

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

IN RE:

AMY JOY GOODELL
License No. 026-0027782

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)
Docket No. NU21-1006

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Amy Joy Goodell, 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. 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 (ARBN); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Amy Joy Goodell (the Respondent) of North Clarendon, Vermont is a registered nurse holding license number 026-0027782, issued by the State of Vermont. This license was originally issued on or about December 6, 2002. The Board summarily suspended the Respondent's license on or about December 11, 2006.

3. During all relevant times the Respondent was practicing as a Registered Nurse for Rutland Regional Medical Center (RRMC) in Rutland, Vermont.

4. On or about October 31, 2006 the Respondent admitted to diverting Percocet and Dilaudid from RRMC.

5. The Respondent also admitted to utilizing the access code of nurse J.M. to indicate that he was a witness to wasting of narcotic medications even though J.M. did not witness the wasting of the medications and was often not working on the nights his code was used.

6. A review of the RRMC records indicates that there were dozens of instances between August, 2006 and October, 2006 where J.M.'s code was utilized while he was not working and the Respondent was working. This includes dispensing of the drugs Morphine, Meperidine, Oxycodone (Percocet) and Hydromorphone (Dilaudid).

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7. A further review of the RRMCM records also indicates that between August, 2006 and October, 2006 there were numerous instances where the Respondent was working and J.M. was not and J.M. was listed as dispensing a narcotic medication and the medication was indicated as wasted with the Respondent listed as the person observing the wasting of the medication.

8. On October 7-8, 2006, between the hours of 6:48 PM and 6:43 AM, the Omnicell machine shows twelve separate withdrawals of narcotic medications for patient S.M. The withdrawals were in the names of J.M. and the Respondent. There were eight different instances of wasting listing either J.M. or the Respondent. The only medication patient S.M. received during that time period was Morphine twice and Percocet once. The Respondent was working during that time period and J.M. was not working.

9. According to hospital records, the Respondent had the highest "doses per transaction day" for medications in RRMCM in May, June and July 2006. The Respondent had the second highest "doses per transaction day" in August and September, 2006. These reports do not include medications that the Respondent checked out under the name of any other nurse in computing the "doses per transaction day".

10. This Stipulation is neither an admission of liability by the Respondent, nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above the Parties reach a full and final Stipulation pursuant to these understandings and the Order below.

Charges

11. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- i) 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);
- ii) 3 V.S.A. § 129a(a)(7) (willfully making or filing false reports or records in the practice of the profession);
- iii) 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause);
- iv) Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials);
- v) 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs);
- vi) 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public); and
- vii) 3 V.S.A. § 129a(b)(2) (failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct.

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Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice).

Understandings

12. 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.
13. 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.
14. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
15. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
16. 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.
17. 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.
18. The Respondent agrees that based on the facts set forth above and the charges below, that the State could meet its burden of proof if this matter was contested. Accordingly, the Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

A. The Board of Nursing hereby **INDEFINITELY SUSPENDS THE RESPONDENT'S LICENSE**. Before applying for reinstatement, Respondent must obtain (1) an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; and (2) the results of the treatment with the drug and alcohol abuse evaluator must indicate that the Respondent does not present a risk to the safety, health or welfare of her potential patients. If reinstated, the Board may condition the Respondent's license as appropriate in order to protect the public pursuant to the Laws of the State of Vermont and the Rules of this Board.

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

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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: 5/14/07

By: [Signature]

Edward G. Adrian
State Prosecuting Attorney

AMY JOY GOODELL
RESPONDENT

Dated: 5/8/07

By: [Signature]

Amy Joy Goodell

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 5/8/07

By: [Signature]

A. Jeffrey Taylor, Esq.

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: 5-14-07

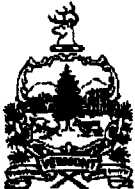
By: [Signature]

Chairperson

Date of Entry: 5/16/07

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11/21/2006

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

In re: Amy Joy Goodell }
License No. 026-0027782 }
Docket No. NU 21-1006 }

SUMMARY SUSPENSION ORDER

On Monday 11 December 2006 this matter came before the Vermont Board of Nursing on a petition from the State prosecutor for a summary suspension pursuant to 3 V.S.A. § 814(c). The hearing took place at the Secretary of State's office, Heritage Building, 81 River Street in Montpelier, Vermont.

