

Bruce J. Cox

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

In re: Aleta M. Costopoulos }
License No. 026-0024577 }
Docket No. NU 43-0101 }

SUMMARY SUSPENSION ORDER

On Monday 11 February 2008, this matter came before the Vermont State Board of Nursing by petition of the State of Vermont. The State of Vermont seeks a summary suspension of Respondent's professional license pursuant to 3 V.S.A. § 814(c). The hearing took place at the Secretary of State's Office of Professional Regulation, National Life Building, Montpelier, Vermont.

The Board has authority to suspend summarily a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action.

**Findings of Fact &
Conclusions of Law:**

Based on a review of the evidence presented at the hearing of this matter, the Board finds:

1. The Board of Nursing licenses the Respondent, and the Respondent is subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a)(3); and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a "Request for Summary Suspension" dated 8 February 2007, alleging that the Respondent violated several terms of the order conditioning her registered nursing license. These included violations of a board order and license conditions regarding employer notice and the consumption of alcohol.
3. The State argues that public health, safety or welfare imperatively requires emergency action, and it asks this Board to suspend summarily the Respondent's license prior to a full hearing on the merits.
4. The Board has considered the evidence related to the allegations in the State's Request for Summary Suspension.
5. The Board finds that the State has, in its presentation of evidence, met its burden to the necessary degree of showing an imperative need for emergency action to protect the public health, safety and welfare.
6. Pursuant to 3 V.S.A. § 814(c), the Board issues the following temporary order, which shall remain in effect until further action by this Board.

ORDER

The Board of Nursing GRANTS the State of Vermont's Request for Summary Suspension.

The Respondent's license is SUMMARILY SUSPENDED pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

- END -

Vermont Board of Nursing

By: Linda M. Y. Rice, APRN Dated at Montpelier: 11 February 2008
Linda M. Y. Rice, APRN
Board Chairperson

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/11/08

APPEAL RIGHTS

This is a final administrative determination. 3 V.S.A. § 812.

A party aggrieved by a final decision of a Board may appeal the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, National Life Building, North, FL 2, Montpelier, Vermont 05620-3402 within 30 days of the entry of the order.

If a party appeals, the Director of the Office of Professional Regulation assigns the case to an appellate officer. The Appellate Officer shall decide the appeal based on the record of evidence created before the board. In cases of alleged procedural mistakes or irregularities before the board, which the record does not show, the Appellate Officer may take proof on that issue. *See* 3 V.S.A. §§ 129(d) and 130a.

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

IN RE:)
ALETA M. COSTOPOULOS) DOCKET No. NU43-0101
License No. 026-0024577)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Aleta M. Costopoulos, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, condition current licenses, or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a); 3 V.S.A. 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Aleta M. Costopoulos (the "Respondent") of Burlington, Vermont is a registered nurse holding license number 026-0024577, issued by the State of Vermont. This license was originally issued on or about February 8, 1999 and is set to expire March 31, 2007. The Respondent's license is currently conditioned pursuant to an Order entered by this Board on May 27, 2003. Attachment A. The Board summarily suspended Respondent's nursing license on or about March 13, 2006.

3. Section A(7) of the Order requires the Respondent to abstain completely from the consumption of alcohol or the use or possession of any drugs during the conditioned time period.

4. Section A(8) of the Order allows the Board to revoke the conditions of the Order if the Respondent is prescribed a scheduled medication for a period greater than 14 days. Id.

5. On or about January 6, 2006 the Respondent was administered a drug test by Mobile Testing Services. The results of the drug test indicated a positive toxicology result for morphine.

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6. On or about February 15, 2006 the Respondent told Investigator Derek Everett that the reason for the positive morphine test was that she had ingested two Vicodin (hydrocodone) pills the night before the test. The Respondent had been prescribed twenty-five tablets of 5 mg Vicodin on or about October 13, 2005 for a respiratory infection and headache. The Respondent told Investigator Everett that she was aware that she should not have taken the Vicodin and should have discarded it after utilizing it for its intended use.

7. On or about January 11, 2006 the Respondent discussed the positive test with Board of Nursing staff member Elizabeth Hansen. When first asked about the test the Respondent stated that she did not know what could have caused the positive result. She then stated that she had laryngitis for a month and she took some Vicodin, but thought it would have been out of her system. After being questioned, the Respondent told Ms. Hansen that she had consumed the Vicodin on the night of January 5, 2006. At the end of the conversation with Ms. Hansen, the Respondent told Ms. Hansen that she did not want to be around the medications that she had to pass from the medication cart when she was so stressed.

