

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

IN RE:

COLLEEN HERRITY, R.N.
License No. 026-0012177

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Docket No: NU 25-0193

STIPULATION AND CONSENT ORDER

The Respondent, Colleen Herrity, RN, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

Board Authority

- A. 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(d); 26 V.S.A. §1582(a).
- B. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

- C. The Respondent is a Registered Nurse under License Number 026-0012177.
- D. Respondent was originally licensed on September 8, 1977 and Respondent's license lapsed as of March 31, 1997.
- E. By way of history, Respondent has been disciplined and/or limited by this Board as follows:
 - (1) On or about March 13, 1989, Respondent admitted through a Stipulation and Consent Order she had diverted drugs for personal use while employed as a Registered Nurse, and, that she was addicted to the use of habit forming drugs and alcohol. Respondent's license was conditioned.
 - (2) On or about April 23, 1991, Respondent successfully completed the terms of the Stipulation and Consent Order and the restrictions on Respondent's license were removed by this Board.

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109 State Street
Montpelier, VT
05609

- (3) On or about September 12, 1994, Respondent admitted through a Stipulation and Consent Order she was intoxicated while working as a Registered Nurse on December 31, 1992 and as such she admitted that she was unable to practice due to the use of drugs and/or other materials, and, that she was habitually intemperate. Respondent's license was conditioned.
- (4) On or about July 10, 1995, Respondent admitted that she had violated the conditions imposed on her because she diverted drugs for personal use, was addicted to habit-forming drugs, was intemperate in her use of alcohol, and, had a physical, mental or emotional disability that interfered with her ability to practice nursing competently. Respondent's license was suspended.
- F. On or about February 8, 1996, Respondent plead nolo contendere to the following misdemeanor crimes:
 - (1) DWI #1 Refusal (23 V.S.A. §1201); and
 - (2) Two (2) counts of simple assault (13 V.S.A. §1023).
- G. The above conviction(s) demonstrate Respondent's addiction(s) and/or intemperance, therefore, on or about February 12, 2002 the Board issued a conditional permit so the Respondent could complete the clinical portion of the re-entry program.
- H. Respondent has completed the clinical portion of the re-entry program.
- I. Upon information and belief, to date, Respondent has maintained her sobriety.

Charges

- J. Due to Respondent's pattern of addiction and/or intemperance and continued need for treatment, Respondent is or has:
 - (1) addicted to habit-forming drugs and/or intemperate in her use of drugs in violation of 26 V.S.A. §1582(a)(5); and,
 - (2) a physical, mental or emotional disability that interferes with her ability to practice nursing competently in violation of 26 V.S.A. §1582(a)(6).

Understandings

- K. 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.
- L. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

- M. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- N. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- O. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- P. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

Q. Based on the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent has:
 - (a) shown she is addicted to habit-forming drugs and/or intemperate in her use of drugs in violation of 26 V.S.A. §1582(a)(5); and,
 - (b) shown a physical, mental or emotional disability that interferes with her ability to practice nursing competently in violation of 26 V.S.A. §1582(a)(6).

R. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** as follows:

S. The Conditions established under the prior Order remain necessary.

T. The Conditions from the date of entry of this Order, are as follows:

Conditions

Based on the above Findings and Conclusions of this Board, it is **ORDERED** that **CONDITIONS** shall be imposed on any license to practice nursing issued to Respondent:

- (1) Length of Time Conditions Imposed.

The conditions shall remain until the Respondent has completed at least three (3) years, or one hundred and fifty (150) weeks, of supervised nursing practice

during which he works as a nurse at least forty (40) hours every two (2) weeks from the date of entry of this order.

(2) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the 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 treatment plan approved by the Board and/or the Board's designee and the treating professional.

(3) Substance Abuse Therapy and 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.

(4) 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 and shall be accompanied by a cover letter on the treating professional's letterhead. The first

report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(5) Participation in Support Group.

Respondent shall participate, at least weekly, or as recommended by her treating professional, in Alcoholics Anonymous or a similar support group.

