

In light of the above findings of fact, the Board now INDEFINITELY SUSPENDS the Respondent's license.

Vermont Board of Nursing:

By: Susan O. Farrell
Susan O. Farrell, RN, Chairperson

Date: 3/12/06

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/17/06

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
BOARD OF NURSING**

IN RE:

**ADRIENNE HATHAWAY
License No. 026-0015301**

DOCKET No. NU01-0701

NU75-0403

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Adrienne Hathaway, R.N.:

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. Adrienne Hathaway (the "Respondent") of Burlington, Vermont is a registered nurse holding conditioned license number 026-0015301 issued by the State of Vermont. This license was originally issued on or about September 8, 1977, was conditioned on or about May 20, 2005 and is set to expire on or about May 20, 2008.

3. On or about May 12, 2004 the Respondent was placed on a Stipulation that required her to abstain from alcohol. Attachment A. The Stipulation also required random alcohol testing and required all screens to be negative. Id. By way of information on or about September 23, 2003 the Respondent was summarily suspended based on her use of alcohol.

4. On or about September 16, 2005 the Respondent was administered a random alcohol test using a hand held alcohol testing device. The device registered a 0.059. The Respondent was then offered a confirmatory test. The Respondent refused this offer.

Charges

5. 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);

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

- (ii) 3 V.S.A. § 129a(a)(4) (failing to comply with an order of the Board or violating any term of a condition of a license restricted by the Board);
- (iii) 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause). ("Inability to practice nursing competently" includes failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV, II(B)(1) and (2). "Any cause" includes, but is not limited to, of drugs, narcotics, chemicals or any other type of materials pursuant to ARBN Rule Chapter 4, Rule IV, II(C));
- (iv) 26 V.S.A. § 1582(a)(5) (is habitually intemperate); and
- (v) 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

Relief Requested

WHEREFORE, the license of Adrienne Hathaway should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 1st day of October, 2005.

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

nu.hathaway.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
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**STATE OF VERMONT
BOARD OF NURSING**

In re: Adrienne Hathaway }
License No. 026-0015301 }
 }

Docket No. NU75-0403

**DECISION ON REQUEST FOR
SUMMARY SUSPENSION ORDER**

Appearances:

for Petitioner, State of Vermont:	Edward G. Adrian, prosecuting attorney
for Respondent:	Cortland Corsones, Respondent's counsel
Presiding Officer:	Larry S. Novins, Board counsel

for the Board of Nursing:

Ken Bush
Susan Farrell, Chair
Sandra Norton
Linda Rice
Alan Weiss
De-Ann Welch

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

On 10 October 2005, this matter came before the Board of Nursing on the prosecution's Request for Summary Suspension pursuant to 3 V.S.A. § 814(c). The Respondent appeared through counsel. The Board has authority to summarily suspend a license pending further hearings if it determines that public health, safety, or welfare imperatively requires emergency action.

Findings of Fact:

Based on a Review of the pleadings and the file, and on evidence presented to the Board at the hearing, the Board finds:

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) and the Administrative Rules of the Office of Professional Regulation.

2. The prosecution filed a "Request for Summary Suspension" dated 21 September 2005 alleging that the Respondent's nursing license is conditioned, the conditions require the Respondent to abstain from consuming alcoholic beverages; and on 16 September 2005, the Respondent tested positive for consumption of alcohol after administration of a random alcohol test.

3. The State further alleges that the public health, safety or welfare imperatively requires emergency action, and the state asks this Board to summarily suspend the Respondent's license.
4. The Respondent was provided notice of this matter and her counsel appeared at the hearing.
5. The Board has reviewed evidence presented by the State.
6. The Board finds that the State established the allegations in its "Request for Summary Suspension" (copy attached) to the necessary degree.
7. The Board finds that emergency action is needed to protect the public health, safety and welfare.