Charges

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

- i. 3 V.S.A. § 129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- ii. 3 V.S.A. § 129a(a)(4) (failing to comply with an order of the board or violating any term or condition of a license restricted by the board);
- iii. 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); and
- iv. Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials).

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 her 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.

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

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 her 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

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

A. The Board of Nursing hereby **INDEFINITELY SUSPENDS** Respondent's registered nursing license. Before the Respondent may apply for reinstatement, the Respondent must provide the Board or its designee with three (3) consecutive months of negative random drug screen results. The drug screens submitted by the Respondent must be dated no earlier than July 1, 2006. Once reinstated, her license will be **CONDITIONED** for a minimum period of **THREE (3) YEARS** commencing with the date of reinstatement. The conditions are 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 Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised registered nursing in which she works forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.

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

Respondent shall enter into and continue substance abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional.

(4) Notification to Treating Professional.

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

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a registered nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(7) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(8) Practice Under Supervision.

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

(9) Participation in Recovery Groups.

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

(10) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(11) 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.(12) for the period of time described in paragraph A.(2).

(12) Drug Use Exception.

The Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

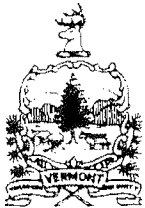
Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(13) Administration of Medications.

Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after she has worked as nurse for twelve (12) weeks for at least 40 hours every two weeks (or the part time equivalent) after the date of reinstatement.

In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from her treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

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The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

(14) Interview with the Board or its Designee.

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

(15) 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 personal care provider during the effective period of this Consent Order.

(16) Out of State Practice/Residence.

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

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and 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.

(18) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of his Vermont registered nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

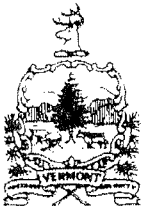
(19) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(20) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol

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with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's nursing license.

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

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.

(21) Costs.

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

(22) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(23) Completion of Conditional License Period.

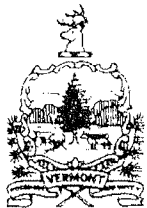
After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order. The Respondent must also present proof of successful substance abuse rehabilitation and she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the public or the practice of nursing and that she can safely and competently perform the duties of a registered nurse.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

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

D. This Stipulation and Consent Order will remain part of Respondent's

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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: 9/1/06

By: Edward G. Adrian for
Edward G. Adrian
State Prosecuting Attorney

ALETA M. COSTOPOULOS
RESPONDENT

Dated: 09/30/06

By: Aleta M. Costopoulos
Aleta M. Costopoulos

APPROVED AND SO ORDERED:
VERMONT BOARD OF NURSING

Dated: 9/11/06

By: Laurey M. Tyler
Chairperson (acting Chairperson)

Date of Entry: 9/12/06

nu.costopoulos.stip

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STATE OF VERMONT
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

In re:	)	
ALETA M. COSTOPOULOS	)	Docket No.:NU 43-0101
License No: 026- 0024577	)	
	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Aleta M. Costopoulos who stipulate and agree as follows:

Board Authority

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 129a, and 26 V.S.A. §§1574 and 1582.
2. Respondent Aleta M. Costopoulos is a licensed Registered Nurse holding license number 026-0024577 issued by the State of Vermont.
3. Respondent was originally licensed on February 8, 1999 and Respondent's license lapsed on March 31, 2001.

Facts

4. Respondent was employed at the Professional Nurses Service, Inc., Winooski, Vermont at all times relevant.
5. Respondent admits that around March 2000, Respondent entered into treatment for alcohol abuse and/or dependence.
6. Respondent has been in treatment since March 2000.
7. Respondent, as part of her treatment, has disclosed that she did divert percocet while employed by Fletcher Allen Health Care in the spring of 1999.

