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

IN RE:	)	
SHARON DULUDE	)	**Docket No. 2010-353**
License No. 026.0020278	)	

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Sharon E. Dulude, RN:

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. Sharon E. Dulude (the "Respondent") of Richmond, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0020278. This license was originally issued on or about November 6, 1991 and expires on March 31, 2013. Respondent's license was conditioned from February 22, 2005 through November 19, 2007 due in part to opiate dependence. Attachment A.

3. On or about March 26, 2009, Respondent submitted a Registered Nurse Renewal Application. On the application, Respondent answered "no" to the question "Are you currently addicted to or in any way dependent on, the use of alcohol or habit forming drugs."

4. On or about March 22, 2011, Respondent stated she had been taking Suboxone and participating in Narcotics Anonymous since November of 2003.

5. Respondent stated that she answered no to the first question because she thought it applied only to nonprescription medication.

Violations

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:

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

a) The State incorporates paragraphs 3 and 4, 3 V.S.A. § 129a(a)(1) (Fraudulent or deceptive procurement or use of a license); and

b) The State incorporates paragraphs 3 and 4, 26 V.S.A. § 1582(a)(1) (Has made or caused to be made a false, fraudulent, or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing).

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.

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

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

A. The Board of Nursing hereby changes Respondent's license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. If, in the future, Respondent requests reinstatement, within forty-five (45) days of requesting reinstatement, Respondent must:

1) obtain an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board and who has verified receipt of this Order, the results of which must indicate that the Respondent does not present a risk to the safety, health or welfare of her potential patients;

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2) submit to the Board the results of a minimum of three (3) random urine analyses, collected in an observed setting; administered by a person or entity that has been pre-approved by the Board; and analyzed by a lab qualified to analyze samples for forensic purposes and pre-approved by the Board, the results of which shall be negative; failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed positive;

After review of these results, her license will be **CONDITIONED** by the Board pursuant to whatever terms the Board finds reasonable at the time of Respondent's request for reinstatement.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 7/2/12

By: _____
S. Lauren Hibbert
State Prosecuting Attorney

SHARON DULUDE
RESPONDENT

Dated: 6/28/12

By: Sharon Dulude
Sharon Dulude

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 6/27/12

By: _____
Paul Jarvis, Esq.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7/9/12

By: Janine Carr
Chairperson

Date of Entry: 7/11/12

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

Richmond

STATE OF VERMONT
BOARD OF NURSING

In re: Sharon Dulude License No. 26-20278	}	Docket No. NU34-1203

SUMMARY SUSPENSION ORDER

On December 8, 2003, 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 Sharon Dulude'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: Susan Farnell
Chair

Dated: December 8, 2003

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/9/03

Attachment A

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

IN RE: SHARON E. DULUDE, RN License No. 026-0020278	))	DOCKET No. NU34-1203

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 and; the rules of the Board and the Vermont 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. Sharon E. Dulude (the "Respondent") of Richmond, Vermont is a licensed registered nurse holding license number 026-0020278, issued by the State of Vermont. This license was originally issued on or about November 6, 1991 and is set to expire on March 31, 2005.

4. At all relevant times the Respondent was practicing as a registered nurse and worked for Brownway Residence, Inc. (the "Facility") located in Richmond, Vermont with a mailing address of P.O. Box 255. At all relevant times the Respondent worked for the Facility approximately twenty hours per week and was on call twenty-four hours a day, seven days a week.

5. On or about November 24, 2003, the Respondent received three prescriptions (the "original prescriptions") from Dr. Daniel Donnelly. The original prescriptions were for patient E.L. who is a resident of the facility. The original prescriptions were for various strengths and totaled seventy (70) tablets of Oxycontin. The original prescriptions noted that the number of refills were "0" (indicating this by using the numerical "0").

6. The Respondent called Dr. Donnelly's office at approximately 1:00 pm on November 24, 2003, stating that the original prescriptions had been lost in a public restroom and requested new prescriptions for patient E.L. At approximately 1:45 pm the Respondent received the new prescriptions (hereinafter referred to as the "new prescriptions") from Dr. Donnelly. The new prescriptions noted that the number of refills were "zero" (indicating this by using the word "zero").

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

7. At approximately 1:00 pm on November 24, 2003, the Respondent had the original prescriptions filled at Brooks Pharmacy in the Town of Williston. The Respondent paid for the original prescriptions in cash.

