

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Elizabeth Lea Denton) Docket No. NU64-0699
License No: 26-22668)

MODIFIED STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, and
Respondent Elizabeth Lea Denton, who stipulate and agree as follows:

1. The Vermont Board of Nursing ("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. §§1574, and 1582, the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Elizabeth Lea Denton, of Burlington, Vermont, is a nurse holding license number 26-22668 issued by the State of Vermont. By way of history, Respondent's license was summarily suspended by Order of the Board on or about July 12, 1999. Her license was then suspended pursuant to a Stipulation and Consent Order approved by the Board on November 8, 1999 and entered on November 9, 1999 (attached and incorporated herein). Her licensure status was thereafter modified, from suspended to conditioned, pursuant to a Stipulation and Consent Order approved by the Board on March 13, 2000 and entered on March 16, 2000 (attached and incorporated herein).
3. Respondent reiterates and admits the facts, charges and conclusions of unprofessional conduct as set forth in the November 9, 1999 and March 16, 2000

Stipulations/Consent Orders, and the entry of the subsequent Order set forth below.

4. A prospective employer has notified the Board that it is considering Respondent for a position as a hospital staff nurse and that the position would require night shift work. The hospital has produced a proposed plan for the Board's consideration (which is outlined in paragraph B(19) of the proposed Order, below). Further, Respondent represents that if approved by the Board, she will be responsible for compliance with this plan.
5. Respondent represents that since her summary suspension: that she has participated in multiple treatment programs including Day One, and a Women in Recovery group; that she continues counseling with a treating professional specializing in substance abuse; that her primary physician is aware of the situation and monitors her anti-depressive medication, and; that she has continually passed urine screen tests. Further, Respondent has presented several letters from her providers that would tend to substantiate the above.
6. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
7. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
8. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. Respondent specifically waives any claims that any disclosures made to the full Board during its review of

this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
10. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
11. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
12. Respondent agrees that the Board may set forth the order below.

ORDER

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

A. By engaging in the conduct described in above, Respondent acted unprofessionally pursuant to, and in violation of: Nursing Board Rules Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7) (has diverted drugs for personal use and such conduct is likely to deceive, defraud or harm the public) and Nursing Board Rules Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3) (has used narcotics and such conduct shows incompetent nursing practice).

B. The Nursing Board, cognizant that Respondent's license has been previously suspended for a period greater than six months, now **MODIFIES RESPONDENT'S (CONTINUING) THREE (3) YEAR CONDITIONAL LICENSURE**, entered on March 16, 2000, as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two(2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

For the first six (6) months of work as per paragraph B(1), Respondent is permitted to administer only non-controlled medications, and only under direct supervision. Thereafter, for the next three (3) months of work as per paragraph B(1), Respondent is permitted to administer controlled medications under direct supervision only. Thereafter, (that is, after nine months of work as per paragraph (B)1 above), Respondent may administer medications under "supervision" as that term is defined by paragraph (B)16 herein.

If a complaint or charges are filed against Respondent during the term of this Consent Order, any or all medication prohibitions may be reinstated at the sole discretion of the Board (or its designee).

(3) Completion of Counseling and Treatment Plan.

Respondent shall enter into and/or continue counseling with a treating professional approved by the Board's designee until the treating professional notifies the Board's designee in writing that such counseling is no longer necessary in her/his professional opinion and the Board (or its designee) agrees, in writing.

Respondent shall comply with a treatment plan, including participation in a support

group, approved by the professional and the Board (or its designee). This shall be done as soon as possible and no later than one month after entry.

(4) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board or its designee of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(5) 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.

(6) 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 professional 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.

(7) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board or its designee. Respondent shall ensure an identified contact person, approved by the Board or its designee, shall administer random drug and alcohol tests. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph B(9) Drug Use Exception).

(8) 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 B(9).

(9) Drug Use Exception.

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 chemical dependency 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 need for prescribed medications. 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.

(10) Interview with the Board or its designee.

