

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Mary Dickerson

License No: 25-7400

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Docket No. NU41-1101

STIPULATION AND CONSENT ORDER

STIPULATION

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

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a and §814; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Mary Dickerson, of Wilder, Vermont, is a licensed practical nurse holding license number 25-7400, originally issued by the State of Vermont on about February 1, 2000, which was summarily suspended by Order of the Board entered on about December 17, 2001.
3. Respondent is a licensed practical nurse holding a license originally issued by the State of New Hampshire on about September 28, 2000, which is currently suspended.
4. At all times relevant, Respondent was employed by Dartmouth-Hitchcock Medical Center, of Lebanon, New Hampshire.

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ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

5. Respondent admits that during the period of about March to May, 2001, she:
wrote out three prescriptions for Dextrostat (an amphetamine), designating the
'patient' as her daughter; forged a physician's signature on the prescriptions; had
the prescriptions filled at a pharmacy, and; obtained same for her own use.
6. Respondent admits that pursuant to a Settlement Agreement, before the New
Hampshire Board of Nursing, entered on about August 21, 2001 (attached and
incorporated), she admitted the conduct outlined above, and admitted to having
violated RSA 326-B:12 II(e) (Addiction to or abuse of alcohol or other habit-
forming substances which render the licensee unfit to practice nursing) and Nur
215.01(b)(5) (Misappropriating human or material resources), which are violations
of statutes or rules governing the practice of the profession in that state.
7. Respondent admits the conclusions of unprofessional conduct as set forth below
in the Board's Order.
8. Respondent understands that the Nursing Board must review and accept the
terms of the Consent Order. If the Board rejects any portion, the entire Stipulation
and Consent Order shall be null and void.
9. Respondent has read and reviewed this entire document and agrees that it
contains the entire agreement between the parties.
10. Respondent waives any notification period and requests that this be heard at the
next available Board 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.

11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
12. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
13. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
14. 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 each of the act(s), omission(s) and/or circumstance(s) in the paragraphs above, Respondent acted unprofessionally pursuant to and in violation of: Nursing Board Rules: Chapter 4, Rule IV, B.4.c (falsifying or altering clinical records or making inaccurate or misleading entries) and Chapter 4, Rule IV, B.4.d (diverting supplies, equipment, or drugs for personal use or other unauthorized use), which constitutes unprofessional conduct within the meaning of, and also further violates: 26 VSA §1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public); 26 VSA §1582(a)(5) (habitually intemperate or is addicted to the use of habit-forming drugs), and; 3 VSA §129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

B. The Nursing Board **SUSPENDS** the Respondent's license, commencing on the date this order is entered, **continuing until at least July 1, 2002.**

Respondent may apply for reinstatement, with conditions, thereafter. However, Respondent must then demonstrate to the satisfaction of the Board: possession of at least entry level qualifications; specific rehabilitation; good moral character and fitness; methods of assuring public safety, and; that reinstatement would not be detrimental to the integrity of the profession or subversive of the public interest.

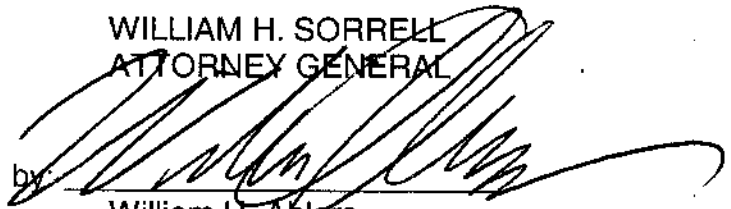
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 1/29/02

by: 
William H. Ables
Assistant Attorney General

RESPONDENT
MARY DICKERSON

Dated: 24 Jan 02

by: 
Mary Dickerson

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2-11-02

by: 
Chairperson

Date of entry: 2/11/02

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ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

**BEFORE THE
NEW HAMPSHIRE BOARD OF NURSING**

IN THE MATTER OF:

Mary E. Dickerson, LPN #011960-22

SETTLEMENT AGREEMENT

THIS AGREEMENT is entered into between the New Hampshire Board of Nursing (Board) and Mary E. Dickerson (Respondent) a Licensed Practical Nurse in the State of New Hampshire having graduated from NHCTC Claremont (Nashua) and licensed by endorsement on September 28, 2000 and over whom the Board has jurisdiction pursuant to RSA 326-B and the Board rules.