Conclusions of Law:

The prosecution's Request for a Summary Suspension is supported by the evidence as required by 3 V.S.A. § 814(c). The Board concludes that the public health, safety and welfare imperatively require emergency action.

Order:

Pursuant to 3 V.S.A. § 814(c), the Board issues the following order which shall remain in effect until further action by the Board.

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

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, RN, Chair

Date: October 17, 2005

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/24/05

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
BOARD OF NURSING

IN RE: ADRIENNE HATHAWAY)
License No. 026-0015301)

DOCKET No. NU01-0701

NU75-0403

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. Adrienne Hathaway (the "Respondent") of Burlington, Vermont is a registered nurse license holding conditioned license number 026-0015301 issued by the State of Vermont. This license was originally issued on or about September 8, 1977, was conditioned on or about May 20, 2005 and is set to expire on or about May 20, 2008.
4. On or about May 12, 2004 the Respondent was placed on a Stipulation that required her to abstain from alcohol. Attachment A. Id. The Stipulation also required random alcohol testing and required all screens to be negative. By way of information on or about September 23, 2003 the Respondent was summarily suspended based on her use of alcohol.
5. On or about September 16, 2005 the Respondent was administered a random alcohol test using a hand held alcohol testing device. The device registered a 0.059. The Respondent was then offered a confirmatory test. The Respondent refused this offer.

STATE OF VERMONT

Request for Relief

6. 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.
7. 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)(4) (failing to comply with an order of the Board or violating any term of a condition of a license restricted by the



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Board) 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 habitually intemperate) ; 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, 2 (failure to conform to the essential standards of acceptable and prevailing nursing practice); Rule Chapter 4, Rule IV, II, C (any cause includes use of drugs, narcotics, chemicals or any other type of materials).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026-0015301 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 27th day of September, 2005.

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian

State Prosecuting Attorney

STATE OF VERMONT



NU100.sum.susp.lit.wpd

Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
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05609-1107

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

IN RE:
Adrienne Hathaway
License No.: 026-0015301

)
)

Docket No.: NU75-0403

STIPULATION AND CONSENT ORDER

Board Authority

1. The Vermont 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(d); 26 V.S.A. §1582(a); the Administrative Rules of the Board of Nursing; and the Rules of the Vermont Office of Professional Regulation.
2. Failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 3 V.S.A. §129a(a)(3).
3. Performance of unsafe or unacceptable patient or client care is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 3 V.S.A. §129a(b)(1).
4. Being unable to practice nursing competently by any reason of cause is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 26 V.S.A. §1582(a)(3).
5. Being habitually intemperate or being addicted to the use of habit-forming drugs is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 26 V.S.A. §1582(a)(5).
6. Having mental, emotional or physical disability, the nature of which interferes with ability to practice nursing competently is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 26 V.S.A. §1582(a)(6).

- 7 Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 26 V.S.A. §1582(a)(7).
8. Failing to conform to the essential standards of acceptable and prevailing practice is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 3 V.S.A. §129a(b)(2); Administrative Rules of Nursing Chapter 4, Rule IV(II)(b)(1).

Statement of Facts

9. Adrienne Hathaway (the "Respondent") of Pittsford, Vermont is a licensed registered nurse holding license number 026-0015301 issued by the State of Vermont. Respondent's license was issued on or about August 24, 1983 and is currently set to expire on March 31, 2005.
10. At all times relevant to these charges, the Respondent was practicing as a registered nurse and worked at the Mountain View Nursing Home (the "Facility") located in Rutland, Vermont. Respondent was terminated from employment on August 15, 2003.
11. On the Respondent's application for her nursing license renewal dated April 4, 2003, to the question "[a]re you currently addicted to, or in any way dependent on the use of alcohol or habit forming drugs" the Respondent answered "yes."
12. On or about March 15, 2003, the Respondent was admitted to the Rutland Regional Medical Center ("RRMC") for alcohol detoxification. The Respondent's blood alcohol level upon admission to the RRMC was a 0.132. Respondent also advised the RRMC that she had been drinking for over thirty years, since the death of her first husband and her third husband and did not know she was a closet alcoholic until one month ago. Respondent was admitted to the hospital with the diagnosis of alcohol dependence, alcohol withdrawal, and generalized anxiety disorder.
13. On or about March 22, 2003 while working at the Facility, the Respondent's thought process was vague and she was physically stumbling during her shift, due to her prescribed drug neurontin. On one occasion the Respondent fell to the floor. The Respondent was taken home by another employee before her shift ended.
14. On or about August 10, 2003, the Respondent was assigned to work the day shift at the Facility. It was observed by several other nurses's assistants working with the Respondent on that date that the Respondent was emotionally depressed; that the Respondent dropped a blood pressure cuff and tympanic

