

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

IN RE:

DARLENE AUDRIE DONOGHUE-ANEKWE)

License No. 026.0064389)

Docket No. 2010-347

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Darlene Audrie Donoghue-Anekwe, RN, who stipulate and agree as follows:

Board Authority

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

Statement of Facts

2. Darlene Audrie Donoghue-Anekwe (the "Respondent") of Springfield, Massachusetts is licensed by the State of Vermont as a Registered Nurse under license number 026.0064389. This license was originally issued on or about February 22, 2010 and is currently set to expire on or about March 31, 2011. Respondent is also licensed by the State of Connecticut as a Registered Nurse under license number 91156. Respondent's Connecticut license was originally issued on or about October 21, 2009 and expired on or about May 19, 2010.
3. On or about July 21, 2010, the Board received a copy of the State of Connecticut Department of Public Health's Interim Consent Order (the "Order") regarding Respondent. Attachment A. The Order, signed by Respondent and accepted by the Connecticut Board of Examiners for Nursing, indicated that the Department had received information regarding Respondent's alleged abuse of alcohol. Attachment A. The Order suspended Respondent's Connecticut license on or about May 19, 2010, pending a resolution of the Order. Attachment A.
4. On or about September 14, 2010, the Board summarily suspended Respondent's license. Attachment B.

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Professional Regulation
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Montpelier, VT
05609-1107

5. Respondent does not wish to have her Vermont nursing license.

Charges

6. 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:
- a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause);
 - b. ARBN Chapter 4, Subchapter 4, Rule II(B) (2) ("Inability to practice nursing competently" includes failure to conform to the essential standards of acceptable and prevailing nursing practice);
 - c. ARBN Chapter 4, Subchapter 4, Rule II(C) ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals, or any other type of materials);
 - d. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); and
 - e. 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).

Understandings

7. 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.
8. 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 has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order. The Respondent's mental capacity is not diminished in any way at the time she signs this Stipulation.

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11. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
12. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
13. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

14. The Respondent agrees to **never seek reactivation or attempt to renew** her license, number 026.0064389, issued by the State of Vermont. The Respondent further agrees that the Secretary of State's Office of Professional Regulation, the licensing agency for Registered Nurses, will indicate on the list of Registered Nurses that her license was **voluntarily surrendered** as of the date of entry of this Order.
15. The Respondent agrees not to seek reactivation, reinstatement, or renewal of her Registered Nurse license and agrees not to apply for any nursing or nursing assistant license in the future. If the Respondent attempts to seek reactivation, reinstatement, or renewal of her Registered Nurse license, or attempts to apply for any other nursing or nursing assistant license, she agrees that her application will be automatically denied pursuant to this Stipulation and Consent Order.
16. 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). It is the intent of the Parties that this Stipulation and Consent Order should be construed as a contractual resolution to a disputed matter.
17. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 12/2/10 ^{BAW} 12-13-10

By: [Signature]

Betsy Ann Wrask
State Prosecuting Attorney

STATE OF VERMONT



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

DARLENE AUDRIE DONOGHUE-ANEKWE
RESPONDENT

Dated: 12/2/10

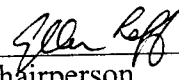
By: [Signature]

Darlene Audrie Donoghue-Anekwe

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12-13-10

By: 
Chairperson

Date of Entry: 12/17/10
nu.donoghue-aneke.stip3

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Office of
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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Darlene A. Donoghue-Anekwe

Petition No. 2010-62

INTERIM CONSENT ORDER

WHEREAS, Darlene A. Donoghue-Anekwe, of Springfield, Connecticut (hereinafter "respondent") has been issued license number 091156 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department has received information regarding respondent's alleged abuse of alcohol.

WHEREAS, it will be necessary to conduct further investigation, and the parties wish to provide for the protection of the public during the interim.