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

(11) Re-issue of License.

Within five (5) days of the date of entry of this Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned".

(12) 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 notify the Board prior to Respondent leaving the State of Vermont. If Respondent fails to notify the Board 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.

(13) 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.

(14) 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 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. In the event Respondent is attending a nursing program, 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 ability of the program to comply with the conditions in the Consent Order during clinical experience.

(15) Reports from Employers/Nursing School

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 and accompanied by a cover letter on the employer's letterhead.~~

In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(16) 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.

(17) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(18) Types of Employment Prohibited.

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

(19) Prohibited Hours of Work.

Respondent may work the day or evening shift during the effective period of this Consent Order. Respondent shall work the night shift only if the following plan is followed:

a. All registered nurses employed in Respondent's unit (in this case, the Intensive Care Unit ["I.C.U."]) will be informed of the conditions/stipulations Respondent has on her licensure by the nurse manager and by Respondent. This will occur verbally one on one and in a private staff meeting prior to Respondent's arrival on the unit.

b. The nursing supervisors and C.N.O. will be made aware of the requirements/stipulations of Respondent's conditioned licensure by the nurse manager.

c. A registered nurse will always be scheduled to work with Respondent no matter what shift she works as long as the conditioned license requires.

d. Should it happen that a nurse who is assigned cannot make it to work (e.g.: sick, emergency, etc.) a registered nurse will be on call, or the nurse manager will be available to cover this time.

e. Respondent's supervisor will be aware of this plan and follow it as designated.

f. The nurse manager will be in regular communication with each nurse who works with Respondent and supervises her practice (and currently there are approximately six nurses in the unit to whom this will apply).

g. The nurse manager will adhere to any/all requirements the State Board of Nursing has for her/him as nurse manager, to follow Respondent's continuing progress and as governed by her conditioned license.

(20) 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.

(21) 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.

(22) Costs.

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

(23) 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.

(24) 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.

(25) 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 registered nurse. Such proof shall include appropriate support from her treating professional and employer 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.

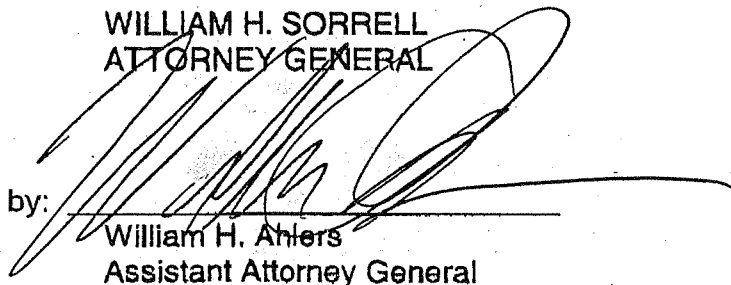
D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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

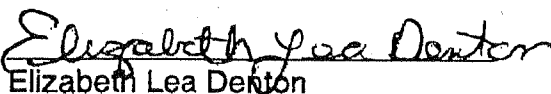
WILLIAM H. SORRELL
ATTORNEY GENERAL

Date: 6/9/00

by: 
William H. Ahlers
Assistant Attorney General

ELIZABETH LEA DENTON
RESPONDENT

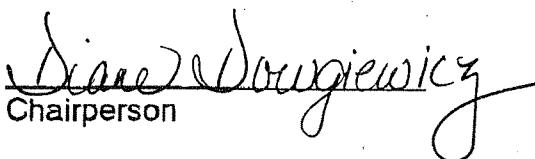
Date: 6/6/00


Elizabeth Lea Denton

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 7/10/00


Chairperson

Entry Date: 7-11-00

Office of the
ATTORNEY
GENERAL
9 State Street
Montpelier, VT
05609

STATE OF VERMONT
BOARD OF NURSING

IN RE:)

Elizabeth Lea Denton)

License No: 26-22668)

Docket No. NU64-0699

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, and
Respondent Elizabeth Lea Denton, who stipulate and agree as follows:

