

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

IN RE:	)	
Christy H. Erickson	)	Follow-up Case No. M2016-73
License No.s 026.0025353 &	)	
101.0025353	)	

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Rachel Allen, and the Respondent, Christy H. Erickson, who stipulate and agree as follows:

Board Authority

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. Chapter 28; the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

General Statement of Facts

2. Christy H. Erickson ("Respondent") of Marina del Ray, California, was previously licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0025353. This license was originally issued on January 12, 2000, and expired on June 16, 2004.
3. Respondent was also previously licensed by the State of Vermont as an Advanced Practice Registered Nurse ("APRN") under license number 101.0025353. This license was originally issued on January 12, 2000, and expired on June 16, 2004.
4. Pursuant to a Stipulation and Consent Order in Lieu of Summary Suspension issued by the Vermont Board of Nursing, both Respondent's RN, license number 026.0025353 and APRN, license number 101.002535, were indefinitely suspended on June 16, 2004. *See Attachment A.* Respondent's licenses are currently suspended.
5. On January 13, 2017, the Docket Clerk for the Secretary of State's Office of Professional Regulation ("OPR") received Respondent's request for reinstatement.
6. Respondent is seeking reinstatement, although she does not intend to practice as a RN or APRN in a direct clinical patient care setting.

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7. Received by OPR on January 10, 2017, Respondent obtained an independent evaluation that states she is fit to practice if given a conditional license.

Understandings

8. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
9. 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.
10. 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 has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
13. 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.
14. 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.
15. 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. Respondent is immediately eligible to renew and revive her RN license and APRN license. Respondent must meet all Board requirements for obtaining and maintaining her professional licenses, license renewals, and license reinstatements.
- B. The Board of Nursing hereby **CONDITIONS** Respondent's RN and APRN licenses and/or re-entry permit. Respondent's license will be **CONDITIONED FOR A MINIMUM OF THREE (3) YEARS** commencing with the date of reinstatement. The conditions will be as follows:

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1. Re-issuance of Licenses. Upon successful application and commencement of these conditions, Respondent shall be issued appropriate license(s) and/or re-entry permit(s) which shall be labeled "conditioned."
2. Length of Time of 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 a **minimum of three (3) years** of supervised nursing in which she works at least forty (40) hours every two (2) weeks as a Registered Nurse or an Advanced Practice Registered 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.
3. Completion of Substance Abuse Counseling, Treatment Plan, and Treatment Reports. Respondent shall attend individual substance abuse counseling with a licensed Vermont Alcohol and Drug Abuse Counselor ("LADC Treating Professional") in good-standing in the State of Vermont until the LADC Treating Professional certifies in writing to the Board that such counseling is no longer necessary.

Respondent shall authorize Respondent's LADC Treating Professional to submit to the Board **monthly** reports on forms issued by the Board. Respondent shall authorize Respondent's LADC 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.

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

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine screen shall cause that screen to be presumed positive. Any positive screen shall constitute a violation of this Order.

5. Abstain from Drug and Alcohol Use. Respondent shall abstain completely from the consumption or possession of alcohol and drugs.
6. Drug Use Exception. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a health care practitioner disclosed to the Board in writing by Respondent within forty-eight (48) hours of the prescription. Respondent health care practitioner shall inform the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within seven (7) days of entering into the practitioner/patient relationship. Additionally, the practitioner shall inform the Board of all scheduled/controlled

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medications prescribed – and the anticipation of how long such prescriptions will need to be taken – within seven (7) days of the prescription.

The Board or its designee may request that the practitioner document the necessity for the prescribed scheduled/controlled medications or other medications known to have abuse potential. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall provide the Board with a current medication list of any medications taken on a scheduled or as-needed basis on forms issued by the Board within seven (7) days of the date of reinstatement and shall update this list within forty-eight (48) hours of any change in these medications.

7. 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 Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Board an employer agreement form approved by the Board, 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 or re-entry program which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

8. Reports from Employers/Program Director. Within one (1) month of the date of reinstatement or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer or supervising APRN or physician Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. Moreover, on a **quarterly** basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices. In the event Respondent is attending a nursing program or re-entry program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

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9. Practice Under Supervision. Respondent shall practice as a Registered Nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed RN or APRN that is in good standing with the Board.
Respondent shall practice as an Advanced Practice Registered Nurse only under the supervision of an APRN or physician who is in good standing with the Board of Nursing or Board of Medical Practice.
10. Administration of Medications. Respondent is prohibited from administering any controlled substances. This condition may be removed only by Respondent filing a petition with the Board after Respondent has worked as a RN or APRN for six (6) months for at least forty (40) hours every two weeks (or the part time equivalent) after the date of reinstatement.

In any such petition, Respondent must demonstrate, to the satisfaction of the Nursing Board or its designee, that Respondent can safely and competently administer such medications. Respondent must include appropriate support, in writing, from Respondent's 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.

11. Prescribing Practices. If practicing as an APRN, Respondent's controlled substance prescribing practices shall be supervised by an APRN or physician in good standing who has been pre-approved by the Board or its designee. The supervising APRN or physician shall submit **monthly reports** of a review of Respondent's prescribing practices.

These reports must indicate whether or not Respondent's prescribing practices are in conformance with a generally accepted standard of practice, such as the Vermont Department of Health Rule governing prescribing of opioids for chronic pain.

12. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.
13. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
14. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. The Board will approve out-of-state nursing practice so long as Respondent can still comply with the provisions of this Consent Order. If

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Respondent receives discipline on a nursing license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

15. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of Respondent's 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 (including resignation or termination), personal address, or telephone number.
16. Notification to Other States. In the event that Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.
17. License Renewal. This Order does not automatically extend the license and Respondent must comply with the Board of Nursing requirements for license renewal and/or reinstatement.
18. Release of Information Forms. This Order requires Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss Respondent and any and all treatment rendered to Respondent for drugs and/or alcohol with the Board or its designee. Any and all of this information may be provided to the Office of Professional Regulation investigators, and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

Respondent is entitled to revoke this consent at any time. However, any revocation shall be considered a violation of this Order. This consent expires when the conditions are removed from Respondent's nursing license.

This Stipulation and Consent Order shall itself constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31. Respondent understands that Respondent's treatment provider may require Respondent's to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

19. Costs. Respondent shall bear all costs of complying with this Consent Order.
20. Violation of this Order. If Respondent violates this Order the Board, after giving 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 Respondent during the term of this Order, this

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Order shall be automatically extended until the unprofessional conduct matter is concluded.

21. Completion of Conditional License Period. Respondent must petition the Board, or its designee, to remove any and all conditions on Respondent's licenses. Respondent must present proof that Respondent has fully complied with the terms of this Order. Respondent must also present proof of successful substance abuse rehabilitation, that Respondent poses no danger to the public or the practice of nursing, and that Respondent can safely and competently perform the duties of a licensed nurse.
- 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:

Dated: 1/30/17

STATE OF VERMONT
SECRETARY OF STATE

By: *Rachel J. Allen*
Rachel J. Allen
State Prosecuting Attorney

Dated: 1/30/17

CHRISTY H. ERIKSON
RESPONDENT

By: *Christy Erickson*
Christy H. Erickson

APPROVED AND SO ORDERED:

Dated: 3/6/17

Date of Entry: 3/6/17

VERMONT BOARD OF NURSING

By: *Jeannie Carr*
Chairperson

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SECRETARY OF STATE
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BOARD OF NURSING**

IN RE:
CHRISTY H. ERICKSON
License No. 101-0025353

Docket No: NU84-0504

STIPULATION AND CONSENT ORDER IN LIEU OF SUMMARY SUSPENSION

STIPULATION

NOW COMES the State of Vermont through State Prosecuting Attorney, Edward G. Adrian and Respondent, Christy H. Erickson, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814; 26 V.S.A. §§1582; and the Administrative Rules of the Board of Nursing.

Facts

2. The Respondent is licensed as a advanced practice registered nurse (APRN) holding license number 101-0025353 originally issued January 12, 2000 and currently set to expire March 31, 2005. The Respondent currently resides in Milton, Vermont and at all relevant times was practicing as an APRN at Fletcher Allen Health Care (the "Facility") in Burlington, Vermont.
3. The State alleges that the Respondent has been in a conspiracy to illegally prescribe and receive various financial and "in-kind" remunerations for prescriptions of Oxycontin and morphine. On information and belief, the Respondent and her husband were generating approximately \$15,000.00 per month in income from the sale of the Oxycodone and morphine.
4. The State further alleges that the Respondent is addicted to prescription painkillers, and has used cocaine and crack cocaine and that she was utilizing the prescriptions to "barter" for the illegal drugs.
5. There is an ongoing federal investigation concerning this matter and on information and belief the Respondent has already surrendered her DEA license to prescribe medications.

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Attachment

A

Understandings

6. 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.
7. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
8. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
9. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
10. The Respondent is voluntarily waiving her right to request summary suspension charges and a contested summary suspension hearing before the Board of Nursing.
11. The Respondent does not admit the truthfulness of the facts as listed and alleged above, however she does not contest that if this matter went to hearing the State would be able to prove all or most of the allegations by a preponderance of the evidence.
12. The Respondent agrees not to contest this Stipulation and Consent Order in any forum.
13. The Respondent does not contest that the State could prove that her alleged actions violate 26 V.S.A. §1582(3), (5) and (7) and Board of Nursing Administrative Rules (the "ARBN") Chapter 4, Rule IV, II, B, 1 and 2; ARBN Chapter 4, Rule IV, II, C; and ARBN Chapter 4, Rule IV, II, D, 4 and 10.
14. The Respondent agrees that the Order set forth below may immediately be entered by the Board of Nursing.

Consent Order

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

(A) The State has sufficient evidence in its possession to prove the Facts as listed above by a preponderance of the evidence ; and

(B) The Board **INDEFINITELY SUSPENDS** the Respondent's registered nurse's license and advance practice nursing endorsement, license number 101-0025353.

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).

17. 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.

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18. If at some point in the future the Respondent requests reinstatement of her license, the Board has final authority in deciding whether to grant reinstatement and if granted, the Board may condition the Respondent's license as it deems appropriate based on the factual allegations as listed above and any other information relevant to the Respondent's license to practice nursing.

AGREED TO:

Dated:

6/7/04

STATE OF VERMONT
SECRETARY OF STATE

by:

[Signature]
Edward G. Adrian
State Prosecuting Attorney

CHRISTY H. ERICKSON
RESPONDENT

Dated:

6/4/04

by:

[Signature]
Christy H. Erickson

Attorney for Respondent
Approved as to Form:

Dated:

6/4/04

by:

[Signature]
Paul S. Volk, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated:

6-14-04

by:

[Signature]
Chairperson

Dated entered:

6/16/04

nu003.stip.wpd

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