NOW THEREFORE, pursuant to §19a-17 and 20-99 of the General Statutes of Connecticut, the parties hereby stipulate to the following:

1. Respondent's license number 091156 to practice as a registered nurse shall be suspended until such time as this petition is resolved.
2. Respondent shall surrender her registered nurse license number 091156 to the Board immediately upon approval of this Interim Consent Order by the Board.
3. Respondent shall withdraw any pending applications for renewal of her license immediately upon approval of this Interim Consent Order by the Board, and shall not apply for renewal of her license until either the expiration of this Interim Consent Order or the dismissal of the pending complaint, whichever occurs first.
4. Respondent shall execute releases for her treatment records, as requested by the Department.
5. This stipulation shall not deprive respondent of her right to a hearing on the merits of this case, nor shall it be construed as an admission of any fact or waiver of any right to which respondent may be entitled, other than as specifically provided for herein.
6. This Interim Consent Order shall become effective on the day it is approved and entered by the Board.
7. Respondent permits a representative of the Department to present this Interim Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether an executed Interim Consent Order is approved or accepted.
8. Respondent understands and agrees that this Interim Consent Order is a public document and shall be reported to the National Practitioner Data Bank.

9. Respondent has had the opportunity to consult with an attorney prior to signing this document.
10. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.
11. This Interim Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this interim consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Darlene A. Donoghue-Anekwe, have read the above Interim Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Interim Consent Order to be my free act and deed.


Darlene A. Donoghue-Anekwe

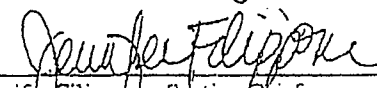
Subscribed and sworn to before me this 28th day of April 2010.

John Karageorgos
Notary Public
My Commission Expires December 10, 2015
Commonwealth of Massachusetts

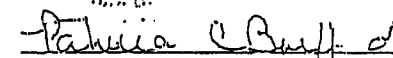



Notary Public or person authorized
by law to administer an oath or
affirmation

The above Interim Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 10th day of May 2010, it is hereby accepted.


Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Interim Consent Order having been presented to the Connecticut Board of Examiners for Nursing on the 19th day of May 2010, it is hereby ordered and accepted.

BY: 
Connecticut Board of Examiners for Nursing

s:llf/Donoghue-Anekwe/ICO

STATE OF VERMONT
BOARD OF NURSING

In re: Darlene Audrie Donoghue-Anekwe
License No. 026-64389

}
}
}
Docket No. 2010-347 (RN)

DECISION ON REQUEST FOR
SUMMARY SUSPENSION ORDER

Appearances:

for Petitioner, State of Vermont: Betsy Ann Wrask
for Respondent: Did not appear

Presiding Officer: Larry S. Novins

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

On September 13, 2010 this matter came before the Board of Nursing on the State's Request for a Summary Suspension pursuant to 3 V.S.A. § 814(c). Ms. Donoghue-Anekwe 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.

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. Donoghue-Anekwe is licensed as a registered nurse by and subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129, the Administrative 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 State has filed a "Request for Summary Suspension." A copy of the Request is attached to this Decision and Order. The Request alleges that Ms. Donoghue-Anekwe's license in the State of Connecticut was suspended by agreement with her pending further proceedings in that state because the Connecticut Board of Examiners for Nursing received information regarding Ms. Donoghue-Anekwe's alleged abuse of alcohol.
3. The State further alleges that the public health, safety or welfare imperatively requires emergency action.
4. Notice of this hearing was sent to Ms. Donoghue-Anekwe at her last known address via

- certified mail dated August 19, 2010. She has received actual notice of this proceeding.
5. The Board has reviewed the documents presented by the State.
 6. The Board finds for purposes of this hearing that Ms. Donoghue-Anekwe has a substance abuse problem sufficient to make practice at this time dangerous to the public.
 7. The allegations in the Request for Summary Suspension (copy attached) have been established to the necessary degree.
 8. The evidence presented does imperatively require emergency action for the public health, safety, and welfare. Specifically, summary suspension is necessary to prevent Ms. Donoghue-Anekwe from practice in this state. If summary suspension is not ordered, the Board believes that Ms. Donoghue-Anekwe may be able to obtain employment as a nurse and patient harm could result.