thermometer; and that the Respondent left her shift one hour early because she complained of feeling ill.

15. On or about August 13, 2003, the Respondent was admitted to the RRMC for acute ethanol intoxicification and suicidality. According to RRMC records, the Respondent was brought to the RRMC by the Vermont State Police and at the time of admission, the Respondent's BAC was a 0.335. Her Axis I diagnosis was "alcohol abuse in active withdrawal...Transient suicidality in the context of intoxicification."
16. On or about August 21, 2003, the Respondent was again admitted to the RRMC. The RRMC report noted that at the time of admission, the Respondent had been drinking for two or three days. The Respondent cut herself superficially with a knife and threatened her husband with a knife. The Axis I diagnosis of the Respondent was "alcohol dependence, rule out major depressive disorder verses adjustment disorder with depressed mood."
17. The Respondent has been involved in several alcohol abuse treatment programs including AA, After Care and Quitting Time since at least March 18, 2003.

Charges

18. By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has:
 - a. Committed unprofessional conduct by being habitually intemperate or being addicted to the use of habit-forming drugs in violation of 26 V.S.A. §1582(a)(5);
 - b. Committed unprofessional conduct by having mental, emotional or physical disability, the nature of which interferes with ability to practice nursing competently in violation of 26 V.S.A. §1582(a)(6);
 - c. Committed unprofessional conduct by failing to conform to the essential standards of acceptable and prevailing practice in violation for 3 V.S.A. §129a(b)(2) and Administrative Rules of Nursing Chapter 4, Rule IV(II)(b)(1).

Understandings

19. 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.

20. Respondent has read and reviewed this entire documents and agrees that it contains the entire agreement between the parties.
21. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
22. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
23. Respondent agrees that the State has sufficient evidence for the Board to find that Respondent has engaged in unprofessional conduct and 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. Respondent's actions described above demonstrate grounds for discipline because Respondent violated:
 - i. 26 V.S.A. §1582(a)(5) (Being habitually intemperate or being addicted to the use of habit-forming drugs); and
 - ii. 26 V.S.A. §1582(a)(6) (Having mental, emotional or physical disability, the nature of which interferes with ability to practice nursing competently); and
 - iii. 3 V.S.A. §129a(b)(2) and Administrative Rules of Nursing Chapter 4, Rule IV(II)(b)(2) (Failure to conform to the essential standards of acceptable and prevailing practice)
- B. The Board of Nursing hereby **SUSPENDS THE RESPONDENT'S LICENSE INDEFINITELY**. Before applying for reinstatement, Respondent must obtain (1) an independent evaluation report by a psychologist, mental health counselor, psychiatrist or other licensed professional specializing in alcohol abuse, who must be pre-approved by the Board, verifying the Respondent is capable of returning to competent practice and; (2) treatment with an alcohol abuse counselor pre-approved by the Board and the Respondent must be able to show at a minimum that the Respondent has been completely alcohol free for the entire period between the date of entry of this Stipulation and the request for reinstatement and that the results of the treatment with the alcohol abuse counselor indicate that the Respondent does not present a risk to the safety, health or welfare of her patients. Additionally, **the Respondent may not apply**

for reinstatement for a MINIMUM PERIOD OF THREE (3) MONTHS from the date of entry of this Order.