(6) Random Alcohol/Drug Testing.

Respondent shall submit to random alcohol and drug screening at the request of the Board. Respondent shall ensure that her treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or its designee. All testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph 8 Drug Use Exception.)

(7) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph 8 for the period of time described in paragraph 1.

(8) Drug Use Exception.

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.

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. 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.

(9) Interview with the Board or its designee.

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

(10) Re-issue of Permit.

Upon the imposition of these conditions, Respondent shall be issued a permit labeled "conditioned".

(11) 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.

(12) 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 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 employers, current and future, and shall inform them of the conditional status of her permit.

(13) Notification to Employers.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional permit status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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.

(14) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's 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, she shall provide a copy of the Consent Order to the Program Director. 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.

Respondent shall sign a consent, upon request of the Board, to authorize her employer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(15) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing. "On-site supervision" means actual presence in the building and should not be construed to include "on-call" supervision.

(15.5) Administration of medications.

A. The Respondent is prohibited from administering any medications at all for a minimum period of three (3) months from the date of entry of this order. Thereafter, Respondent may petition the Board, as explained below, to administer non-narcotic medications under direct supervision. Thereafter, the Respondent may petition the board to administer narcotic medication under direct supervision.

- (1) This condition may be removed only by the Respondent filing a petition with the Board after she has worked as nurse for twelve (12) weeks or at least 40 hours work every two weeks (or the part time equivalent) after the entry date of this Order.
- (2) In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer such medications.
- (3) 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 in determines are appropriate.

(16) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(18) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(19) Costs.

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

(20) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional permit and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional permit period shall not be extended until the matter is final.

- U. Failure to comply with this order shall be grounds for further disciplinary action.
- V. 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).
- W. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in separate future disciplinary matters.

AGREED TO:

BY: COLLEEN HERRITY
RESPONDENT

Date: 05/03/03

Colleen E. Herrity
Colleen Herrity

AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Date: 5/6/03

George C. Haegele IV
George C. Haegele IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 5-12-03

Susan Farrell
Chairperson

Dated entered: 5/13/03

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

IN RE:

COLLEEN HERRITY, R.N.

License No. 026-0012177

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Docket No: NU 25-0193

STIPULATION AND CONSENT ORDER

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Board Authority

- A. 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(d); 26 V.S.A. §1582(a).
- B. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

- C. The Respondent is a Registered Nurse under License Number 026-0012177.
- D. Respondent was originally licensed on September 8, 1977 and Respondent's license lapsed as of March 31, 1997.
- E. By way of history, Respondent has been disciplined and/or limited by this Board as follows:
 - (1) On or about March 13, 1989, Respondent admitted through a Stipulation and Consent Order she had diverted drugs for personal use while employed as a Registered Nurse, and, that she was addicted to the use of habit forming drugs and alcohol. Respondent's license was conditioned.
 - (2) On or about April 23, 1991, Respondent successfully completed the terms of the Stipulation and Consent Order and the restrictions on Respondent's license were removed by this Board.

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- (3) On or about September 12, 1994, Respondent admitted through a Stipulation and Consent Order she was intoxicated while working as a Registered Nurse on December 31, 1992 and as such she admitted that she was unable to practice due to the use of drugs and/or other materials, and, that she was habitually intemperate. Respondent's license was conditioned.
 - (4) On or about July 10, 1995, Respondent admitted that she had violated the conditions imposed on her because she diverted drugs for personal use, was addicted to habit-forming drugs, was intemperate in her use of alcohol, and, had a physical, mental or emotional disability that interfered with her ability to practice nursing competently. Respondent's license was suspended.
- F. On or about February 8, 1996, Respondent plead nolo contendere to the following misdemeanor crimes:
- (1) DWI #1 Refusal (23 V.S.A. §1201); and
 - (2) Two (2) counts of simple assault (13 V.S.A. §1023).
- G. The above conviction(s) demonstrate Respondent's addiction(s) and/or intemperance.
- H. Respondent has entered into counseling on her own and is progressing satisfactorily with her recovery.