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 and Conclusions herein are for purposes of this Order only.

The State'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. Donoghue-Anekwe's license. There is an imperative need to take emergency action. 3 V.S.A. § 814(c).

Vermont law requires that unprofessional charges be filed promptly with Ms. Donoghue-Anekwe being afforded a prompt hearing. At any merits hearing in this matter, the State will bear the burden of proving unprofessional conduct. Our Findings and Conclusions in this matter will not absolve the State or Ms. Donoghue-Anekwe from producing or challenging relevant evidence at a merits hearing. The Findings of Fact and Conclusions of Law at a contested hearing will be based on the evidence admitted at that hearing only.

Order

The State's Request for Summary Suspension is **Granted**. Ms. Donoghue-Anekwe'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, National Life Bldg., North, FL2, 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: *Ellen Leff*
Ellen Leff, RN, Chair

Date: September 13, 2010

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: September 14, 2010

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

IN RE:)
DARLENE AUDRIE DONOGHUE-ANEKWE)
License No. 026.0064389)

Docket No. 2010-347

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. Darlene Audrie Donoghue-Anekwe (the "Respondent") of Springfield, Massachusetts is licensed by the State of Vermont as a Registered Nurse under license number 026.0064389. This license was originally issued on or about February 22, 2010 and is currently set to expire on or about March 31, 2011. Respondent is also licensed by the State of Connecticut as a Registered Nurse under license number 91156. Respondent's Connecticut license was originally issued on or about October 21, 2009 and expired on or about May 19, 2010.
4. On or about July 21, 2010, the Board received a copy of the State of Connecticut Department of Public Health's Interim Consent Order (the "Order") regarding Respondent. Attachment A. The Order, signed by Respondent and accepted by the Connecticut Board of Examiners for Nursing, indicated that the Department had received information regarding Respondent's alleged abuse of alcohol. Attachment A. The Order suspended Respondent's Connecticut license on or about May 19, 2010, pending a resolution of the Order. 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:

STATE OF VERMONT



Prosecuting Attorney
Office of
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- a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause);
- b. ARBN Chapter 4, Subchapter 4, Rule II(B) (2) ("Inability to practice nursing competently" includes failure to conform to the essential standards of acceptable and prevailing nursing practice);
- c. ARBN Chapter 4, Subchapter 4, Rule II(C) ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals, or any other type of materials);
- d. 26 V.S.A. § 1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs);
- e. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); and
- f. 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).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026.0064389 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 11th day of August, 2010.

STATE OF VERMONT
SECRETARY OF STATE

By: 
Betsy Ann Wrask
State Prosecuting Attorney

nu.donoghue-aneke.wc.sumsusp

STATE OF VERMONT



Prosecuting Attorney
Office of
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9 Baldwin Street
Montpelier, VT
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11. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
12. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
13. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

14. The Respondent agrees to **never seek reactivation or attempt to renew** her license, number 026.0064389, issued by the State of Vermont. The Respondent further agrees that the Secretary of State's Office of Professional Regulation, the licensing agency for Registered Nurses, will indicate on the list of Registered Nurses that her license was **voluntarily surrendered** as of the date of entry of this Order.
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17. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 12.6.10 BAW
12/2/10

By: [Signature]
BetsyAnn Wrask
State Prosecuting Attorney

STATE OF VERMONT



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

DARLENE AUDRIE DONOGHUE-ANEKWE
RESPONDENT

Dated: 12/2/10

By: [Signature]
Darlene Audrie Donoghue-Anekwe

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: _____

By: _____
Chairperson

Date of Entry: _____
nu.donoghue-aneke.stip3

STATE OF VERMONT



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Office of
Professional Regulation
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Montpelier, VT
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