Understandings

8. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order

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9. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
12. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
13. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.
14. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
15. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

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

A. By engaging in the acts, omissions and/or circumstances described above, the Board concludes that Respondent acted unprofessionally pursuant to, and in violation of, 26 V.S.A. §1582(a)(5)(is habitually intemperate)

B. The Board hereby continues the **CONDITIONS** on Respondent's license **for a minimum period of ONE (1) YEAR, regardless of employment status**, from the date of entry of this Order. Thereafter, the Board **CONDITIONS** Respondent's license to practice nursing **for a minimum period of TWO (2) YEARS while employed as a nurse**. The **CONDITIONS** on Respondent's license would be as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed all conditions ordered.

Respondent shall be subject to the conditions until Respondent completes **both A)** a minimum of one (1) year of supervised treatment; **and B)** a minimum of nine (9) months of supervised nursing practice in which she 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

Respondent's license is additionally conditioned as follows:

(2) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the treatment plan approved by the Board and/or the Board's designee and the treating professional.

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

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

(4) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's letterhead. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(5) Participation in Support Group.

Respondent shall participate, at least weekly, or as recommended by her treating professional, in Alcoholics Anonymous or a similar support group.

(6) Random Alcohol/Drug Testing.

Respondent shall submit to random alcohol and drug screening at the request of the Board. Respondent 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 testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph 8 Drug Use Exception.)

(7) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph 8 for the period of time described in paragraph 1.

(8) Drug Use Exception.

Respondent shall not take controlled substances unless necessary. Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed medications if the term exceeds 14 days. It is not anticipated that Respondent would be prescribed scheduled medication, during the term of this Consent Order, for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(9) Interview with the Board or its designee.

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

(10) Re-issue of License.

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

(11) Out of State Practice/Residence.

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

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number. Respondent shall provide a copy of this Consent Order to all employers, current and future, and shall inform them of the conditional status of her license.

(13) Notification to Employers.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

(14) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities. In the event the Respondent is attending a nursing program, she shall provide a copy of the Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

Respondent shall sign a consent, upon request of the Board, to authorize her employer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(15) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing. "On site supervision" means actual presence in the building and should not be construed to include "on-call" supervision.

(15.5) Administration of medications.

- A. The Respondent is prohibited from administering any medications at all for a minimum period of three (3) months from the date of entry of this order. Thereafter, Respondent may petition the Board, as explained below, to administer non-narcotic medications under direct supervision. Thereafter, the Respondent may petition the board to administer narcotic medication under direct supervision.
- (1) This condition may be removed only by the Respondent filing a petition with the Board after she has worked as nurse for twelve (12) weeks or at least 40 hours work every two weeks (or the part time equivalent) after the entry date of this Order.
 - (2) In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer such medications.
 - (3) 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.

(16) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order. Respondent shall not work nights or evenings during this order.

(17) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for

renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(18) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(19) Costs.

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

(20) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(21) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(22) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a nurse. Such proof shall include appropriate support from her treating professional, employer and/or nursing school administrator.

Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

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

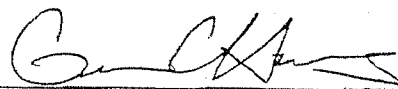
D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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

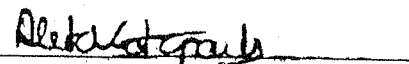
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERALDated: 5/20/03

by:

George C. Haegle IV
Assistant Attorney GeneralRESPONDENT
ALETA M. COSTOPOLOUSDated: 5/21/03

by:



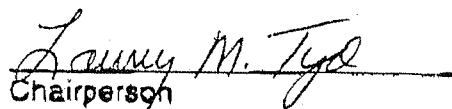
Aleta M. Costopoulos

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5/26/03

by:


ChairpersonDate of entry: 5/27/03Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

STATE OF VERMONT
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

In re:	)	
ALETA M. COSTOPOULOS	)	Docket No.: NU 43-0101
License No: 026- 0024577	)	
	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Aleta M. Costopoulos who stipulate and agree as follows:

Board Authority

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 129a, and 26 V.S.A. §§1574 and 1582.
2. Respondent Aleta M. Costopoulos is a licensed Registered Nurse holding license number 026-0024577 issued by the State of Vermont.
3. Respondent was originally licensed on February 8, 1999 and Respondent's license lapsed on March 31, 2001.

Facts

4. Respondent was employed at the Professional Nurses Service, Inc., Winooski, Vermont at all times relevant.
5. Respondent admits that around March 2000, Respondent entered into treatment for alcohol abuse and/or dependence.
6. Respondent has been in treatment since March 2000.

