

**STATE OF VERMONT
BOARD OF NURSING**

In re: Sarah E. Day
License No. 025-9215

}
}
}

Docket No. 2013-634(LPN)

Appearances:

Prosecuting the case: S. Lauren Hibbert
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on April 14, 2014 at the Capitol Plaza in Montpelier, Vermont. Ms. Day did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Day was, until January 31, 2014, licensed as a practical nurse and therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d), 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. Ms. Day's license was summarily suspended on December 9, 2013, after all notices to her were returned as being not deliverable as addressed.
3. On December 9, 2013 Ms. Day was sent a Notice of Charges in this matter by certified mail to her last known address. A copy of the Specification of Charges is attached to this Default Order.
4. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
5. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
6. There is no indication of whether Ms. Day received the Notice of Charges.
7. Ms. Day has not filed an answer to the charges.
8. On March 5, 2014 notice of the Default Hearing scheduled for this date was mailed to Ms. Day at that same address by certified mail. The file shows that there were three unsuccessful attempts to deliver the notice to Ms. Day.
9. Ms. Day has still not answered the charges.
10. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Ms. Day to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Day has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the Prosecution's presentation. Because Ms. Day has failed to answer the charges, the factual allegations in the Stipulation and Consent Order are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Day has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Day's license is hereby **Suspended Indefinitely** effective as of the date of the hearing. Should Ms. Day apply for reinstatement, the Board at that time will determine whether any conditions can permit her to resume practice while protecting public health and safety.

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, 89 Main St., Fl. 3, Montpelier, VT 05620-3402 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.

Vermont Board of Nursing

By: Jeanine Carr
Jeanine Carr, RN, Chair

Date: April 14, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 4/17/14

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

IN RE:)
SARAH E. DAY) Docket No. 2013-634
License No. 025.0009215)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Sarah E. Day, LPN:

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. Sarah E. Day (the "Respondent") of Grafton, New Hampshire is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009215. This license was originally issued on or about July 19, 2007 and expires on January 31, 2014.
3. On or about October 30, 2013, the Board received notification from NURSUS that Respondent's license to practice nursing was suspended in New Hampshire on or about October 23, 2013 because the Respondent admitted diverting drugs, specifically diverting Percocet and replacing it with Tylenol and diverting Oxycodone and replacing it with Lisinopril. Attachment A.
4. Within the New Hampshire Order, Respondent was required to notify all other boards where she was licensed of the discipline in New Hampshire within 30 days. Respondent did not notify Vermont of her New Hampshire discipline.

Charges

5. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

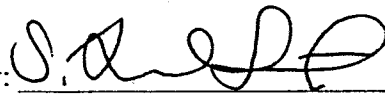
- a. 26 V.S.A. § 1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs),
- b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Rule 11.2(d)(4).
- c. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice);
- d. 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); and,
- e. 3 V.S.A. § 129a(a)(4) (Failing to comply with provisions of the board or violating any term or condition of a license restricted by the board).

Relief Requested

WHEREFORE, the license of Sarah E. Day should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 6 day of December, 2013.

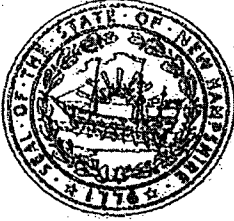
STATE OF VERMONT
SECRETARY OF STATE

By: 
S. Lauren Hibbert
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402



STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE BOARD OF NURSING

21 S FRUIT ST STE. 16
CONCORD NH 03301-2431

Webpage: <http://www.state.nh.us/nursing>

TDD Access: Relay NH 1-800-735-2964

Nursing 603-271-2323

Nurse Asst. 603-271-6282

In the Matter of: Sarah Day, LPN
(Adjudicatory/Proceeding)

Docket No. 13-1003-0389

FINDINGS OF FACT, RULINGS OF LAW AND SANCTIONS

A Hearing, chaired by the Board chairperson Robert Duhaime, RN, was held on October 17, 2013 at the Board of Nursing's office, 21 S. Fruit St., Concord, N.H. for Sarah Day, LPN (Respondent) pursuant to the October 2, 2013 Notice of Hearing.