1. The Vermont Board of Nursing ("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. §§1574, and 1582, the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
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3. Respondent admits the facts, charges and conclusions of unprofessional conduct as set forth in the November 9, 1999 Stipulation and Consent Order and the entry of the subsequent Order set forth below.
4. Respondent represents that since her summary suspension: that she has participated in multiple treatment programs including Day One, and a Women in

ORDER

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

A. By engaging in the conduct described in above, Respondent acted unprofessionally pursuant to, and in violation of: Nursing Board Rules Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7) (has diverted drugs for personal use and such conduct is likely to deceive, defraud or harm the public) and Nursing Board Rules Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3) (has used narcotics and such conduct shows incompetent nursing practice).

B. The Nursing Board, cognizant that Respondent's license has been suspended for a period greater than six months, hereby reinstates her license subject to the following **CONDITIONS, for a period of three (3) years** commencing on the date of entry. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two(2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

For the first six (6) months of work as per paragraph B(1), Respondent is permitted to administer only non-controlled medications, and only under direct supervision. Thereafter, for the next three (3) months of work as per

Recovery group; that she continues counseling with a treating professional specializing in substance abuse; that her primary physician is aware of the situation and monitors her anti-depressive medication, and; that she has continually passed urine screen tests. Further, Respondent has presented several letters from her providers that would tend to substantiate the above.

5. 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.
6. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
7. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
8. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
9. 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.
10. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
11. Respondent agrees that the Board may set forth the order below.

paragraph B(1), Respondent is permitted to administer controlled medications under direct supervision only. Thereafter, (that is, after nine months of work as per paragraph (B)1 above), Respondent may administer medications under "supervision" as that term is defined by paragraph (B)16 herein.

If a complaint or charges are filed against Respondent during the term of this Consent Order, any or all medication prohibitions may be reinstated at the sole discretion of the Board (or its designee).

(3) Completion of Counseling and Treatment Plan.

Respondent shall enter into and/or continue counseling with a treating professional approved by the Board's designee until the treating professional notifies the Board's designee in writing that such counseling is no longer necessary in her/his professional opinion and the Board (or its designee) agrees, in writing. Respondent shall comply with a treatment plan, including participation in a support group, approved by the professional and the Board (or its designee). This shall be done as soon as possible and no later than one month after entry.

(4) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board or its designee of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(5) 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.

(6) 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 professional 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.

(7) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board or its designee. Respondent shall ensure an identified contact person, approved by the Board or its designee, shall administer random drug and alcohol tests. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph B(9) Drug Use Exception).

(8) 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 B(9).

(9) Drug Use Exception.

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 chemical dependency 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 need for prescribed medications. 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.

(10) Interview with the Board or its designee.

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

(11) Re-issue of License.

Within five (5) days of the date of entry of this Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned".

(12) 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 notify the Board prior to Respondent leaving the State of Vermont. If Respondent fails to notify the Board 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.

(13) 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.

(14) 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 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. In the event Respondent is attending a nursing program, 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 ability of the program to comply with the conditions in the Consent Order during clinical experience.

(15) Reports from Employers/Nursing School

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 and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(16) 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.

(17) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(18) Types of Employment Prohibited.

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

(19) Prohibited Hours of Work.

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

(20) 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.

(21) 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.

(22) Costs.

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

(23) 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.

(24) 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.

(25) 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 registered nurse. Such proof shall include appropriate support from her treating professional and employer 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

Date: 3/2/08

by [Signature]

William H. Ahlers
Assistant Attorney General

ELIZABETH LEA DENTON
RESPONDENT

Date: 3-2-00

Elizabeth Lea Denton
Elizabeth Lea Denton

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 3/13/00

Diane Sougiewicz
Chairperson

Entry Date: 3-16-00

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

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

IN RE:

ELIZABETH LEA DENTON, RN
License No. 025-0022668

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)
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Docket No: NU 64 - 0699

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Elizabeth L. Denton:

