

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

IN RE:

DEBORAH L. FREEMAN

License No. 026-0021796

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Docket No: NU43-0495

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Judith L. Cutler, and the Respondent, Deborah L. Freeman, 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, 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 pursuant to 3 V.S.A. §§129, 129a, and 814; 26 V.S.A. §1582, the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Deborah L. Freeman, is licensed in the State of Vermont as a registered nurse under license number 026-0021796. The Respondent's license was originally issued on or about September 28, 1994.
3. The Respondent's license was suspended pursuant to a Findings of Fact, Conclusions of Law, and Order entered by the Board on or about March 6, 1996 and her license has remained suspended since that time. (Attachment A). The Respondent's license was suspended due in part to her alcohol abuse. (Attachment A).
4. In a letter received by the Board on or about September 5, 2006, the Respondent expressed her desire for the Board to consider reinstating her registered nursing license with conditions. In her letter, the Respondent advised that she has not used alcohol for several years; that she attended two residential treatment facilities, Maple Leaf Farms in 1995 and Canterbury Farms in 1997; that she received outpatient counseling in 1999; that she has attended Narcotics Anonymous and Alcoholics Anonymous programs; and that she is currently actively involved with her church.
5. On or about August 7, 2006, licensed alcohol and drug counselor Kim Hubbard performed an independent evaluation on the Respondent. In his evaluation, Mr. Hubbard reported that

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the Respondent has been abstinent from alcohol use for approximately three (3) years. Mr. Hubbard concluded that the Respondent's substance abuse risk at this time is minimal. To provide the necessary support for the Respondent's return to the nursing profession, Mr. Hubbard recommended the Respondent's participation in ongoing counseling, participation in Alcoholics Anonymous, and close communication with her doctor regarding her medications.

6. In a letter to the Board dated November 14, 2006, Dr. Brian Erickson of the Fletcher Allen Center for Pain Medicine, reported that he has been working with the Respondent since January 21, 2004. Dr. Erickson advised that the Respondent has been abstinent from alcohol use since 2001. Dr. Erickson recommended that the Respondent begin the process of reinstatement and that the Respondent should continue her appointments with him regarding the monitoring of her pain medication.

7. In a letter to the Board dated March 16, 2007, Dr. Robert Robinson, the Respondent's primary care provider, advised that it was his opinion that the Respondent "is able to perform the duties of a nurse without difficulty or compromise to her patient's safety."

8. Several letters of personal support from individuals whom had employed the Respondent were also provided.

9. The Respondent agrees that the conditions below are necessary for her to return to the practice.

Understandings

10. 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.

11. 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.

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

13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

14. 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.

15. 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.

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16. 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 **REINSTATES** and **CONDITIONS** the Respondent's registered nursing license for a minimum period of **THREE (3) YEARS**. This Stipulation and Consent Order shall take effect upon the Respondent's successful completion of a registered nursing re-entry course, approved in advance by the Board or its designee. The conditions are as follows:

(1) License to be labeled "Conditioned".

Any license issued to the Respondent by this Board shall be 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 registered nursing practice in which Respondent works at least forty (40) hours every two (2) weeks as a 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 and Treatment Plan.

Respondent shall enter into and continue substance 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 substance abuse treatment plan approved by the Board and the treating professional

(4) Completion of Individual Psychotherapy and Treatment Plan.

Respondent shall enter into and continue individual psychotherapy 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 individual psychotherapy treatment plan approved by the Board and the treating professional.

(5) Completion of Pain Management Sessions and Treatment Plan.

Respondent shall enter into and continue pain management sessions 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 main management treatment plan approved by the Board and the treating professional.

(6) Notification to Treating Professionals.

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With respect to paragraphs A(3)–A(5), Respondent shall provide a copy of this Stipulation and Consent Order to her treating professionals and cause her treating professionals to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professionals' ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(7) Reports from Treating Professionals.

With respect to paragraphs A(3)–A(5), Respondent shall authorize and cause her treating professionals 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 commencement of the conditions and subsequent reports are due **monthly** thereafter.

Respondent shall authorize her treating professionals 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.

(8) Participation in Recovery Groups.

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

(9) 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, who has been 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.

(10) Abstain from Drug and Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph A.(11) for the period of time described in paragraph A.(2).

(11) Drug Use Exception.

The 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.

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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.

(12) Interview with the Board or its Designee.

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

(13) 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 registered 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 registered 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 the Respondent is attending a nursing program, 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 the conditions in the Consent Order during clinical experience.

