

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

IN RE:
DAVID R SHADDY
License No. 026.0029631

)
) Docket No. 2008-42 (NU64-0108)
)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, David R. Shaddy, RN, 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. The Respondent, David R. Shaddy, is licensed in the State of Vermont as a Registered Nurse under license number 026-0029631. This license was originally issued on June 14, 2004, and was summarily suspended on March 10, 2008.
3. At all times relevant, the Respondent was employed as a registered nurse at the Brattleboro Retreat (the "Facility") located in Brattleboro, Vermont.
4. On or about January 22, 2008, the Board received a complaint from the Facility regarding possible narcotic diversion by the Respondent. The complaint was based in part on the following information:
 - i) On or about the morning of January 20, 2008, registered nurses B.R. and M.A. were conducting the narcotics count and noted that an Adderall XR 10mg package had been tampered with. B.R. and M.A. observed that the Adderall package had been opened and some of the capsules had been either partially or completely emptied. Upon examination, it appeared that approximately six (6) capsules had been tampered with.

- ii) M.A. advised that she conducted the narcotics count with the Respondent the previous evening as the Respondent was coming on duty for the evening shift. M.A. reported that at that time, she did not notice the Adderall package had been tampered with. M.A. further advised that while conducting the narcotics count on one occasion, the Respondent may have noted the new dosing strength of 10 milligrams and she thinks he said, 'oh, baby Adderall' in reference to the Adderall in stock.
 - iii) As the Respondent was a suspect with the regard to the tampered Adderall, a plan was devised whereby the Respondent was assigned as medication nurse on the evening shift on January 20, 2008 and therefore had unlimited access to the medication room.
 - iv) When registered nurses B. R. and W. B. examined the Adderall in the medication room on January 21, 2008, the day after the Respondent worked, it was determined that approximately 8 more capsules may have been tampered with.
5. In an interview with Clinical Manager at the Facility, M.W., conducted by State Investigator Karl Parker and Investigator Jeffery Krauss of the Attorney General's Office on or about January 28, 2008, M.W. advised that the Facility had experienced some past issues regarding Adderall tampering in November of 2007. M.W. further advised that the Facility had no incidents of tampering that were noticed before the Respondent was hired at the Facility. Furthermore since the Respondent was terminated from the Facility there have been no reports of tampering.
6. Additionally, M.W. advised that when the Respondent was terminated, the Respondent made a comment to M.W. that he has not done drugs in a long time and further denied the theft.

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. 26 V.S.A. ' 1582(3) (is unable to practice nursing competently by reason of any cause, which includes, but is not limited to, failing to conform to the essential standards of acceptable and prevailing nursing assistant practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2));
 - iii. 26 V.S.A. ' 1582(7) (engages in conduct of a character likely to deceive, defraud or harm the public which includes, but is not limited to, diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Chapter 4, Rule IV(II)(D)(4)); and
 - iv. 3 V.S.A. ' 129a(b)(2) (failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct.

Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice).

Understandings

- a. The Respondent recognizes that he must comply with the Rules of the Board of Nursing in respect to number of hours necessary to maintain practice without having to undergo reentry course work as set forth in Board of Nursing Rules Chapter 4, Subchapter 2, V., B. The Respondent further recognizes that if he does not comply with the Board of Nursing Rules in respect to practice hours needed for relicensure, this lack of compliance may constitute the basis for additional charges of unprofessional conduct.
- b. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent does not dispute that the State could prove these charges by a preponderance of the evidence if this matter went to a hearing and agrees that the conditions below are necessary to protect the public.
- c. 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.
- d. 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.
- e. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- f. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
- g. 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.
- h. 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.
- i. 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 **CONTINUES THE SUSPENSION OF THE RESPONDENT'S LICENSE**. Prior to reinstatement, Respondent must: 1) obtain an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; 2) the results of the report with the drug and alcohol abuse independent evaluator must indicate that the Respondent does not present a risk to the safety, health or welfare of her potential patients; 3) Respondent must submit to the Board the results of a minimum of three (3) random urine analyses, collected in an observed setting, administered by a person who has been pre-approved by the Board, and analyzed by a lab qualified to analyze samples for forensic purposes and pre-approved by the Board; and 4) the results of the random urine analyses shall be negative; failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed positive. The Respondent's license shall not be reinstated until these prerequisites are met. Once reinstated, Respondent's license will be **CONDITIONED FOR A MINIMUM OF TWO (2) YEARS** commencing with the date of reinstatement. 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 two (2) 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 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) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to his treating professional and cause his 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 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.

(6) 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.

(7) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been 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.

(8) Abstain from Drug and Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph A.(9) for the period of time described in A.(2).

(9) Drug Use Exception.

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 fourteen (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 fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

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

(10) Notification to Employers/Nursing School.

As long as Respondent's license remains conditional, he 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 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 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 write to the Board, on school letterhead, 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.

(11) Reports from Employers/Program Director.

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. This report shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance 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 and accompanied by a cover letter on the school's letterhead. All nursing program reports shall indicate satisfactory performance and attendance.

(12) 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.

(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 he has worked as a nurse for twelve (12) weeks 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, 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.

(14) 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.

(15) Interview with the Board or its Designee.

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

(16) Out-of-State Practice.

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.

(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 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.

(18) 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.

(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 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 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 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.

(24) Minimum Practice Hour Requirements

The Respondent must comply with the Rules of the Board of Nursing in respect to number of hours necessary to maintain practice without having to undergo reentry course work as set forth in Board of Nursing Rules Chapter 4, Subchapter 2, V., B. The Respondent further recognizes that if does not comply with the Board of Nursing Rules in respect to practice hours needed for relicensure, this lack of compliance may constitute the basis for additional charges of unprofessional conduct.