Board Authority

1. The Vermont State Board of Nursing ["the Board"] has authority to issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 26 V.S.A. §1582(a).
2. Diverting supplies, equipment, or drugs for personal or other unauthorized use is conduct likely to deceive, defraud or harm the public and is a basis on which the Board can impose disciplinary action, including a summary suspension. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7).
3. Use of drugs, narcotics, chemicals or other materials is conduct showing that a licensee is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action, including a summary suspension. BNAR Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
4. Being addicted to the use of habit-forming drugs is conduct sufficient to support disciplinary action, including a summary suspension. 26 V.S.A. §1582(a)(5).

Facts

5. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 90 Hungerford Terrace, Burlington, VT 05401) is licensed as a registered Nurse under License Number 026 - 00022668.
6. Respondent's license was originally issued on February 21, 1996 and it currently expires on March 31, 2001.
7. The Respondent worked for approximately the past four years as a nurse in the Surgical Intensive Care Unit at Fletcher Allen Health Care until she was placed on administrative leave as of June 4, 1999.

8. On several occasions during May of this year, the Respondent withdrew narcotics, specifically morphine, Demerol, Versed and Percoset from the pharmacy for patients which were not assigned to her and for patients assigned to her but in greater amounts than were charted as administered.
9. In a meeting with her supervisors on June 14, 1999, the Respondent admitted that she had diverted narcotics, was using them personally and that she had a problem.
10. An examination of patient charts and pharmacy records does not indicate that the Respondent withheld any medications ordered for a patient.

Charges

11. The Respondent has recently diverted drugs for personal use and such conduct is likely to deceive, defraud or harm the public and is conduct sufficient to support disciplinary action. BNAR Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7).
12. The Respondent has recently used narcotics and such conduct shows that she is unable to practice nursing competently and is such conduct sufficient to support disciplinary action. BNAR Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
13. The Respondent is addicted to the use of habit-forming drugs and that such a condition is sufficient to support disciplinary action. 26 V.S.A. §1582(a)(5).

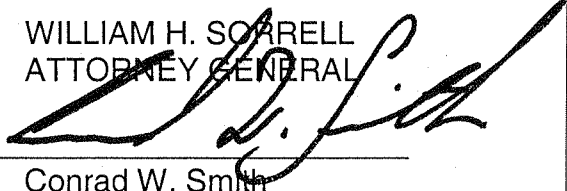
Relief Requested

Wherefore, the State of Vermont requests that the Board take all appropriate disciplinary action, including **SUSPENSION** of the Respondent's license for a specified period of time and continuing until the Respondent presents proof of rehabilitation and the Respondent demonstrates, to the satisfaction of the Board, that she poses no further risk of deceiving, defrauding or harming the public, that she can practice nursing safely and competently, and that she is not likely to violate the terms and conditions likely to be imposed on a reinstated license.

Dated at Montpelier, Vermont this 28th day of July 1999.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 

Conrad W. Smith
Assistant Attorney General

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

STATE OF VERMONT
BOARD OF NURSING

In re: Elizabeth Lea Denton
License No. 26-22668

}
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}

Docket No. NU64-0699

SUMMARY SUSPENSION ORDER

On July 12, 1999, this case came before the Board of Nursing for a hearing on the State's request for summary suspension.

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

Pursuant to 3 V.S.A. § 814(c), Elizabeth Lea Denton's license as a registered nurse is SUMMARILY SUSPENDED until a hearing on charges has been held and determined, or other resolution of this case.

BOARD OF NURSING

By: Diane Dowgiewicz
Diane Dowgiewicz, LPN
Acting Chair

Dated: July 12, 1999

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7-13-99 jil

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

IN RE:)
ELIZABETH LEA DENTON, RN) Docket No: NU 64 - 0699
License No. 026-0022668)

STIPULATION AND CONSENT ORDER

STIPULATION

The Respondent, Elizabeth L. Denton, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

Board Authority

1. The Vermont State Board of Nursing ["the Board"] has authority to issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 26 V.S.A. §1582(a).
2. Diverting supplies, equipment, or drugs for personal or other unauthorized use is conduct likely to deceive, defraud or harm the public and is a basis on which the Board can impose disciplinary action, including a summary suspension. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7).
3. Use of drugs, narcotics, chemicals or other materials is conduct showing that a licensee is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action, including a summary suspension. BNAR Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).

