

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

IN RE:

**SARAH E. GARLAND
License No. 025-0006305**

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Docket No. NU96-0608

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Sarah E. Garland, LPN, who stipulate and agree as follows:

Board Authority

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

Statement of Facts

2. Sarah E. Garland (the "Respondent") of Manchester Center, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025-0006305. This license was originally issued on or about September 21, 1988 and is currently set to expire January 31, 2010.
3. At all times relevant, Respondent was employed as a "detox" nurse at Grace House (the "Facility") located in Rutland, Vermont. Respondent worked at the Facility from in or around March 2003 to on or about May 11, 2008 on a part-time basis. Respondent left the Facility to seek other employment.
4. On or about May 27, 2008, J.W., the ex-husband of Respondent, called the Facility and reported that Respondent was conducting a relationship with a former client of the Facility who was in the Facility's drug and alcohol rehabilitation program.
5. On or about July 8, 2008 in a telephone interview with State Investigator Steve Kennedy, Respondent admitted to having an extra-professional relationship with a former Facility client, J.J. Respondent stated that J.J. is not her boyfriend and their relationship has not been physical, but that J.J. came to Respondent's house in or

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around March or April 2008 to do some carpentry work at Respondent's home, and that at the time of this interview, J.J. had also come to Respondent's home a couple of times in the last couple of months.

6. In this same interview, Respondent advised that while J.J. was a client of the Facility, she had given J.J. medications on two occasions; checked J.J.'s vitals once; and may have conducted one group session in which J.J. participated. However, Respondent did not work in the other two Facility locations where J.J. obtained treatment.
7. In this same interview, Respondent stated that she should have waited longer to see J.J. as friends.

Charges

8. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performance of unsafe or unacceptable patient care pursuant to ARBN Chapter 4, Rule IV(II)(B)(1); and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2);
 - b. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - c. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

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.

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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. The Board of Nursing hereby **REPRIMANDS** Respondent's license to practice licensed practical nursing.
- B. 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).
- C. 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: 2/10/09

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

SARAH E. GARLAND
RESPONDENT

Dated: 2/2/09

By: [Signature]
Sarah E. Garland

APPROVED AND SO ORDERED:

Dated: 3-9-09

VERMONT BOARD OF NURSING

By: [Signature]
Chairperson

Date of Entry: 3/10/09
nu.garland.stip

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