Present at the hearing were:

Board members: C. Smith, B. Fersch, J. Kuras, A. Finn-Waddle, K. Kidder, N. Fortin, T. Collins and
H. Featherston

Board members absent: B. Libby

and Board staff: S. Goodness, K. Dickson

Atty. L. O'Connor, Prosecutor for the Board

Following presentation of oral or written statements and exhibits the Board found for the following:

FINDINGS OF FACT:

1. The Board first granted a license to practice as a licensed practical nurse to Sarah Day ("Respondent") on August 30, 2007. Respondent holds license number 014447-22. Respondent's current license expires on December 31, 2014.
2. On or about September 27, 2013, the New Hampshire Board of Nursing ("Board") received information from Kathleen Labbe, RN, MS, Administrator of Harvest Hill, an Independent and Assisted Living Retirement Community alleging that Respondent diverted drugs.
3. In September 2013, Respondent was employed as a licensed practical nurse at Harvest Hill, Independent and Assisted Living Retirement Community.
4. The Administrator of Harvest Hill received information that medication bingo cards had been tampered with.
5. The medication cards were examined by the Administrator and a pharmacist who determined that Percocet had been diverted and replaced with Tylenol and Oxycodone had been diverted and replaced with Lisinopril.
6. Three staff members who had worked during the interval the medication cards were tampered with were drug tested.
7. The tests for two staff members were negative but the test for Respondent was non-negative; however, later results were received showing Respondent was negative.

Attachment A

8. The tampering was reported to the Lebanon Police Department.
9. Respondent admitted to Detective Michael Wright that she diverted the medication.
10. Respondent reported to Hearing Counsel that she diverted the medication on or about September 20, 2013 and had diverted on prior occasions as well.

RULINGS OF LAW:

1. In September 2013, Respondent committed professional misconduct by diverting drugs or controlled substances in violation of RSA 326-B:37, II (e) and/or (n); and/or
2. In September 2013, Respondent committed professional misconduct by using a controlled substance or other drug in a manner dangerous or injurious to herself or to the extent that such use may impair her ability to conduct the practice of nursing safely in violation of RSA 326-B:37, II (p)(1); and/or
3. Respondent has demonstrated a pattern of behavior incompatible with the standards of nursing practice in violation of Nur 402.04(b)(17).

SANCTIONS:

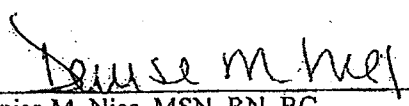
1. For violating sections of the Nurse Practice Act including (1) diverting drugs or controlled substance and/or, (2) using drugs in a manner that may have impaired her ability to practice nursing safely, and/or and (3) demonstrating a pattern of behavior incompatible with the standards of nursing practice, the Board imposes a 2-Year Suspension and assesses a monetary penalty of \$500 representing \$250 for the violations to deter future misconduct and to defray the costs associated with the investigation and prosecution of this case to be paid within 90 days from the effective date of the Board's order in one single payment by certified bank check or postal money order payable to the "NH Board of Nursing". Failure to pay the penalty by the deadline will cause the penalty to be reported to credit reporting services for inclusion on the Respondent's credit record. If the Board determines that collection action including court proceedings are necessary to enforce this obligation, the Board will petition the Court to assess the Respondent with all costs including reasonable legal fees and accrued interest at the prevailing government rate.
2. Should Respondent wish to petition for reinstatement of her licensed practical nurse's license, Respondent shall:
 - a. Provide the Board with three character references related to Respondent's honesty, integrity, timeliness and productive work habits. If Respondent has been employed within the past year, at least one of the references must be from an employer;
 - b. Appear before the Board to provide an oral presentation in support of the petition.
3. Should the Board grant reinstatement of Respondent's licensed practical nursing license, a probation period shall follow and the terms, conditions, and stipulations shall be determined at the time of Respondent's Board appearance noted in 2 b. above.
4. Respondent shall provide a copy of this order to all nursing license boards and registries where she is currently licensed or registered and schools of nursing where currently enrolled within 30 days of receipt of the NH Board-executed copy as well as to all licensing boards, employers and schools of nursing for which the Respondent makes future application at the time of such application.