Understandings

7. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order
8. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.

9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. 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.
12. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.
13. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
14. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

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

A. By engaging in the acts, omissions and/or circumstances described above, the Board concludes that Respondent acted unprofessionally pursuant to, and in violation of, 26 V.S.A. §1582(a)(5)(is habitually intemperate)

B. The Board hereby **CONDITIONS** Respondent's license for a **minimum period of ONE (1) YEAR, regardless of employment status**, from the date of entry of this Order. Thereafter, the Board **CONDITIONS** Respondent's license to practice nursing **for a minimum period of ONE (1) YEAR while employed as a nurse**. The **CONDITIONS** on Respondent's license would be as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed all conditions ordered.

Respondent shall be subject to the conditions until Respondent completes **both A)** a minimum of one (1) year of supervised treatment; **and B)** a minimum of nine (9) months of supervised nursing practice in which she 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-eight (48) hours per week

Respondent's license is additionally conditioned as follows:

(2) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the treatment plan approved by the Board and/or the Board's designee and the treating professional.

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

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

(4) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's letterhead. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(5) Participation in Support Group.

Respondent shall participate, at least weekly, or as recommended by her treating professional, in Alcoholics Anonymous or a similar support group.

(6) Random Alcohol/Drug Testing.

Respondent shall submit to random alcohol and drug screening at the request of the Board. Respondent 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 testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All screens shall be negative except for drugs

prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph 8 Drug Use Exception.)

(7) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph 8 for the period of time described in paragraph 1.

(8) Drug Use Exception.

Respondent shall not take controlled substances unless necessary. Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed medications if the term exceeds 14 days. It is not anticipated that Respondent would be prescribed scheduled medication, during the term of this Consent Order, for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(9) Interview with the Board or its designee.

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

(10) Re-issue of License.

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

(11) Out of State Practice/Residence.

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

and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number. Respondent shall provide a copy of this Consent Order to all employers, current and future, and shall inform them of the conditional status of her license.

(13) Notification to Employers.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

(14) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities. In the event the Respondent is attending a nursing program, she shall provide a copy of the Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

Respondent shall sign a consent, upon request of the Board, to authorize her employer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(15) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing. "On site supervision" means actual presence in the building and should not be construed to include "on-call" supervision.

(16) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(17) License Renewal.

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

(18) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(19) Costs.

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

(20) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(21) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(22) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a nurse. Such proof shall include appropriate support from her treating professional, employer and/or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

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

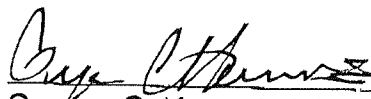
D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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

STATE OF VERMONT

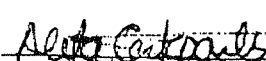
WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 4/8/02

by: 
George C. Haegle IV
Assistant Attorney General

RESPONDENT
ALETA M. COSTOPOLOUS

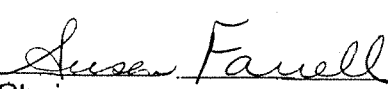
Dated: 04/15/2002

by: 
Aleta M. Costopoulos

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5/13/02

by: 
Chairperson

Date of entry: 5/13/02

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

IN RE:)
ALETA M. COSTOPOULOS) DOCKET No. NU43-0101
License No. 026-0024577)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Aleta M. Costopoulos, R.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, condition current licenses, or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a); 3 V.S.A. 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Aleta M. Costopoulos (the "Respondent") of Burlington, Vermont is a registered nurse holding license number 026-0024577, issued by the State of Vermont. This license was originally issued on or about February 8, 1999 and is set to expire March 31, 2007. The Respondent's license is currently conditioned pursuant to an Order entered by this Board on May 27, 2003. Attachment A. The Board summarily suspended Respondent's nursing license on or about March 13, 2006.

3. Section A(7) of the Order requires the Respondent to abstain completely from the consumption of alcohol or the use or possession of any drugs during the conditioned time period.

4. Section A(8) of the Order allows the Board to revoke the conditions of the Order if the Respondent is prescribed a scheduled medication for a period greater than 14 days. Id.

5. On or about January 6, 2006 the Respondent was administered a drug test by Mobile Testing Services. The results of the drug test indicated a positive toxicology result for morphine.