- C. If Respondent Hathaway seeks reinstatement at a future time, once reinstated, the following conditions will apply:

The Respondent's license shall be **CONDITIONED** for a minimum period of **THREE (3) YEARS** and the following conditions shall apply:

- (1) Re-issue of License.

Upon the imposition 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 Alcohol Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue alcohol 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 alcohol 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 imposition of the conditions 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) Reports from Employers.

Within one (1) month of the date of the imposition of the conditions, and monthly for the following three months, Respondent shall cause every employer Respondent has worked for during this time period to submit to the Board an evaluation of Respondent's work performance and attendance during that time period. 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 write to the Board, on school letterhead, acknowledging receipt of the Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(7) Practice Under Supervision.

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

(8) Participation in Recovery Group.

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

(9) Random Alcohol Testing.

Respondent shall submit to random screening 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 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.

(10) Abstain from Alcohol.

Respondent shall abstain completely from the consumption or possession of alcohol.

(11) Interview with the Board or its Designee.

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

(12) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse. Respondent shall not work for a nurse registry, traveling nurse agency, home health care agency, temporary nursing employment agency or as a personal care provider during the effective period of this Consent Order. If she works in a "float-pool" or "per diem" basis she shall be

so employed at only one facility, and shall not commence similar work at any other facility without Board approval, during the effective period of this Consent Order.

(13) 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 or 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.

(14) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of the imposition of the conditions, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number. Respondent shall provide a copy of this Consent Order to all nursing employers, current and future, and shall inform them of the conditional status of her license.

(15) 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 she has otherwise complied with the requirements for license renewal.

(16) 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.

Costs.

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

(18) 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 terms of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(19) 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. The Respondent must also present proof of successful alcohol 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 she can safely and competently perform the duties of a Registered Nurse.

- D. Notwithstanding any provision above, the Respondent must continue to meet all the Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- E. 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).
- F. 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: May 4, 2004

By: _____

ADRIENNE HATHAWAY
RESPONDENT

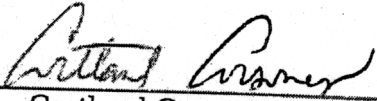
Dated: 4/26/04

By: Adrienne Hathaway

Adrienne Hathaway

APPROVED AS TO FORM
RESPONDENT'S ATTORNEY

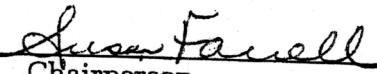
Dated: 4/26/04

By: 
Cortland Corsones

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5.10.04

By: 
Chairperson

Date of Entry: 5/12/04

STATE OF VERMONT
BOARD OF NURSING

In re: Adrienne Hathaway
License No. 26-15301

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Docket No. NU75-0403

SUMMARY SUSPENSION ORDER

On September 22, 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 Adrienne Hathaway'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: Laurie M. Tye
Chair

Dated: 9-22-03

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9/23/03

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

IN RE: ADRIENNE HATHAWAY, RN) DOCKET No. NU75-0403
License No. 026-0015301)

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. Adrienne Hathaway (the "Respondent") of Pittsford, Vermont is a licensed registered nurse holding license number 026-0015301, issued by the State of Vermont. This license was originally issued on or about August 24, 1983, and is set to expire on March 31, 2005.
4. At all relevant times the Respondent was practicing as a registered nurse and worked at the Mountain View Nursing Home (the "Facility") located in Rutland, Vermont. Respondent was terminated from employment on August 15, 2003 for poor nursing performance.
5. On the Respondent's application for her nursing license renewal dated April 4, 2003 to the question "[a]re you currently addicted to, or in any way dependent on the use of alcohol or habit forming drugs" the Respondent answered "yes".
6. On or about March 15, 2003 the Respondent was admitted to the Rutland Regional Medical Center ("RRMC") for alcohol detoxification. At that time, Respondent advised the RRMC that she drinks almost continuously stating that she drank a "box" of wine or a large magnum daily. The Respondent's blood alcohol level upon admission to the RRMC was a 0.132. Respondent also advised the RRMC that she had been an alcoholic for over thirty years.
7. On or about March 22, 2003 while working at the Facility, the Respondent's thought process was vague and she was physically stumbling during her shift. On one occasion the Respondent fell to the floor. The Respondent was taken home by another employee before her shift ended.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