- 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:

Dated:

2/28/11

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

DAVID R. SHADDY
RESPONDENT

By:

David R. Shaddy

Dated:

2/23/2011

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated:

4.11.11

By:

Chairperson

Date of Entry:

4/12/11

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

In re David R. Shaddy }
License No. 026-0029631 }
Docket No. NU64-0108 }

SUMMARY SUSPENSION ORDER

On Monday 10 March 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 5 March 2008, alleging that the Respondent diverted Adderall from the Brattleboro Retreat, his place of employment, in January 2008.
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 SUSPENDED SUMMARILY pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

- END -

Vermont Board of Nursing

By: Ellen W. Leff
Ellen W. Leff, RN
Board Vice-Chairperson

Dated at Montpelier: 10 March 2008

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/12/08

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 the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Secretary of State's Office, National Life Building, FL2, 1 National Life Drive, Montpelier, Vermont 05602-3402 within 30 days of the entry of the order.

For more information about the procedure for filing an appeal, please see the Administrative Rules for the Office of Professional Regulation, which you can find at: <http://www.vtprofessionals.org/opr1/opr/admrule.pdf> and the Rules are also available at the Office of Professional Regulation.

If you file an appeal, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The appellate officer will review the record (the tape recording, exhibits etc.) created before the board during the hearing of your case. In cases of alleged irregularities in procedure before the board, not shown in the record, proof related to that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

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

IN RE:

DAVID R. SHADDY

License No. 026-0029631

Docket No. NU64-0108

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, David R. Shaddy, R.N.:

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.

Statement of Facts

2. The Respondent, David R. Shaddy, is licensed in the State of Vermont as a Registered Nurse under license number 026-0029631. This license was originally issued on June 14, 2004, and is currently set to expire on March 31, 2009.

3. At all times relevant, the Respondent was employed as a registered nurse at the Brattleboro Retreat (the "Facility") located in Brattleboro, Vermont.

4. On or about January 22, 2008, the Board received a complaint from the Facility regarding possible narcotic diversion by the Respondent. The complaint was based in part on the following information:

i) On or about the morning of January 20, 2008, registered nurses B.R. and M.A. were conducting the narcotics count and noted that an Adderall XR 10mg package had been tampered with. B.R. and M.A. observed that the Adderall package had been opened and some of the capsules had been either partially or completely emptied. Upon examination, it appeared that approximately six (6) capsules had been tampered with.

ii) M.A. advised that she conducted the narcotics count with the Respondent the previous evening as the Respondent was coming on duty for the evening shift. M.A. reported that at that time, the Adderall package had not been tampered with. M.A. further advised that while conducting the narcotics count on one occasion, the Respondent commented "Ooh, baby Adderall" in reference to the Adderall in stock.

STATE OF VERMONT



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

iii) As the Respondent was the primary suspect with regard to the tampered Adderall, a plan was devised whereby the Respondent was assigned to be responsible for medication during the day shift on January 20, 2008 and was the only nurse allowed access to the medication room unobserved that day.

iv) When registered nurses B.R. and W.B. examined the Adderall in the medication room after the Respondent's shift was over on January 20, B.R. and W.B. observed that approximately eight (8) additional Adderall capsules had been tampered with during the Respondent's shift.

5. In an interview with Clinical Manager at the Facility, M.W., conducted by State Investigator Karl Parker and Investigator Jeffery Krauss of the Attorney General's Office on or about January 28, 2008, M.W. advised that the Facility had experienced some past issues regarding Adderall tampering in November of 2007. M.W. further advised that the Facility had no issues with Adderall tampering before the Respondent was hired at the Facility. Furthermore, since the Respondent was terminated from the Facility, there have been no more reports of Adderall being tampered with.

6. Additionally, M.W. advised that when the Respondent was terminated, the Respondent made a comment to M.W. that he has not done drugs in a long time.

7. In an interview with Investigator Paker and Investigator Krauss conducted on or about January 28, 2008, both B.R. and W.B. advised that on one occasion, a patient was admitted to the Facility who had a prescription bottle with him/her containing Adderall. B.R. and W.B. advised that the Respondent took the bottle and counted the contents on his own then handed the charge nurse a sheet with the count on it. Afterwards, the Respondent left for his break and did not return.

8. The Board summarily suspended the Respondent's license on or about March 10, 2008.

Charges

9. 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. 26 V.S.A. § 1582(3) (is unable to practice nursing competently by reason of any cause, which includes, but is not limited to, failing to conform to the essential standards of acceptable and prevailing nursing assistant practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2));
- iii. 26 V.S.A. § 1582(7) (engages in conduct of a character likely to deceive, defraud or harm the public which includes, but is not limited to, diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Chapter 4, Rule IV(II)(D)(4)); and
- iv. 3 V.S.A. § 129a(b)(2) (failure to practice competently by reason of any cause on a

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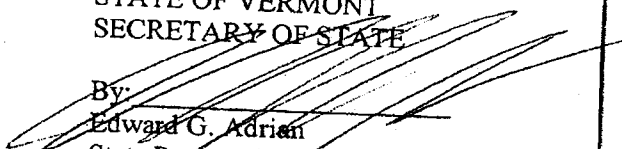
single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice).

Relief Requested

WHEREFORE, the license of David R. Shaddy should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 10th day of April, 2008.

STATE OF VERMONT
SECRETARY OF STATE

By: 
Edward G. Adrian
State Prosecuting Attorney

nu.shaddy.soc

STATE OF VERMONT



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