8. In the ordinary course of business the Facility uses NCS pharmacy to fill the prescriptions for all of the Residents.

9. On November 24, 2003, at approximately 2:30 pm the Respondent faxed the new prescriptions to NCS pharmacy. These prescriptions were filled by NCS pharmacy and delivered to the Facility during the evening hours of November 24, 2003.

10. On November 24, 2003 at approximately 3:30 pm the Respondent admitted to the Facility Administrator Pamela Favreau that the Respondent had taken the Oxycontin obtained from the original prescriptions for her own use. She claimed that the Oxycontin was "for her tummy".

11. On or about November 21, 2003 the Respondent asked Ms. Favreau to witness the "wasting" of Percocet. The Precocet was prescribed for resident H.D. The Respondent claimed that the Percocet had been discontinued by H.D.'s physician Dr. Ziegelman. On November 22, 2003 the Respondent noted in the medical records that the Percocet had been wasted.

12. On or about November 24, 2003, Ms. Favreau was notified by her staff that NCS pharmacy had sent a new order of Percocet. Ms. Favreau then called Dr. Ziegelman's office to determine whether the Percocet had actually been discontinued. Dr. Ziegelman advised that he had never discontinued the Percocet.

13. Dr. Ziegelman's office advised that they had been sending prescriptions to Brownway Residence, Inc., c/o Sharon Dulude, P.O. Box 339, Richmond, Vermont. The Respondent's personal P.O. is Box 339. The P.O. Box of the facility is 255.

14. Moira Whitney from Dr. Ziegelman's office advised Investigator Jackie Cholewa that the Respondent had been the contact person in respect to resident H.D. for years. Ms. Whitney advised that the Respondent had instructed her to fax all prescriptions to NCS pharmacy and send the original written prescription to the Respondent at P.O. Box 339.

15. Records from Brooks Pharmacy in Williston indicate that the Respondent has filled prescriptions for four (4) different residents of the Facility. Since approximately April 27, 2001, the Respondent has received 4175 pills of either Roxicet or Oxycontin from Brooks Pharmacy. All of these prescriptions were paid for in cash by the Respondent. On information and belief, these pills were not delivered to either the Facility or the residents for whom they were prescribed since NCS pharmacy was also filling these prescriptions.

16. On or about December 2, 2003, the Respondent's husband advised Investigator Cholewa that the Respondent had recently admitted herself to the Brattleboro Retreat because she has an addiction to prescription medications.

STATE OF VERMONT

Prosecuting Attorney
Office of
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Montpelier, VT 05602

Request for Relief

17. 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.

18. The above acts and circumstances, alone or in combination, violate: 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); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public); Vermont Board of Nursing Administrative Rule (the "Rules") Chapter 4, Rule IV, II, B, 1; (performance of unsafe or unacceptable patient care); Rule Chapter 4, Rule IV, II, D. 3.; (falsifying or altering clinical records or making inaccurate or misleading entries); and Rule Chapter 4, Rule IV, II, D. 4.; (diverting drugs for personal or other unauthorized use).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026-0020278 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 3rd day of December, 2003.

STATE OF VERMONT
SECRETARY OF STATE

By: _____
Edward G. Adrian
State Prosecuting Attorney

NU020.sum.susp.lit.wpd

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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

IN RE: SHARON E. DULUDE, R.N. License No. 026-0020278	)))	DOCKET No. NU34-1203

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Sharon E. Dulude, R.N.:

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 and; the rules of the Board and the Vermont Office of Professional Regulation.

Statement of Facts

2. Sharon E. Dulude (the "Respondent") of Richmond, Vermont is a licensed registered nurse holding license number 026-0020278, issued by the State of Vermont. This license was originally issued on or about November 6, 1991 and is set to expire on March 31, 2005.

3. The Respondent's license is currently suspended pursuant to a Summary Suspension Order entered by the Board of Nursing on December 9, 2003 which was based upon the facts below.

4. At all relevant times, the Respondent was practicing as a registered nurse and worked for Brownway Residence, Inc. (the "Facility") located in Richmond, Vermont with a mailing address of P.O. Box 255. At all relevant times, the Respondent worked for the Facility approximately twenty hours per week and was on call twenty-four hours a day, seven days a week.

