therein, and after Respondent completes an application for reinstatement of his license, Respondent's license to practice registered nursing shall be **REINSTATED**

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and CONDITIONED FOR A MINIMUM OF THREE (3) YEARS. The conditions will be as follows:

(1) Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time of 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 a **minimum of three (3) years** of supervised nursing in which he works at least forty (40) hours every two (2) weeks as a 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 the treating professional pre-approved by the Board until the treating professional shall certify in writing to the Board that such counseling is no longer necessary. Respondent shall comply with the substance abuse treatment plan approved by the Board and the treating professional.

(4) Reports from Treating Professional.

Respondent shall authorize and cause his 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 his 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.

(5) Participation in Recovery Group(s).

Respondent shall participate as recommended by his treating professional in substance abuse recovery group(s), and shall submit **quarterly** reports documenting such attendance on forms issued by the Board.

(6) 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 or entity that has been pre-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.

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine screen shall cause that screen to be presumed positive. Any positive screen shall act as a violation of this Order.

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

(8) Drug Use Exception.

Respondent shall not take controlled substances unless medically 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 prescription. Respondent shall cause the physician, dentist or nurse practitioner to inform the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within seven (7) days of entering into the practitioner/patient relationship. Moreover, the Respondent shall cause this prescribing practitioner to inform the Board, in writing and on appropriate letterhead, of all scheduled/controlled medications prescribed – and the anticipation of how long such prescriptions will need to be taken – within seven (7) days of the prescription.

The Board or its designee may request at any time that the practitioner document the necessity for the prescribed scheduled/controlled medications or other medications known to have abuse potential. 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 fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall provide the Board with a current medication list of any medications taken on a scheduled or as-needed basis on forms issued by the Board within seven (7) days of the date of reinstatement and shall update this list within forty-eight (48) hours of any change in these medications.

(9) 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 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 nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Board an employer agreement form approved by the Board, 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 which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

(10) Reports from Employers/Program Director.

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Within one (1) month of the date of reinstatement or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every 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. Moreover, on a **quarterly** basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

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. All nursing program reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

(11) Practice Under Supervision.

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

(12) 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 he has worked as a nurse for six (6) months for at least forty (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 or its designee, that he can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from his 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.

(13) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.

(14) Interview with the Board or its Designee.

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

(15) Out-of-State Practice.

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Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent practicing nursing outside the State of Vermont. If Respondent fails to receive such approval before practicing nursing outside the State of Vermont, none of the time spent practicing nursing 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 nursing practice so long as the Respondent can still comply with the provisions of this Consent Order.

If the Respondent receives discipline on a nursing license held in another state during the conditioned period, the Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

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

Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of his current place of employment, personal address, and 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) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), he must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of his Vermont 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.

(18) 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 nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(19) 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.

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This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that his treatment provider may require him to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(20) Costs.

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

(21) 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.

(22) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on his license. The Respondent must present proof that he has fully complied with the terms of this Order. The Respondent must also present proof of successful substance abuse rehabilitation and he must demonstrate, to the satisfaction of the Board, that he poses no danger to the public or the practice of nursing and that he can safely and competently perform the duties of a licensed 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: 7-9-10

By: 
BetsyAnn Wrask
State Prosecuting Attorney

GLEN PATRICK COONEY
RESPONDENT

STATE OF VERMONT



Prosecuting Attorney
Office of
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Dated: 7/8/10

By: *Glen Patrick Cooney Sr*
Glen Patrick Cooney

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7.12.10

By: *3ll Ruff*
Chairperson

Date of Entry: 7/13/10
nu.cooney.stip

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STATE OF VERMONT
BOARD OF NURSING

In re: Glen Patrick Cooney
License No. 25-6681

Docket No. NU39-1202

SUMMARY SUSPENSION ORDER

On February 10, 2003, this case came before the Board of Nursing for a hearing on the State's request for summary suspension.

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

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

BOARD OF NURSING

By: Susan Farrell
Susan Farrell
Chair

Dated: Feb. 11, 2003

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/12/03

Attachment A

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Glen Patrick Cooney

License Nos: 25-6681

)
) **Docket No. NU39-1202**
)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Glen Patrick Cooney, who stipulate and agree as follows:

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulations Rules.
2. Respondent Glen Patrick Cooney, of White River Junction, Vermont, is a licensed practical nurse holding license number 25-6681, issued by the State of Vermont. This license was first issued on about November 6, 1991 and it was summarily suspended on about February 12, 2003.
3. At all times relevant, Respondent was employed at or associated with the Veteran's Administration Hospital in White River Junction, Vermont.
4. During about 2001 to March 2002, Respondent does not admit, but will not contest that proof could be made, that he repeatedly diverted, without

Attachment B

- authorization, regulated medications, including but not necessarily limited to Oxycontin, Morphine and Percocet, and further, he ingested the drugs.
5. Respondent does not admit, but will not contest, conclusions of unprofessional conduct as set forth below in the Board's Order.
 6. 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.
 7. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
 8. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting.
Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
 9. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
 10. 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.
 11. Respondent voluntarily waives his right to charges and a contested hearing before the Board of Nursing.
 12. Respondent agrees that the Board may set forth the order below.

ORDER

Based on the stipulation above it is ORDERED AND ADJUDGED as follows:

A. By engaging in the conduct above, Respondent acted unprofessionally pursuant to, and in violation of Nursing Board Rules: Chapter 4, Rule IV, B.4.d (diverting supplies, equipment, or drugs for personal use or other unauthorized use), which constitutes unprofessional conduct within the meaning of, and also further violates: 26 VSA. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public) and 3 VSA 129a(a)(3) (failing to comply with the provisions of federal and state statutes or rules governing the practice of the profession).

B. The Nursing Board indefinitely SUSPENDS the Respondent's license, commencing on the date this order is entered, continuing until he demonstrates to the satisfaction of the Board: possession of at least entry level qualifications; specific rehabilitation; good moral character and fitness; methods of assuring public safety, and; that reinstatement would not be detrimental to the integrity of the profession or subversive of the public interest.

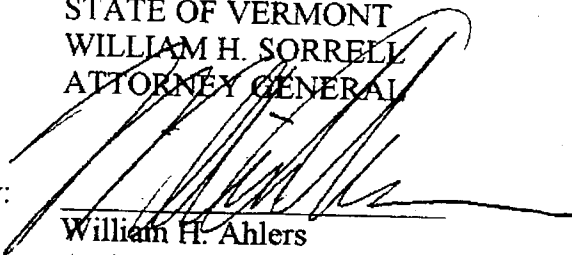
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).

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.

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 5/6/03

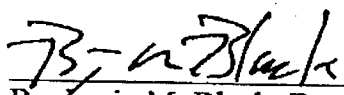
by:


William H. Ahlers
Assistant Attorney General

Approved as to form:

Dated: 5/6/03

by:


Benjamin M. Black, Esq.
Attorney for Glen Patrick Cooney

RESPONDENT
GLEN PATRICK COONEY

Dated: 5/6/03

by:

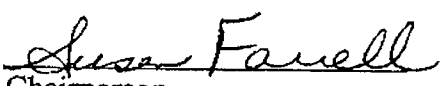

Glen Patrick Cooney

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5/12/03

by:


Chairperson

Date of entry: 5/13/03