6. On or about February 15, 2006 the Respondent told Investigator Derek Everett that the reason for the positive morphine test was that she had ingested two Vicodin (hydrocodone) pills the night before the test. The Respondent had been prescribed twenty-five tablets of 5

STATE OF VERMONT



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

mg Vicodin on or about October 13, 2005 for a respiratory infection and headache. The Respondent told Investigator Everett that she was aware that she should not have taken the Vicodin and should have discarded it after utilizing it for its intended use.

7. On or about January 11, 2006 the Respondent discussed the positive test with Board of Nursing staff member Elizabeth Hansen. When first asked about the test the Respondent stated that she did not know what could have caused the positive result. She then stated that she had laryngitis for a month and she took some Vicodin, but thought it would have been out of her system. After being questioned, the Respondent told Ms. Hansen that she had consumed the Vicodin on the night of January 5, 2006. At the end of the conversation with Ms. Hansen, the Respondent told Ms. Hansen that she did not want to be around the medications that she had to pass from the medication cart when she was so stressed.

Charges

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

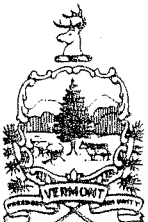
- i. 3 V.S.A. § 129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- ii. 3 V.S.A. § 129a(a)(4) (failing to comply with an order of the board or violating any term or condition of a license restricted by the board);
- iii. 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); and
- iv. Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials).

Relief Requested

WHEREFORE, the license of Aleta M. Costopoulos should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

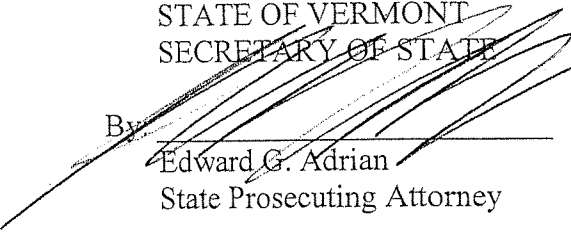
DATED at Montpelier, Vermont this 21st day of March 2006.

STATE OF VERMONT



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

STATE OF VERMONT
SECRETARY OF STATE

By 
Edward G. Adrian
State Prosecuting Attorney

nu.costopoulos.soc

Burlington

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

In re: Aleta M. Costopoulos }
License No. 026-0024577 }
}

Docket No. NU43-0101

SUMMARY SUSPENSION ORDER

On 13 March 2006, this matter came before the Vermont State Board of Nursing on the prosecution's Request for Summary Suspension pursuant to 3 V.S.A. § 814(c). The hearing took place at Central Vermont Hospital, 130 Fisher Road Berlin, Vermont. The Board has authority to summarily suspend a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action.

Findings of Fact & Conclusions of Law:

Based on a review of the evidence presented to the Board at the hearing on this matter, the Board finds:

1. The Respondent is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a), and the Administrative Rules of the Office of Professional Regulation.
2. The Respondent received a sanctioned and conditioned license on 27 May 2003 because of her acknowledged diversion of opioids from Fletcher Allen Health Care in 1999.
3. The State filed a "Request for Summary Suspension" dated 22 February 2006, alleging that Respondent tested positive for morphine as a result of a random drug test. *See* Specification of Charges (attached).
4. The State argues that public health, safety or welfare imperatively requires emergency action, and the state asks this Board to suspend summarily the Respondent's license prior to a full hearing on the merits.
5. The Board has considered the evidence related to the allegations in the State's Request for Summary Suspension.
6. The Board finds that the State has, in its presentation of evidence, met its burden to the necessary degree of showing the need for emergency action to protect the public health, safety and welfare.

Order:

Pursuant to 3 V.S.A. § 814(c), the Board issues the following order which shall remain in effect until further action by the Board.

The Board of Nursing GRANTS the State of Vermont's Request for Summary Suspension.

The Respondent's license is SUMMARILY SUSPENDED pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Vermont Board of Nursing

By: Linda Rice
~~Susan O. Farrel, RN~~, Chairperson
Linda Rice, Vice

Dated at Berlin: 13 March 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/14/06

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

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

IN RE: ALETA M. COSTOPOULOS)
License No. 026-0024577)

DOCKET No. NU43-0101

REQUEST FOR SUMMARY SUSPENSION

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28 and; the rules of the Board and the Vermont Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety or welfare imperatively requires emergency action.