5. On or about November 24, 2003, the Respondent received three prescriptions (the "original prescriptions") from Dr. Daniel Donnelly. The original prescriptions were for patient E.L. who is a resident of the facility. The original prescriptions were for various strengths and totaled seventy (70) tablets of Oxycontin. The original prescriptions noted that the number of refills were "0" (indicating this by using the numerical "0").

6. The Respondent called Dr. Donnelly's office at approximately 1:00 pm on November 24, 2003, stating that the original prescriptions had been lost in a public restroom and requested new prescriptions for patient E.L. At approximately 1:45 pm, the Respondent received the new prescriptions

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

(hereinafter referred to as the "new prescriptions") from Dr. Donnelly. The new prescriptions noted that the number of refills were "zero" (indicating this by using the word "zero").

7. At approximately 1:00 pm on November 24, 2003, the Respondent had the original prescriptions filled at Brooks Pharmacy in the Town of Williston. The Respondent paid for the original prescriptions in cash.

8. In the ordinary course of business, the Facility uses NCS pharmacy to fill the prescriptions for all of the Residents.

9. On November 24, 2003 at approximately 2:30 pm, the Respondent faxed the new prescriptions to NCS pharmacy. These prescriptions were filled by NCS pharmacy and delivered to the Facility during the evening hours of November 24, 2003.

10. On November 24, 2003 at approximately 3:30 pm, the Respondent admitted to the Facility Administrator Pamela Favreau that the Respondent had taken the Oxycontin obtained from the original prescriptions for her own use. She claimed that the Oxycontin was "for her tummy".

11 On or about November 21, 2003, the Respondent asked Ms. Favreau to witness the "wasting" of Percocet. The Precocet was prescribed for resident H.D. The Respondent claimed that the Percocet had been discontinued by H.D.'s physician Dr. Ziegelman. On November 22, 2003, the Respondent noted in the medical records that the Percocet had been wasted.

12. On or about November 24, 2003, Ms. Favreau was notified by her staff that NCS pharmacy had sent a new order of Percocet. Ms. Favreau then called Dr. Ziegelman's office to determine whether the Percocet had actually been discontinued. Dr. Ziegelman advised that he had never discontinued the Percocet.

13. Dr. Ziegelman's office advised that they had been sending prescriptions to Brownway Residence, Inc., c/o Sharon Dulude, P.O. Box 339, Richmond, Vermont. The Respondent's personal P.O. is Box 339. The P.O. Box of the facility is 255.

14. Moira Whitney from Dr. Ziegelman's office advised Investigator Jackie Cholewa that the Respondent had been the contact person in respect to resident H.D. for years. Ms. Whitney advised that the Respondent had instructed her to fax all prescriptions to NCS pharmacy and send the original written prescription to the Respondent at P.O. Box 339.

15. Records from Brooks Pharmacy in Williston indicate that the Respondent has filled prescriptions for four (4) different residents of the Facility. Since approximately April 27, 2001, the Respondent has received 4175 pills of either Roxicet or Oxycontin from Brooks Pharmacy. All of these prescriptions were paid for in cash by the Respondent. On information and belief, these pills were not delivered to either the Facility or the residents for whom they were prescribed

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

since NCS pharmacy was also filling these prescriptions.

16. On or about December 2, 2003, the Respondent's husband advised Investigator Cholewa that the Respondent had recently admitted herself to the Brattleboro Retreat because she has an addiction to prescription medications.

Charges

17. The above acts and circumstances, alone or in combination, violate: 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); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public); Vermont Board of Nursing Administrative Rule (the "Rules") Chapter 4, Rule IV, II, B, 1; (performance of unsafe or unacceptable patient care); Rule Chapter 4, Rule IV, II, D. 3.; (falsifying or altering clinical records or making inaccurate or misleading entries); and Rule Chapter 4, Rule IV, II, D. 4.; (diverting drugs for personal or other unauthorized use).

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

DATED at Montpelier, Vermont this 14th day of May, 2004.

STATE OF VERMONT
SECRETARY OF STATE

By: _____
Edward G. Adrian
State Prosecuting Attorney

nu.dulude.soc

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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

IN RE:	)	
SHARON E. DULUDE, R.N.	)	**DOCKET No. NU34-1203**
License No. 026-0020278	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by State Prosecuting Attorney, Edward G. Adrian and the Respondent, Sharon E. Dulude, R.N., who stipulate and agree as follows:

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 and; the Rules of the Board and the Vermont Office of Professional Regulation.