Facts

4. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 90 Hungerford Terrace, Burlington, VT 05401) is licensed as a registered Nurse under License Number 026 - 00022668.
5. Respondent's license was originally issued on February 21, 1996 and it currently expires on March 31, 2001.
6. The Respondent worked for approximately the past four years as a nurse in the Surgical Intensive Care Unit at Fletcher Allen Health Care until she was placed on administrative leave as of June 4, 1999.

7. On several occasions during May of this year, the Respondent withdrew narcotics, specifically morphine and Percoset from the pharmacy for patients which were not assigned to her, and for patients assigned to her but in greater amounts than were charted as administered.
8. In a meeting with her supervisors on June 14, 1999, the Respondent admitted that she had diverted narcotics, was using them personally and that she had a problem.
9. An examination of patient charts and pharmacy records does not indicate that the Respondent withheld any medications ordered for a patient.

Charges

10. The Respondent has recently diverted drugs for personal use and such conduct is likely to deceive, defraud or harm the public and is conduct sufficient to support disciplinary action. BNAR Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7).
11. The Respondent has recently used narcotics and such conduct shows that she is unable to practice nursing competently and is such conduct sufficient to support disciplinary action. BNAR Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).

Understandings

12. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
13. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
14. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
15. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
16. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
17. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.
18. The Respondent understands that when she does seek reinstatement of her license, the Board of Nursing will, at that time, determine appropriate conditions to be imposed on her license and the length of time for such conditions.

Consent Order

A. Based on the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed in paragraphs 4 – 9 are true;
- (2) The Respondent has engaged in unprofessional conduct in that she has recently diverted drugs for personal use and such conduct is likely to deceive, defraud or harm the public; and
- (3) The Respondent has engaged in unprofessional conduct in that she has recently used narcotics and such conduct shows that she is unable to practice nursing competently.

B. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

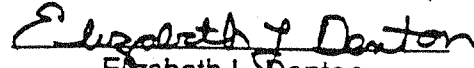
- (1) The Respondent is **REPRIMANDED**;
- (2) The Respondent's license is **SUSPENDED** for a period of not less than six months, commencing on the date the Summary Suspension of her license on July 12, 1999;
- (3) The Respondent shall immediately surrender her license to the Board, if she has not already done so.
- (4) At any time within thirty days before, or anytime after, the end of the minimum suspension period, the Respondent may petition the Board to reinstate her license.
- (5) If the Respondent petitions the Board to reinstate her license, in the petition the Respondent must demonstrate, to the satisfaction of the Board, that:
 - (a) she has been successfully rehabilitated or has established a relationship with a treating professional and is pursuing a substance abuse treatment plan, both of which have been approved by the Board or its designee;
 - (b) she poses no danger to the public or the practice of nursing and she will safely and competently perform the duties of a registered nurse;
 - (c) she has executed a consent form permitting disclosure to the Board, the Office of Professional Regulation and the Office of the Attorney General any information regarding any substance abuse treatment or program participation she has undertaken during the suspension; and
 - (d) she meets any applicable requirements for license renewal and license reinstatement.
- (6) 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)(8).