Statement of Facts

3. Aleta M. Costopoulos (the "Respondent") of Burlington, Vermont is a registered nurse holding license number 026-0024577, issued by the State of Vermont. This license was originally issued on or about February 8, 1999 and is set to expire March 31, 2007. The Respondent's license is currently conditioned pursuant to an Order entered by this Board on May 27, 2003. Attachment A.
4. Section A(7) of the Order requires the Respondent to abstain completely from the consumption of alcohol or the use or possession of any drugs during the conditioned time period.
5. Section A(8) of the Order allows the Board to revoke the conditions of the Order if the Respondent is prescribed a scheduled medication for a period greater than 14 days. Id.
6. On or about January 6, 2006 the Respondent was administered a drug test by Mobile Testing Services. The results of the drug test indicated a positive toxicology result for morphine.
7. On or about February 15, 2006 the Respondent told Investigator Derek Everett that the reason for the positive morphine test was that she had ingested two Vicodin (hydrocodone) pills the night before the test. The Respondent had been prescribed twenty-five tablets of 5 mg Vicodin on or about October 13, 2005 for a respiratory infection and headache. The Respondent told Investigator Everett that she was aware that she should not have taken the Vicodin and should have discarded it after utilizing it for its intended use.

STATE OF VERMONT



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

8. On information and belief, the drug test administered to the Respondent would not produce a positive test result for morphine, even if Vicodin was consumed by an individual the night before. On further information and belief, the only way a test would show positive for morphine is if morphine or one of its derivatives was ingested by an individual.
9. On or about January 11, 2006 the Respondent discussed the positive test with Board of Nursing staff member Elizabeth Hansen. When first asked about the test the Respondent stated that she did not know what could have caused the positive result. She then stated that she had laryngitis for a month and she took some Vicodin, but thought it would have been out of her system. After being questioned the Respondent told Ms. Hansen that she had consumed the Vicodin on the night of January 5, 2006. At the end of the conversation with Ms. Hansen, the Respondent told Ms. Hansen that she did not want to be around the medications that she had to pass from the medication cart when she was so stressed.

Request for Relief

10. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.
11. The above acts and circumstances, alone or in combination, violate: 3 V.S.A. § 129a(a) (3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); 3 V.S.A. § 129a(a)(4) (failing to comply with an order of the board or violating any term or condition of a license restricted by the board); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); and Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 22nd day of February, 2006.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

NU135.sum.susp.lit.wpd

STATE OF VERMONT



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

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

IN RE:

ALETA M. COSTOPOULOS

License No. 026-0024577

Docket No. NU43-0101

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Aleta M. Costopoulos, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, condition current licenses, or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a); 3 V.S.A. 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Aleta M. Costopoulos (the "Respondent") of Burlington, Vermont is a registered nurse holding license number 026-0024577, issued by the State of Vermont. This license was originally issued on or about February 8, 1999 and is set to expire March 31, 2009. The Respondent's license is currently conditioned pursuant to a Stipulation and Consent Order entered by this Board on September 12, 2006. Attachment A.

3. Section A(6) requires the Respondent to provide a copy of the Stipulation and Consent Order to all employers.

4. Section A(11) of the Order requires the Respondent to abstain completely from the consumption of alcohol or the use or possession of any drugs during the conditioned time period.

5. Section A(12) of the Order allows the Board to revoke the conditions of the Order if the Respondent is prescribed a scheduled medication for a period greater than 14 days.

6. At all times relevant the Respondent was employed at Appletree Bay Medical Center in Burlington, Vermont

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7. On or about December 28, 2007 the Respondent tested positive for Ethyl Glucuronide (EtG), an alcohol metabolite, in the range of 30,000 ng/ml (typical normal range is 0-250 ng/ml). The Respondent also had high tests for Tramadol (brand name Ultram) at this time. The Respondent was being tested for drugs and alcohol as a result of her Stipulation. Attachment A.

8. The Respondent never provided Appletree Bay, her employer with a copy of the Stipulation and Consent Order. The Respondent was not providing monthly reports as of October, 2007 as required by the Stipulation.

9. On or about January 16, 2008 the Respondent told Investigator Mark Jacobs that she was not comfortable at times and that was why she was taking Tramadol in higher amounts. When asked about the high EtG levels the Respondent indicated that it was as a result of using a large amount of hand sanitizer and taking Nyquil and Robitussin. Although the Respondent denied consuming alcohol when asked if she was drinking alcohol she stated, "It was also the holidays".