5. Should Respondent apply for any New Hampshire license under RSA 326-B authority on or after the effective date of this order, Respondent shall by the act of filing such application automatically waive any statute of limitations or laches defense which may otherwise be available concerning the misconduct set forth above with the misconduct being fully addressed in the context on Respondent's license application. Respondent shall bear the burden of proving that she possesses sufficient knowledge, judgment, skills, abilities and character qualifications to be licensed in any such future licensing proceedings.
6. Any relief from the provisions of this order shall be granted pursuant to RSA 326-B:39.
7. This order shall become a public document upon signature and a summary of the misconduct noted above may be published in the Board's newsletter and notification of federal and other state agencies and boards of nursing shall be effectuated as required or permitted by law.

BOARD RATIONALE:

The issue before the Board is whether Respondent violated the Nurse Practice by violating RSA 326-b:37, II (e), (n), and/or (p)(1) and/or Nur 402.04(b)(11) and Nur 402.04 (b)(17). Based on Respondent's admittance of substituting other medications for narcotics in patient's bingo cards and since Respondent admitted to all Findings of Fact presented by Board Hearing Counsel, the Board concludes that Respondent is in violation of RSA 326-b:37, II (e), (n), and/or (p)(1) and/or Nur 402.04(b)(11) and Nur 402.04 (b)(17). Based on these findings, the Board voted to impose a 2-yr suspension and assess a \$500.00 monetary penalty.

BY ORDER OF THE BOARD:



Denise M. Nies, MSN, RN, BC
Executive Director

10/23/2013

Date

**STATE OF VERMONT
BOARD OF NURSING**

In re: Sarah E. Day
License No. 025-9215

}
}
}

Docket No. 2013-634(LPN)

**DECISION ON REQUEST FOR
SUMMARY SUSPENSION ORDER**

Appearances:

Prosecuting the case: S. Lauren Hibbert
for Respondent: did not appear

Presiding Officer: Larry S. Novins

**Summary Suspension Order
FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

On December 9, 2013 this matter came before the Board of Nursing on a Request for a Summary Suspension. The hearing was held at the Office of Professional Regulation conference room at the City Center in Montpelier, Vermont. Ms. Day did not appear. The Board has authority to summarily suspend a license pending further action, if it determines that public health, safety, or welfare imperatively requires emergency action. 3 V.S.A. § 814(c).

Findings of Fact

Based on a Review of the pleadings and the file, and on evidence presented to the Board at the hearing, the Board finds:

1. Ms. Day is a licensed practical nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. 3 V.S.A. § 814(c) permits the Board to summarily suspend a license if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order.
2. The prosecutor has filed a "Request for Summary Suspension." A copy of the Request is attached to this Decision and Order. The Request alleges that Respondent's New Hampshire nursing license was suspended in October, 2013 for conduct that makes emergency action in Vermont imperative.
3. The Request for Summary Suspension further alleges that the public health, safety or welfare imperatively requires emergency action.

4. On November 22, 2013 notice of this hearing was sent to Ms. Day at her last known address via certified mail. The notice was returned marked "not deliverable as addressed. Licensees are obligated to report a change of address to the Office within 30 days. 3 V.S.A. § 129a(a)(14).
5. The Board finds for purposes of this hearing that Ms. Day's license to practice nursing in the State of New Hampshire was suspended on October 23, 2013 after she admitted diverting drugs. She diverted Percocet and replaced it with Tylenol. She diverted Oxycodone and replaced it with Lisinopril.
6. At this time Ms. Day's Vermont license permits her to be employed. The New Hampshire Order shows that she is unsafe to function as a nurse at this time. The allegations in the Request for Summary Suspension (copy attached) have been established to the necessary degree.
7. The evidence presented does imperatively require emergency action for the public health, safety, and welfare. Specifically, summary suspension is necessary to prevent Ms. Day from endangering patients. If summary suspension is not ordered, patient harm is very likely to occur.