Statement of Facts

2. Sharon E. Dulude (the "Respondent") of Richmond, Vermont is a licensed registered nurse holding license number 026-0020278, issued by the State of Vermont. This license was originally issued on or about November 6, 1991 and is set to expire on March 31, 2005.

3. The Respondent's license is currently suspended pursuant to a Summary Suspension Order entered by the Board of Nursing on December 9, 2003 which was based upon the facts below.

4. At all relevant times, the Respondent was practicing as a registered nurse and worked for Brownway Residence, Inc. (the "Facility") located in Richmond, Vermont with a mailing address of P.O. Box 255. At all relevant times, the Respondent worked for the Facility approximately twenty hours per week and was on call twenty-four hours a day, seven days a week.

5. On or about November 24, 2003, the Respondent received three prescriptions (the "original prescriptions") from Dr. Daniel Donnelly. The original prescriptions were for patient E.L. who is a resident of the facility. The original prescriptions were for various strengths and totaled seventy (70) tablets of Oxycontin. The original prescriptions noted that the number of refills were "0" (indicating this by using the numerical "0").

6. The Respondent called Dr. Donnelly's office at approximately 1:00 pm on November 24, 2003, stating that the original prescriptions had been lost in a

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Prosecuting Attorney
Office of
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Montpelier, VT 05602

Attachment B

public restroom and requested new prescriptions for patient E.L. At approximately 1:45 pm, the Respondent received the new prescriptions (hereinafter referred to as the "new prescriptions") from Dr. Donnelly. The new prescriptions noted that the number of refills were "zero" (indicating this by using the word "zero").

7. At approximately 1:00 pm on November 24, 2003, the Respondent had the original prescriptions filled at Brooks Pharmacy in the Town of Williston. The Respondent paid for the original prescriptions in cash.

8. In the ordinary course of business, the Facility uses NCS pharmacy to fill the prescriptions for all of the Residents.

9. On November 24, 2003 at approximately 2:30 pm, the Respondent faxed the new prescriptions to NCS pharmacy. These prescriptions were filled by NCS pharmacy and delivered to the Facility during the evening hours of November 24, 2003.

10. On November 24, 2003 at approximately 3:30 pm, the Respondent admitted to the Facility Administrator Pamela Favreau that the Respondent had taken the Oxycontin obtained from the original prescriptions for her own use. She claimed that the Oxycontin was "for her tummy".

11. On or about November 21, 2003, the Respondent asked Ms. Favreau to witness the "wasting" of Percocet. The Precocet was prescribed for resident H.D. The Respondent claimed that the Percocet had been discontinued by H.D.'s physician Dr. Ziegelman. On November 22, 2003, the Respondent noted in the medical records that the Percocet had been wasted.

12. On or about November 24, 2003, Ms. Favreau was notified by her staff that NCS pharmacy had sent a new order of Percocet. Ms. Favreau then called Dr. Ziegelman's office to determine whether the Percocet had actually been discontinued. Dr. Ziegelman advised that he had never discontinued the Percocet.

13. Dr. Ziegelman's office advised that they had been sending prescriptions to Brownway Residence, Inc., c/o Sharon Dulude, P.O. Box 339, Richmond, Vermont. The Respondent's personal P.O. is Box 339. The P.O. Box of the facility is 255.

14. Moira Whitney from Dr. Ziegelman's office advised Investigator Jackie Cholewa that the Respondent had been the contact person in respect to resident H.D. for years. Ms. Whitney advised that the Respondent had instructed her to fax all prescriptions to NCS pharmacy and send the original written prescription to the Respondent at P.O. Box 339.

15. Records from Brooks Pharmacy in Williston indicate that the Respondent has filled prescriptions for four (4) different residents of the Facility. Since approximately April 27, 2001, the Respondent has received 4175 pills of either Roxicet or Oxycontin from Brooks Pharmacy. All of these prescriptions were

paid for in cash by the Respondent. On information and belief, these pills were not delivered to either the Facility or the residents for whom they were prescribed since NCS pharmacy was also filling these prescriptions.

16. On or about December 2, 2003, the Respondent's husband advised Investigator Cholewa that the Respondent had recently admitted herself to the Brattleboro Retreat because she has an addiction to prescription medications.