(7) This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

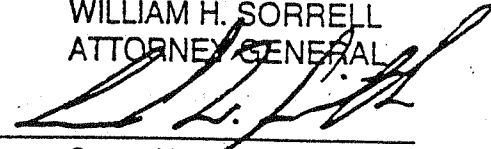
BY: ELIZABETH L. DENTON,
RESPONDENT

Date: 10-21-99


Elizabeth L. Denton

AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

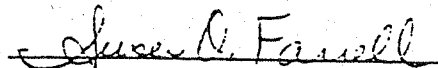
Date: 10-21-99


Conrad W. Smith
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 11-8-99


Chairperson

Dated entered: 11-9-99

NU64-0699\Stip & Order 991007.doc

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

IN RE:

ELIZABETH LEA DENTON, RN
License No. 025-0022668

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)

Docket No: NU 64 - 0699

REQUEST FOR SUMMARY SUSPENSION

NOW COMES the State of Vermont and requests the summary suspension of the nursing license of the Respondent, Elizabeth L. Denton, on the basis of the following:

Board Authority

1. The Vermont State Board of Nursing ["the Board"] has authority to summarily suspend licenses in cases requiring emergency action. 3 V.S.A. §129(a)(5).
2. The Board may order summary suspension, pending proceedings for revocation or other action, if the Board finds that public health, safety, or welfare imperatively requires emergency action, and if the Board incorporates a finding to that effect in its order. 3 V.S.A. §814(c).
3. Diverting supplies, equipment, or drugs for personal or other unauthorized use is conduct likely to deceive, defraud or harm the public and is a basis on which the Board can impose disciplinary action, including a summary suspension. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7).
4. Use of drugs, narcotics, chemicals or other materials is conduct showing that a licensee is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action, including a summary suspension. BNAR Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
5. Being addicted to the use of habit-forming drugs is conduct sufficient to support disciplinary action, including a summary suspension. 26 V.S.A. §1582(a)(5).

Facts

6. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 90 Hungerford Terrace, Burlington, VT 05401) is licensed as a registered Nurse under License Number 026 – 00022668.
7. Respondent's license was originally issued on February 21, 1996 and it currently expires on March 31, 2001.

8. The Respondent worked for approximately the past four years as a nurse in the Surgical Intensive Care Unit at Fletcher Allen Health Care until she was placed on administrative leave as of June 4, 1999.
9. On several occasions during May of this year, the Respondent withdrew narcotics, specifically morphine, Demerol, Versed and Percoset from the pharmacy for patients which were not assigned to her and for patients assigned to her but in greater amounts than were charted as administered.
10. In a meeting with her supervisors on June 14, 1999, the Respondent admitted that she had diverted narcotics, was using them personally and that she had a problem.
11. An examination of patient charts and pharmacy records does not indicate that the Respondent withheld any medications ordered for a patient.

Claims

12. The Respondent has recently diverted drugs for personal use and such conduct is likely to deceive, defraud or harm the public and is conduct sufficient to support disciplinary action, including a summary suspension. BNAR Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7).
13. The Respondent has recently used narcotics and such conduct shows that she is unable to practice nursing competently and is conduct sufficient to support disciplinary action, including a summary suspension. BNAR Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
14. The Respondent is probably addicted to the use of habit-forming drugs and that such a condition is sufficient to support disciplinary action, including a summary suspension. 26 V.S.A. §1582(a)(5).

Relief Requested

Wherefore, the State of Vermont requests that:

A. Findings be made :

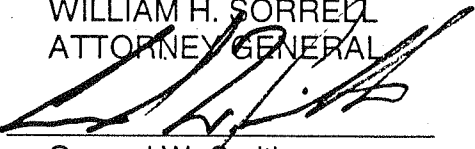
- 1) That the Respondent has recently diverted drugs for personal use;
- 2) That the Respondent has recently used narcotics;
- 3) That the Respondent is probably addicted to the use of habit-forming drugs;
and
- 4) That the public health, safety, or welfare imperatively requires emergency action.

B. The Respondent's license, number 026-0022668, should be **SUMMARILY SUSPENDED** until unprofessional conduct charges are filed and there is a final determination on any needed disciplinary action.

Dated at Montpelier, Vermont this 8 day of July 1999.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 

Conrad W. Smith
Assistant Attorney General

NU64-0699\Summary Suspension request 990708.doc