Conclusions of Law

Our Findings of Fact and Conclusions of Law in this Summary Suspension hearing are for purposes of deciding whether *at this time* there is an imperative need to take emergency action. 3 V.S.A. § 814(c). Our Findings of Fact and Conclusions of Law herein are for purposes of this Order only.

The Prosecutor's Request for a Summary Suspension is supported by the evidence presented. The Board concludes that the allegations in the Request for Summary Suspension have been established to the necessary degree. For purposes of this Summary Suspension Hearing, the Findings of Fact above do support Summary Suspension of Ms. Day's license. There is an imperative need to take emergency action. 3 V.S.A. § 814(c).

Order

The Request for Summary Suspension is **Granted**. Ms. Day's license is summarily suspended pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined. 3 V.S.A. § 814(c).

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, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 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.

Vermont Board of Nursing

By: *Jeanine Carr*
Jeanine Carr, RN, Chair

Date: December 9, 2013

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/9/13

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

IN RE:

SARAH E. DAY

License No. 025.0009215

)
)
)

Docket No. 2013-634

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; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the 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. Sarah E. Day (the "Respondent") of Grafton, New Hampshire is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009215. This license was originally issued on or about July 19, 2007 and expires on January 31, 2014.
4. On or about October 30, 2013, the Board received notification from NURSUS that Respondent's license to practice nursing was suspended in New Hampshire on or about October 23, 2013 because the Respondent admitted diverting drugs, specifically diverting Percocet and replacing it with Tylenol and diverting Oxycodone and replacing it with Lisinopril. Attachment A.

Request for Relief

5. 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.
6. The above acts and circumstances, alone or in combination, violate:
 - a. 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);

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

- b. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice);
- c. 26 V.S.A. § 1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs); and
- d. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Rule 11.2(d)(4).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 025.0009215 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 20 day of November, 2013.

STATE OF VERMONT
SECRETARY OF STATE

By: S. Lauren Hibbert
S. Lauren Hibbert
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402



**STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE BOARD OF NURSING**

21 S FRUIT ST. STE. 16
CONCORD NH 03301-2431

Webpage: <http://www.state.nh.us/nursing>

TDD Access: Reley NH 1-800-735-2964

Nursing 603-271-2323

Nurse Asst. 603-271-6282

In the Matter of: Sarah Day, LPN
(Adjudicatory/Proceeding)

Docket No. 13-1003-0389

FINDINGS OF FACT, RULINGS OF LAW AND SANCTIONS

A Hearing, chaired by the Board chairperson Robert Duhaime, RN, was held on October 17, 2013 at the Board of Nursing's office, 21 S. Fruit St., Concord, N.H. for Sarah Day, LPN (Respondent) pursuant to the October 2, 2013 Notice of Hearing.

Present at the hearing were:

Board members: C. Smith, B. Fersch, J. Kuras, A. Finn-Waddle, K. Kidder, N. Fortin, T. Collins and
H. Featherston

Board members absent: B. Libby

and Board staff: S. Goodness, K. Dickson

Atty. L. O'Connor, Prosecutor for the Board

Following presentation of oral or written statements and exhibits the Board found for the following:

FINDINGS OF FACT:

1. The Board first granted a license to practice as a licensed practical nurse to Sarah Day ("Respondent") on August 30, 2007. Respondent holds license number 014447-22. Respondent's current license expires on December 31, 2014.
2. On or about September 27, 2013, the New Hampshire Board of Nursing ("Board") received information from Kathleen Labbe, RN, MS, Administrator of Harvest Hill, an Independent and Assisted Living Retirement Community alleging that Respondent diverted drugs.
3. In September 2013, Respondent was employed as a licensed practical nurse at Harvest Hill, Independent and Assisted Living Retirement Community.
4. The Administrator of Harvest Hill received information that medication bingo cards had been tampered with.
5. The medication cards were examined by the Administrator and a pharmacist who determined that Percocet had been diverted and replaced with Tylenol and Oxycodone had been diverted and replaced with Lisinopril.
6. Three staff members who had worked during the interval the medication cards were tampered with were drug tested.
7. The tests for two staff members were negative but the test for Respondent was non-negative; however, later results were received showing Respondent was negative.