8. On or about August 10, 2003, the Respondent was assigned to work the day shift at the Facility. The following observations were made by several other nurses and nurse's assistants (including Melissa Morris, LNA, Holly Charbonneau, LNA and Lucinda Varga, RN) working with the Respondent on that date:
- a. The Respondent was emotionally unstable and depressed, sometimes crying and at other times acting euphoric;
 - b. The Respondent was unable to maintain her balance, used objects and the wall to steady herself and was staggering;
 - c. The Respondent was dropping medical equipment including a blood pressure cuff, pulse oximeter and tympanic thermometer (the Respondent giggled when she dropped the thermometer, which was uncharacteristic);
 - d. The Respondent's speech was noticeably slurred;
 - e. When treating a resident the Respondent treated the wrong area for a newly opened wound and was then unable to remove the misapplied bandage due to her poor dexterity;
 - f. The Respondent requested assistance in treating a resident because she could not provide the resident with a straight catheter;
 - g. The Respondent appeared to be wearing an uncharacteristically large amount of perfume to cover up a certain odor;
 - h. The Respondent failed to immediately provide a resident who was having trouble breathing with a nebulizer. The resident went without the nebulizer for over on-half an hour and later required transport to the hospital. When confronted, the Respondent could not recall being asked to attend to the resident's needs;
 - i. The Respondent appeared to be unable to understand a proposed treatment for a resident;
 - j. The Respondent left her shift early because she complained of feeling ill.

9. On or about August 13, 2003, the Respondent was admitted to the RRMC for acute ethanol intoxication and suicidality. The Respondent was brought to the RRMC by the Vermont State Police. At the time of admission, the Respondent's BAC was a 0.335. Her Axis I diagnosis was "alcohol abuse in active withdrawal . . . Transient suicidality in the context of intoxication.

10. On or about August 21, 2003, the Respondent was again admitted to the RRMC. The RRMC report noted that at the time of admission the Respondent had been drinking for two or three days. The Respondent cut herself superficially with a knife and threatened her husband with a knife. The Axis I diagnosis of the Respondent was "alcohol dependence, rule out major depressive disorder verses adjustment disorder with

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depressed mood.

11. The Respondent has been involved in several alcohol abuse treatment programs including AA, After Care and Quitting Time since at least March 18, 2003.
12. On information and belief, since her discharge from the RRMCC on August 26, 2003, the Respondent has been enrolled in a 28 day residential alcohol treatment program called Serenity House.

Request for Relief

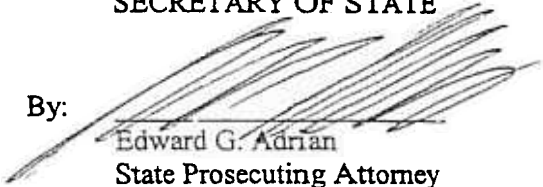
13. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.
14. The above facts and circumstances, alone or in combination, violate: 3 V.S.A. § 129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); 3 V.S.A. §§ 129a(b)(1)(failure to practice competently by any reason of any cause on a single occasion or on multiple occasions . . . performance of unsafe or unacceptable patient care); 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 habitually intemperate); 26 V.S.A. § 1582(a)(6)(has a mental, emotional or physical disability, the nature of which interferes with ability to practice nursing competently); 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).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026-0015301 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 16th day of September, 2003.

STATE OF VERMONT
SECRETARY OF STATE

By:


Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



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Office of
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