17. On October 18, 2004, the Board received an independent evaluation of the Respondent by Peter J. McKenna, M.D., who met with the Respondent on July 30 and August 10, 2004 regarding the Respondent's opiate dependence and ability to practice as a nurse. Mr. McKenna states that the Respondent has completed the appropriate treatment from detoxification, inpatient treatment, outpatient treatment Narcotics Anonymous and Suboxone. He further states that the Respondent is willing to devote the effort needed to remain free from opiates in the future and he believes she is capable of returning to nursing.

Charges

18. The above acts and circumstances, alone or in combination, violate: 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); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public); Vermont Board of Nursing Administrative Rule (the "Rules") Chapter 4, Rule IV, II, B, 1; (performance of unsafe or unacceptable patient care); Rule Chapter 4, Rule IV, II, D. 3.; (falsifying or altering clinical records or making inaccurate or misleading entries); and Rule Chapter 4, Rule IV, II, D. 4.; (diverting drugs for personal or other unauthorized use).

Understandings

19. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.

20. 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.

STATE OF VERMONT

21. 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.

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

22. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

23. Respondent is not under the influence of any drugs or alcohol at the time she signs

this Stipulation and Consent Order.

24. 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.

25. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

26. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

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

A. The Board of Nursing hereby **CONDITIONS** the Respondent's license to practice nursing for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Re-issue of License.
Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.
The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised nursing practice in which she works forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week. Respondent's license is additionally conditioned as follows.

(3) Completion of Drug Abuse Counseling and Treatment Plan.
Respondent shall enter into and continue drug abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the drug abuse treatment plan approved by the Board and the treating professional.

(4) 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.

(5) 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. The first report is due commencing the month after the date of the entry of the order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) 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 during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the entry of this Order and of any subsequent nursing employment, Respondent shall cause Respondent's 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 which has a clinical portion which involves actual patient care, he 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 its conditions during clinical experience.

(7) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the subsequent commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her 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.

(8) Administration of Medications.

Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after she has worked as nurse for twelve (12) weeks for at least 40 hours work every two weeks (or the part time equivalent) after the entry date of this Order.

In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from her treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

(9) Practice Under Supervision.

Respondent shall practice only in a nursing setting where Respondent has direct supervision for the entire shift by a registered nurse that is licensed and in good standing with the Board.

(10) Participation in Recovery Group.

Respondent shall participate as recommended by her treating professional, in Narcotics Anonymous meetings and/or other recovery group(s).

(11) Random Drug and/or Alcohol Testing.

Respondent shall submit to random drug and/or alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and/or alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(12) Abstain from Drug and/or Alcohol Use.

Respondent shall abstain completely from the consumption or possession of drugs and/or alcohol with the exception of prescribed medications as outlined in paragraph A.(13) for the period of time described in paragraph A.(2).

(13) Drug Use Exception.

Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled 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 substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled 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 necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication, during the term of this Consent Order, for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(14) Interview with the Board or its Designee.

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

(15) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse, with the exception of supervising LNAs and other unlicensed assistive persons. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a personal care provider during the effective period of this Consent Order.

(16) 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 obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval 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. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(17) 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 employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(18) Notification to Other States.

In the event that the Respondent is licensed as a nurse in any other state(s), she must inform the nurse licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(19) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(20) Release of Information Forms.

In fulfilling the conditions of this Order which require the Respondent to authorize various persons to report information or to discuss the Respondent with the Board, the Respondent must execute a consent to disclose form which meets the requirements of 42 C.F.R. §2.31. The authorization must allow the information to also be provided to the Office of Professional Regulation investigators. Any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

(21) Costs.

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

(22) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(23) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has full complied with the terms of this Order. The Respondent must also present proof of successful drug abuse rehabilitation and she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the public or the practice of nursing and that he can safely and competently perform the duties of an R.N.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 2/4/05

By: _____
Edward G. Adrian
State Prosecuting Attorney

SHARON E. DULUDE
RESPONDENT

Dated: 1/25/05

By: Sharon E Dulude
Sharon E. Dulude

Approved as to Form:

ATTORNEY FOR RESPONDENT

Dated: 2/1/05

By: _____
Paul D. Jarvis, Esq.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: Feb. 14, 2005 By: Susan Farnell
Chairperson

Date of Entry: 2/22/05

nu.dulude.stip

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602