Charges

- I. By failing to practice nursing under her Vermont nursing license for the prior period exceeding five (5) years, the Respondent is not eligible for licensure without completing a re-entry program. Additionally, due to Respondent's pattern of addiction and/or intemperance, Respondent is or has:
- (1) addicted to habit-forming drugs and/or intemperate in her use of drugs in violation of 26 V.S.A. §1582(a)(5); and,
 - (2) a physical, mental or emotional disability that interferes with her ability to practice nursing competently in violation of 26 V.S.A. §1582(a)(6).

Understandings

- J. 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.
- K. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

- L. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- M. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- N. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- O. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

P. Based on the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent has:
 - (a) shown she is addicted to habit-forming drugs and/or intemperate in her use of drugs in violation of 26 V.S.A. §1582(a)(5); and,
 - (b) shown a physical, mental or emotional disability that interferes with her ability to practice nursing competently in violation of 26 V.S.A. §1582(a)(6).

Q. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** as follows:

Since the Respondent does not meet the requirements for renewal per 26 V.S.A. §1579, Respondent, upon proof of :

- 1. successful completion of the theory portion of the re-entry program; and
- 2. sufficient evidence that the Respondent can demonstrate, to the satisfaction of the Board, that:
 - (a) The Respondent poses no danger to the public or the practice of nursing, can show specific rehabilitation, good moral character and fitness, methods of assuring public safety, that reinstatement would not be detrimental to the integrity of the profession or subversive of the public interest, and she will safely and competently perform the duties of a registered nurse.

will be granted a **CONDITIONED PERMIT**. Respondent shall complete the clinical portion of the re-entry program, approved by the Board or it's designee, within ninety (90) days of receiving the permit. The conditions on Respondent's permit will be as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place for a period of ninety (90) days from the date of receiving the permit.

(2) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the 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 treatment plan approved by the Board and/or the Board's designee and the treating professional.

(3) Substance Abuse Therapy and 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.

(4) 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 and shall be accompanied by a cover letter on the treating professional's letterhead. The first

report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(5) Participation in Support Group.

Respondent shall participate, at least weekly, or as recommended by her treating professional, in Alcoholics Anonymous or a similar support group.

(6) Random Alcohol/Drug Testing.

Respondent shall submit to random alcohol and drug screening at the request of the Board. Respondent shall ensure that her treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or its designee. All testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph 8 Drug Use Exception.)

(7) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph 8 for the period of time described in paragraph 1.

(8) Drug Use Exception.

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.

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. 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.

(9) Interview with the Board or its designee.

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

(10) Re-issue of Permit.

Upon the imposition of these conditions, Respondent shall be issued a permit labeled "conditioned".

(11) 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.

(12) 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 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 employers, current and future, and shall inform them of the conditional status of her permit.

(13) Notification to Employers.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional permit status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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.

(14) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's 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, she shall provide a copy of the Consent Order to the Program Director. 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.

Respondent shall sign a consent, upon request of the Board, to authorize her employer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(15) Practice Under Supervision.

Respondent shall practice only in a setting where she has direct supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing. Additionally, Respondent shall not administer any medications without direct supervision.

(16) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(18) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any

revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(19) Costs.

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

(20) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional permit and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional permit period shall not be extended until the matter is final.

(22) Completion of Conditional Permit Period.

Upon completion of the conditional permit period, Respondent may apply for licensure if otherwise qualified and competent. Respondent understands her license, if granted, will have similar conditions imposed upon it.

R. Failure to comply with this order shall be grounds for further disciplinary action.

S. 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).

T. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in separate future disciplinary matters.

AGREED TO:

BY: COLLEEN HERRITY
RESPONDENT

Date: 1/11/02

Colleen E. Herrity
Colleen Herrity

AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Date: 1/15/02

George C. Haegle IV
George C. Haegle IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: Feb. 11, 2002

Susan Farrell
Chairperson

Dated entered: 2/12/02