On May 11, 2001 a complaint was received from Judith Lombardi, DNS representing Dartmouth-Hitchcock Medical Center, Lebanon, NH alleging Respondent: During the period March through May, 2001 wrote out three prescriptions for Dextrostat (an amphetamine) designating the "patient" as her daughter, forged a physician's signature on the prescriptions and had the prescriptions filled at a pharmacy.

Respondent admits to filling out three prescriptions for Dextrostat designating the "patient" as her daughter, forging a physician's signature on the prescriptions, having the prescriptions filled at a pharmacy and obtaining this drug for her own use; and, therefore, admits to violating RSA 326-B:12 II (e) "Addiction to or abuse of alcohol or other habit-forming drugs or substances which render the licensee unfit to practice nursing" and Nur 215.01 (b) (5) "Misappropriating human or material resources;"

- I. To resolve the aforementioned admission in a fair and reasonable manner, the Respondent agrees to the following terms and stipulations set forth below:
 - A. Respondent's Licensed Practical Nurse practice privileges shall be suspended for a period of one year.
 - B. Respondent shall not seek reinstatement of any practice privileges before July 1, 2002.
- II. Upon the petition for reinstatement of Licensed Practical Nurse practice privileges, 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. Provide the Board with an evaluation of Respondent's chemically free state by a counselor trained in substance abuse;
 - C. Through oral arguments in support of Respondent's petition, provide the Board with a comfort level that Respondent is able to safely practice as a Licensed Practical Nurse.
- III. Upon the reinstatement of Respondent's Licensed Practical Nurse practice privileges, said practice privileges shall be suspended for two years. Said suspension shall be stayed with stipulations including, but not limited to, the following:
 - A. Respondent shall practice nursing in a structured health-care environment where other health-care providers are employed;

- B. Respondent shall not practice nursing in a home care environment or be employed by a staffing agency;
- C. Respondent shall not administer any controlled medications for one year, when employed as a Licensed Practical Nurse and shall seek Board approval prior to commencing medication administration;
- D. Upon obtaining Licensed Practical Nurse employment, Respondent shall provide a copy of this Agreement to the Registered Nurse supervisor. Within one (1) month after beginning such nursing employment, said supervisor (s) shall submit a report directly to the Board, in writing, setting forth:
 - 1. the name and address of Respondent's employer;
 - 2. the duties and responsibilities to be performed by Respondent;
 - 3. a discussion of the quality of nursing care provided by Respondent, including a discussion of the ability of the Respondent to practice nursing with skill and safety to patients; and
 - 4. the nursing supervisor shall acknowledge that this Agreement was read and that the role of nursing supervisor is understood by the supervisor;
- E. Respondent shall submit to the Board on a quarterly basis work performance evaluations from Respondent's nursing supervisor on a Board approved form, when employed as a Licensed Practical Nurse. Said evaluation shall include:
 - i) name and address;
 - ii) number of hours worked, timeliness and efficiency;
 - iii) quality and safety of nursing care;
 - iv) ability to safely practice nursing with reasonable skill;
 - v. adherence or failure to adhere to Board stipulations.
 - vi. whether any substance abuse testing was conducted and the results of those tests.
- F. Respondent is limited to working in one assigned unit during an 8-hour shift and will not float to other units. Respondent shall limit daily work hours to eight-hour shifts, shall not work in excess of 40 hours per week and shall not work night duty.
- G. Should Respondent's behavior suggest substance abuse, Respondent will not be allowed to work until further evaluation to determine the cause of the behavior, and random blood/urine testing, at Respondent's expense, shall be performed per hospital policy/procedure.
- H. Respondent is responsible for notifying Respondent's immediate supervisor or other appropriate designee, and for taking action to seek assistance if Respondent or Respondent's supervisor feel that help is needed to prevent relapse. If relapse occurs, the employer shall take the following actions immediately:
 - 1. Cause a leave of absence from employment, with or without Respondent's concurrence, and
 - 2. Report the relapse to the Board of nursing in writing.