Attachment A

8. The tampering was reported to the Lebanon Police Department.
9. Respondent admitted to Detective Michael Wright that she diverted the medication.
10. Respondent reported to Hearing Counsel that she diverted the medication on or about September 20, 2013 and had diverted on prior occasions as well.

RULINGS OF LAW:

1. In September 2013, Respondent committed professional misconduct by diverting drugs or controlled substances in violation of RSA 326-B:37, II (e) and/or (n); and/or
2. In September 2013, Respondent committed professional misconduct by using a controlled substance or other drug in a manner dangerous or injurious to herself or to the extent that such use may impair her ability to conduct the practice of nursing safely in violation of RSA 326-B:37, II (p)(1); and/or
3. Respondent has demonstrated a pattern of behavior incompatible with the standards of nursing practice in violation of Nur 402.04(b)(17).

SANCTIONS:

1. For violating sections of the Nurse Practice Act including (1) diverting drugs or controlled substance and/or, (2) using drugs in a manner that may have impaired her ability to practice nursing safely, and/or and (3) demonstrating a pattern of behavior incompatible with the standards of nursing practice, the Board imposes a 2-Year Suspension and assesses a monetary penalty of \$500 representing \$250 for the violations to deter future misconduct and to defray the costs associated with the investigation and prosecution of this case to be paid within 90 days from the effective date of the Board's order in one single payment by certified bank check or postal money order payable to the "NH Board of Nursing". Failure to pay the penalty by the deadline will cause the penalty to be reported to credit reporting services for inclusion on the Respondent's credit record. If the Board determines that collection action including court proceedings are necessary to enforce this obligation, the Board will petition the Court to assess the Respondent with all costs including reasonable legal fees and accrued interest at the prevailing government rate.
2. Should Respondent wish to petition for reinstatement of her licensed practical nurse's license, Respondent shall:
 - a. Provide the Board with three character references related to Respondent's honesty, integrity, timeliness and productive work habits. If Respondent has been employed within the past year, at least one of the references must be from an employer;
 - b. Appear before the Board to provide an oral presentation in support of the petition.
3. Should the Board grant reinstatement of Respondent's licensed practical nursing license, a probation period shall follow and the terms, conditions, and stipulations shall be determined at the time of Respondent's Board appearance noted in 2 b. above.
4. Respondent shall provide a copy of this order to all nursing license boards and registries where she is currently licensed or registered and schools of nursing where currently enrolled within 30 days of receipt of the NH Board-executed copy as well as to all licensing boards, employers and schools of nursing for which the Respondent makes future application at the time of such application.

5. Should Respondent apply for any New Hampshire license under RSA 326-B authority on or after the effective date of this order, Respondent shall by the act of filing such application automatically waive any statute of limitations or laches defense which may otherwise be available concerning the misconduct set forth above with the misconduct being fully addressed in the context on Respondent's license application. Respondent shall bear the burden of proving that she possesses sufficient knowledge, judgment, skills, abilities and character qualifications to be licensed in any such future licensing proceedings.
6. Any relief from the provisions of this order shall be granted pursuant to RSA 326-B:39.
7. This order shall become a public document upon signature and a summary of the misconduct noted above may be published in the Board's newsletter and notification of federal and other state agencies and boards of nursing shall be effectuated as required or permitted by law.

BOARD RATIONALE:

The issue before the Board is whether Respondent violated the Nurse Practice by violating RSA 326-b:37, II (e), (n), and/or (p)(1) and/or Nur 402.04(b)(11) and Nur 402.04 (b)(17). Based on Respondent's admittance of substituting other medications for narcotics in patient's bingo cards and since Respondent admitted to all Findings of Fact presented by Board Hearing Counsel, the Board concludes that Respondent is in violation of RSA 326-b:37, II (e), (n), and/or (p)(1) and/or Nur 402.04(b)(11) and Nur 402.04 (b)(17). Based on these findings, the Board voted to impose a 2-yr. suspension and assess a \$500.00 monetary penalty.

BY ORDER OF THE BOARD:

Denise M. Nies
Denise M. Nies, MSN, RN, BC
Executive Director

10/23/2013
Date