(14) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the 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.

(15) 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 registered nurse who is in good standing with the Board.

(16) 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

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nursing employment agency, or as a personal care provider during the effective period 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) 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.

(19) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont registered 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.

(20) 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 as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(21) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also 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.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

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This consent expires when the conditions are removed from the Respondent's nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that her treatment provider may require her to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(22) Costs.

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

(23) 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.

(24) 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 fully complied with the terms of this Order and that she can safely and competently perform the duties of a registered nurse.

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: 9/17/07

By: Judith L. Cutler
Judith L. Cutler
State Prosecuting Attorney

DEBORAH L. FREEMAN
RESPONDENT

STATE OF VERMONT



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Dated: 9-14-07

By: Deborah L. Freeman
Deborah L. Freeman

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 10-8-07

By: Laurey M. Tye
Chairperson

Date of Entry: 10/10/07

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STATE OF VERMONT
BOARD OF NURSING

IN RE:

DEBORAH LYNN FREEMAN, RN)
License No. 21796)
Berlin, Vermont)

Case File No. NU43-0495

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

INTRODUCTION

The Board of Nursing held a hearing on the Attorney General's motion for default judgment in this case on Monday, 12 February 1996, at the General Services Center in Middlesex. Members Raymond Phillips, Margaret Luce, Ingrid Brodin, Ruth Woodard, Effie Chamberlin, Brenda Smith, and Margery Kerr participated. Diane Zamos appeared for the Attorney General. The respondent, Deborah Lynn Freeman, attended, and was not represented.

The Board's counsel had made an entry of default in this case on 29 January 1996, and scheduled a hearing on disposition only. Before hearing evidence on the appropriate disposition of this case, counsel asked the respondent if she wanted to request that the default be removed. The respondent confirmed that she did not request removal of the default, and that she did not have any cause to show why the default should be removed.

FINDINGS OF FACT

1. The Attorney General presented a specification of charges against Deborah Lynn Freeman on 12 December 1995. The charges were delivered to Freeman by certified mail on 22 December 1995.
2. A notice of prehearing conference accompanied the charges. The notice required Freeman to file a written answer within 20 days of receipt of the notice and charges. No notice was received by 11 January 1996, or at any time since.
3. Freeman is a registered nurse holding license number 21796 issued by the Board.
4. Freeman abused alcohol on more than one occasion during March and early April 1995.
5. Freeman was convicted of driving while intoxicated in Vermont District Court on 12 April 1995 and placed on probation.

6. Freeman entered residential treatment for substance abuse in April 1995 for a two week period.

7. Freeman entered residential treatment for substance abuse in August 1995 for three weeks.

8. Prior to 2 April 1995 Freeman lawfully obtained Phenobarbital from pharmacies in Barre and Montpelier.

9. Prior to 2 April 1995 Freeman lawfully obtained Mellaril from pharmacies in Barre and Montpelier.

10. On or about 2 April 1995, Freeman allowed Kevin Foster access to her Phenobarbital and Mellaril in her home.

11. Freeman knew that Phenobarbital or Mellaril had not been prescribed for Foster.

CONCLUSIONS OF LAW

A. The conduct found above (Findings 4-7) constitutes habitual intemperance or addiction to the use of habit-forming drugs, which is unprofessional conduct pursuant to 26 VSA § 1582(a)(5).

B. The conduct found above (Findings 4-7) constitutes inability to practice nursing competently by reason of any cause, which is unprofessional conduct pursuant to 26 VSA § 1582(a)(3).

C. The conduct found above (Findings 8-11) constitutes inability to practice nursing competently by reason of any cause, which is unprofessional conduct pursuant to 26 VSA § 1582(a)(3).

D. The conduct found above (Findings 8-11) constitutes engaging in conduct of a character likely to deceive, defraud or harm the public, which is unprofessional conduct pursuant to 26 VSA § 1582(a)(7).

DEFAULT ORDER

The nursing license of Deborah Lynn Freeman is SUSPENDED for a minimum of one month, and thereafter will continue to be suspended until Freeman petitions the Board for reinstatement, and reinstatement is granted, according to Board Rules, Chapter

4, Rule IV, D, providing a report of a treating professional and a treatment plan satisfactory to the Board.

Dated at Lyndonville, Vermont, this 28th day of February, 1996.

BOARD OF NURSING

By:

Brenda B. Smith
Brenda Smith, RN
Chair

Date of entry: 3-6-96