- I. Respondent shall maintain a record of attendance at AA/NA meetings if such meetings are recommended by Respondent's counselor; if Respondent independently decides to attend such meetings, self-documentation is not mandatory, but is encouraged;
 - J. Respondent shall continue counseling sessions with a counselor trained in substance abuse. If and when the counselor determines that counseling is no longer necessary, Respondent shall ensure that the counselor submits a written report within 30 days of such determination summarizing Respondent's status/progress to the Respondent's employer and the Board of Nursing. Respondent shall also require the counselor to submit quarterly reports regarding the Respondent's progress to the Board. Quarterly reports shall indicate Respondent's:
 - 1. name and address;
 - 2. number and frequency of visits;
 - 3. progress in maintaining a safe life-style;
 - 4. adherence, or failure to adhere, to Board stipulations and counselor's therapy.
 - K. Said stipulations shall be in force only while the Respondent is employed in a capacity for which a Licensed Practical Nurse license is required and subject to adequate supervision approved by the Board. Respondent is required to notify the Board, in writing, within 10 days after the commencement, termination or change in role in any such employment;
 - L. In the event the Board determines any complaint or written report is not favorable, pursuant to RSA 326-B:12 II and Nur 215.01 (b) and (d), it shall be considered grounds for disciplinary action pursuant to RSA 326-B:12 III and Respondent's license shall be suspended for a full 2 year period.
- IV. Respondent further agrees and concurs that:
- A. Respondent shall notify the Board of address change within fifteen (15) days of such relocation;
 - B. At the end of this suspended stay, Respondent shall in a letter to the Board, petition the Board for removal of the stipulations set forth above. Respondent shall demonstrate to the Board the ability to safely practice nursing through evidence of successful continuing rehabilitation, character references, personal and professional testimony and/or written exhibits; said evidence shall specifically include, but is not limited to:
 - 1. A comprehensive evaluation by Respondent's counselor addressing Respondent's progress regarding continuing abstinence from abuse of chemical substances.
 - 2. Three letters of reference that address Respondent's punctuality, honesty, integrity and productive work habits. If Respondent has been employed since the date of this Agreement, one letter should be from the employer.
 - 3. Respondent shall appear before the Board to present oral argument to support the petition.

- C. Should Respondent apply for any New Hampshire license under RSA 326-B authority on or after the date of this Agreement, Respondent shall by the act of filing such an application, automatically waive any statute of limitations or laches defense which may otherwise be available concerning the misconduct allegations set forth above, and consents to these allegations being fully addressed in the context of her license application. Respondent shall bear the burden of proving that Respondent possesses sufficient knowledge, judgment and skills, and character qualifications to be licensed in any such future licensing proceedings;
- D. Respondent is aware of and understands the right to have a formal disciplinary hearing pursuant to RSA 326-B:13 and hereby waives those rights and requests that this Agreement be accepted with the same force and effect as an order entered as result of a formal hearing;
- E. This Agreement is entered into by Respondent, voluntarily, after the opportunity to consult with counsel, and with full understanding of the legal consequences of this Agreement;
- F. This Agreement constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings, and becomes a public record upon signature.

I have carefully read and fully understand the conditions of this Agreement:

6/16/01
(Date)

M. Dickerson
Mary E. Dickerson

EXECUTED THIS 21st DAY OF August 2001

FOR THE NEW HAMPSHIRE BOARD OF NURSING:

Cynthia A. Gray
Cynthia A. Gray, M.B.A., B.S.(n), R.N.
Executive Director
New Hampshire Board of Nursing

STATE OF VERMONT
BOARD OF NURSING

In re: Mary Dickerson
License No. 25-7400

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Docket No. NU41-1101

SUMMARY SUSPENSION ORDER

On December 17, 2001, 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, or welfare imperatively require emergency action against the Respondent's license.

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

BOARD OF NURSING

By: Laurence Kingsbury
Acting Chair

Dated: 12/17/01

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/17/01