10. The Respondent admitted that she took approximately 14 pills of Ultram ER (Tramadol is the generic name for Ultram) from one of her employers Dr. Amy Seigel's private office space. The Respondent claims that she had permission to do this and that the reason she was taking the medication was that her insurance would not pay for the Ultram.

11. When interviewed on January 14, 2008 Dr. Seigel indicated that the Respondent did not have permission to take the Ultram. Dr. Seigel also indicated that on several occasions the Respondent dispensed sample prescription medications to patients without the approval of a physician.

12. On or about January 18, 2008 Investigator Jacobs discussed the 30,000 ng/ml number with Dr. Howard Strickler of FirstLab the drug testing agency and Dr. Strickler indicated that he had never heard of such a high number and that it was very suspicious and indicative of more than external contaminations.

13. In an interview with the pharmacist from Vermont Family Pharmacy, Investigator Jacobs determined that the Respondent had been trying to fill her prescription for Tramadol early and that she started paying cash for the prescription because her insurance stopped paying due to the fact that she was trying to fill her prescription early. The pharmacist advised that he stopped filling her Tramadol.

14. The Board summarily suspended the Respondent's license on or about February 11, 2008.

15. During a telephone conversation with the Respondent on or about May 29, 2008 in which Investigator Jacobs took part, the Respondent indicated the following:

- a. The Respondent advised that she was entering into a Suboxone treatment program at the recommendation of her medical professional.

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- b. The Respondent advised that she would be entering a program facilitated by the Synergy Counseling Group, LLC ("Synergy"), which is a privately held mental health and substance abuse group practice. Synergy is located in Burlington, Vermont.
- c. The Respondent advised that she had abused Ultram in the past for chronic pain.
- d. The Respondent advised that at that time she did not feel that she could safely practice the profession of nursing due to her current physical state.
- e. The Respondent agreed that her registered nursing license could be indefinitely suspended by the Board.

Charges

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

- i. 3 V.S.A. § 129a(a) (3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- ii. 3 V.S.A. § 129a(a)(4) (failing to comply with an order of the board or violating any term or condition of a license restricted by the board);
- iii. 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause);
- iv. Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials);
- v. 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs); and
- vi. 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

Understandings

17. 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.

18. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

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

19.5. The Respondent does not admit to the alleged facts as outlined above but does not contest that the State could prove them by a ^{CU} preponderance of the evidence if this matter went to a merits hearing. *[Signature]*

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

21. 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.

22. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

23. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

A. The Board of Nursing hereby **INDEFINITELY SUSPENDS** Respondent's license to practice nursing. Before applying for reinstatement, Respondent at a minimum must obtain (1) documentation from the Respondent's current medical treatment provider confirming that the Respondent is safe to re-enter the practice of nursing and does not present a risk to the safety, health or welfare of her potential patients; and (2) documentation from the Respondent's current mental health provider confirming that the Respondent is safe to re-enter the practice of nursing and does not present a risk to the safety, health or welfare of her potential patients. The Board may continue this period of suspension indefinitely until it is satisfied that the Respondent is capable of re-entering the practice of the profession without compromising the health, safety or welfare of her potential patients. Upon the recommendation of the Respondent's medical and mental health treatment providers and if the Respondent applies for reinstatement in the future, the Board or its designee will determine whether it is appropriate to reinstate the Respondent's license, which will be conditioned and limited pursuant to the Laws of the State of Vermont and the Rules of this Board.

B. 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).

C. 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.

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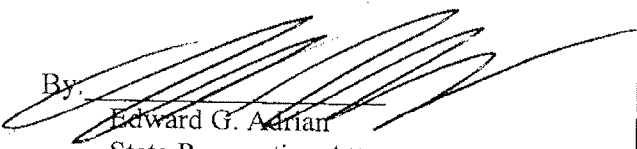


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AGREED TO:

Dated: 6/18/08

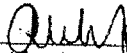
STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

ALETA M. COSTOPOULOS
RESPONDENT

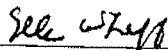
Dated: 06/12/08

By: 
Aleta M. Costopoulos

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7.14.08

By: 
Chairperson

Date of Entry: 7/16/08

nu.costopoulos.stip2

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