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

IN RE:	)	
JOHANNAH M. DONOVAN	)	**Docket No. 2020- 65**
License No. 026.0023562	)	

REQUEST FOR SUMMARY SUSPENSION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and petitions the Board of Nursing to summarily suspend the license of Registered Nurse Johannah M. Donovan. In support of such petition, the State alleges the following:

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 Administrative Rules of Practice 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. Johannah M. Donovan ("Respondent") of Burlington, Vermont, is registered in the State of Vermont as a Registered Nurse under license number 026.0023562. This license was first issued on August 18, 1997, and expires on March 31, 2021.

4. At all times relevant, Respondent was employed as a Registered Nurse at University of Vermont Medical Center (the "Facility") in Burlington, Vermont.

5. Beginning in early 2018 and continuing until February 2020, Respondent diverted controlled substances from the Facility for her own personal use.

6. Respondent would withdraw the full dose of an as-needed pain medication, administer a portion of the full dose, and divert the remaining medication for her own personal use.

7. Respondent began diverting every few weeks at the beginning of 2018.

8. By February 2020, Respondent was diverting multiple times a week, sometimes more than once per shift.

9. During the time period she was diverting controlled substances, Respondent was also prescribed hydrocodone- acetaminophen 5-325mg (Vicodin) for pain. Respondent was taking approximately 6 Vicodins a day in addition to the controlled substances she was diverting.

10. Respondent quit her job at the Facility in March 2020 after she was confronted with inconsistencies in her administration of controlled substances.

11. Respondent then began working for Bayada Home Health. Respondent indicated she resigned from Bayada Home Health effective the first week of July 2020.

12. In an interview with OPR Investigator Michael Warren on July 1, 2020, Respondent admitted to diverting controlled substances for over two (2) years.

13. Respondent also admitted she stopped taking all controlled substances suddenly in approximately May 2020.

14. Respondent does not believe she needs treatment for her use of controlled substances.

Violation One: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

15. The State re-alleges and incorporates Paragraphs 3 through 14 above.

16. As a Registered Nurse, Respondent is prohibited from diverting or attempting to divert drugs, equipment, or supplies for unauthorized use.

17. Respondent diverted or attempted to divert drugs for unauthorized use as demonstrated in Paragraphs 3 through 14 above.

18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(2).

Violation Two: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

19. The State re-alleges and incorporates Paragraphs 3 through 14 above.

20. As a Registered Nurse, Respondent is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.

21. Paragraphs 3 through 14 above demonstrate Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public.

22. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(3).

Violation Three: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

23. The State re-alleges and incorporates Paragraphs 3 through 14 above.

24. As a Registered Nurse, Respondent is required to exercise independent professional judgment in the performance of licensed activities.

25. Paragraphs 3 through 14 above demonstrate Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

26. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Violation Four: 3 V.S.A §129a(b)(1) 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.

1. The State re-alleges and incorporates Paragraphs 3 through 14 above.

2. As a Registered Nurse, Respondent has an obligation to provide safe and acceptable patient care.

3. Paragraphs 3 through 14 above demonstrate that Respondent provided unsafe and unacceptable patient care.

4. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Relief Requested

27. Respondent currently has an unencumbered license. Members of the public, patients, and potential patients have no way of learning of Respondent's dangerous behavior and will remain unprotected pending suspension of Respondent's license. 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.

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's Registered Nursing license, number 026.0023562, be summarily suspended, pending a hearing on the merits.

DATED this 3rd day of August, 2020.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/

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