The Board has authority to summarily suspend a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action.

**Findings of Fact &
Conclusions of Law:**

Based on a review of the evidence presented at the hearing of this matter, the Board finds:

1. The Respondent is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a)(3), and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a "Request for Summary Suspension" dated 27 November 2007, alleging that Respondent diverted opioids on many occasions from her employer Rutland Regional Medical Center (RRMC) in Rutland Vermont. The State further alleges the Respondent routinely diverted opioids and then documented in the hospital records as "wasted." The State alleges that the Respondent admitted, on 31 October 2006, to diverting Dilaudid and Percocet from RRMC.
3. The State argues that public health, safety or welfare imperatively requires emergency action, and the state asks this Board to suspend summarily the Respondent's license prior to a full hearing on the merits.
4. The Board has considered the evidence related to the allegations in the State's Request for Summary Suspension.
5. The Board finds that the State has, in its presentation of evidence, met its burden to the necessary degree of showing the need for emergency action to protect the public health, safety and welfare.
6. Pursuant to 3 V.S.A. § 814(c), the Board issues the following temporary order, which shall remain in effect until further action by this Board.

ORDER

The Board of Nursing GRANTS the State of Vermont's Request for Summary Suspension.

The Respondent's license is SUMMARILY SUSPENDED pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

- END -

Vermont Board of Nursing

By: Linda M. Y. Rice
Linda M. Y. Rice, APRN
Vice-Chairperson, Board of Nursing

Dated at Montpelier: 11 December 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/12/06

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

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

IN RE: AMY JOY GOODELL)
License No. 026-0027782) DOCKET No. NU21-1006

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. Amy Joy Goodell (the "Respondent") of North Clarendon, Vermont is a registered nurse holding license number 026-0027782, issued by the State of Vermont. This license was originally issued on or about December 6, 2002 and is set to expire on March 31, 2007.
4. During all relevant times the Respondent was practicing as a Registered Nurse for Rutland Regional Medical Center (RRMC) in Rutland, Vermont.
5. On or about October 31, 2006 the Respondent admitted to diverting Percocet and Dilaudid from RRMC.
6. The Respondent also admitted to utilizing the access code of nurse J.M. to indicate that he was a witness to wasting of narcotic medications even though J.M. did not witness the wasting of the medications and was often not working on the nights his code was used.
7. A review of the RRMC records indicates that there were dozens of instances between August, 2006 and October, 2006 where J.M.'s code was utilized while he was not working and the Respondent was working. This includes dispensing of the drugs Morphine, Meperidine, Oxycodone (Percocet) and Hydromorphone (Dilaudid).
8. A further review of the RRMC records also indicates that between August, 2006 and October, 2006 there were numerous instances where the Respondent was working and J.M. was not and J.M. was listed as dispensing a narcotic medication and the medication was indicated as wasted with the Respondent listed as the person observing the wasting of the medication.

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9. On October 7-8, 2006, between the hours of 6:48 PM and 6:43 AM, the Omnicell machine shows twelve separate withdrawals of narcotic medications for patient S.M. The withdrawals were in the names of J.M. and the Respondent. There were eight different instances of wasting listing either J.M or the Respondent. The only medication patient S.M. received during that time period was Morphine twice and Percocet once. The Respondent was working during that time period and J.M. was not working.
10. According to hospital records, the Respondent had the highest "doses per transaction day" for medications in RRMCM in May, June and July 2006. The Respondent had the second highest "doses per transaction day" in August and September, 2006. These reports do not include medications that the Respondent checked out under the name of any other nurse in computing the "doses per transaction day".

Relief Requested

11. 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.
12. 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); 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession). 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials). 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs); and 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026-0027782 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 27th day of November, 2006.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

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