

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

IN RE:
JENNIFER HILTON
License No. 026-0025199

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Docket No: NU23-0901

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the Respondent, Jennifer Hilton, and the State of Vermont, by its Attorney General, William H. Sorrell, and stipulate to the following:

Board Authority

- 1) The Board has authority to adopt consent orders approving a settlement which has been agreed to and submitted by a respondent and the investigating committee. 3 V.S.A. §129(a)(3).
- 2) Being addicted to the use of habit-forming drugs is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(5).
- 3) Use of drugs, narcotics, chemicals or other materials is conduct showing that the Respondent is unable to practice nursing competently ^{adulterated and considered} ~~is~~ unprofessional conduct upon which the Board can base disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).

Facts

- 4) The Respondent is a Registered Nurse under License Number 026 – 0025199.
- 5) Respondent was originally licensed on October 19, 1999 and Respondent's license has a current expiration date of March 31, 2003.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

- 6) At all times relevant to these charges, the Respondent was employed through the United States Navy, Naval Hospital Camp Pendleton in California. (CSH)
- 7) Respondent admits the following: (JH 9 Jul 02) (CSH)
May 2001
a) Around ~~January and February 2001~~, Respondent diverted for personal and unauthorized use Vicodin and Percocet from patients; and
b) Respondent became addicted to the above medications when she was legally prescribed the medications.
- 8) Respondent has successfully completed an intensive outpatient rehabilitation program.
- 9) Respondent has been participating in rehabilitation treatment since June 2001.

Understandings

- 10) The Respondent understands that the Nursing Board 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.
- 11) The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 12) The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- 13) The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- 14) The Respondent is voluntarily waiving her right to a contested hearing before the Board.

- 15) The Respondent agrees that the Order set forth immediately below may be entered by the Board.
- 16) The Respondent understands that this entire document is a public record and that it may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- 17) The Respondent understands that this Stipulation and Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

ORDER

Findings and Conclusions

Based on the above stipulation it is **ADJUDGED** as follows:

- A. The "Facts" listed above are taken as true; and
- B. Respondent has committed unprofessional conduct in violation of Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3); 26 V.S.A. §1582(a)(5).

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. The conditions are as follows:

- C. Length of Conditions: 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 she works as a nurse at least forty (40) hours every two (2) weeks from the date of entry of this order:

- D. License to be labeled "Conditioned" Any license issued to the Respondent by this board shall be labeled "Conditioned".
- E. Completion of Counseling and Treatment Plan. Respondent shall enter into and continue counseling with the treating professional approved by the Board until the Board and treating professional agree that such counseling is no longer necessary. Respondent shall submit to the Board a treatment plan and relapse prevention plan within 14 days of the entry of this order. Respondent shall comply with the treatment plan approved by the Board. The treatment plan must include those recommendations per the independent evaluation unless the Board finds them not necessary.

If the Board (1) does not approve the treating professional presented to the Board for approval or (2) does not approve the treatment plan presented to the Board for review and approval, Respondent must submit another treating professional and/or treatment plan for the Board's approval prior to the next regularly scheduled monthly meeting of the Board. If Respondent fails to comply with this paragraph or the Board should again reject the proposed treating professional or treatment plan, Respondent shall be deemed to have violated this Consent Order.

- F. 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.

- G. 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 professional 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 his 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.

- H. Drug Use Exception. Respondent shall not take any scheduled substances unless necessary. Respondent may take scheduled 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 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 medications if the term potentially exceeds 14 days. This includes medications to be administered as necessary or *PRN*. It is not anticipated that Respondent would be prescribed scheduled medication, during the term of this Consent Order, for an extended period of time, which includes any period greater than 14 days. If Respondent is prescribed medications for an extended period of time then such conduct creates a prima facie case the Respondent has violated these conditions as listed and Respondent shall have the burden of showing she is currently fit and safe to practice under the medications as prescribed.

Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

- I. Participation in Substance Abuse Support Group The Respondent shall participate in one or more substance abuse support group programs such as Alcoholics Anonymous, Narcotics Anonymous, or other program approved by the Board, at least three times weekly unless less frequent participation is recommended by a treating professional familiar with the Respondent's history and that recommendation is accepted by the Board or its designee.
- J. Random Alcohol and Drug Testing The Respondent shall submit to random alcohol and drug screening at the request of the Board or its designee. The

Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug screens. All testing shall be done on a unannounced basis and shall be analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting.

The frequency of the random tests is as follows: tests shall be on a monthly basis. If Respondent fails a single test the above frequency shall be restarted.

K. Administration of Medications. The Respondent is prohibited from administering any controlled substances.

- (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) In any such petition, the Respondent must include appropriate support from her treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.
- (4) 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.

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

M. Employment and Personal Information Within five (5) days of the date of entry
of this Order, and within forty-eight (48) hours of obtaining employment as a
nurse or of any change in employers, the Respondent shall notify the Board, in
writing, of her current place of nursing employment, personal address, and
telephone number.

N. Employers and Nursing Schools Regarding any employer who employs the
Respondent as a nurse and any Nursing School that the Respondent is
attending or may in the future attend:

(1) Within ten (10) days of the date of entry of this Order and prior to any
future employment or attendance at a Nursing School, the Respondent
shall provide the employer or the School's Program Director with a copy of
this Order and shall inform them of her conditional license status.

(2) Within ten (10) days of the date of entry of this Stipulation and Order and
prior to any future employment or attendance at a Nursing School, the
Respondent shall take all reasonable steps to ensure that her immediate

employment supervisor, and, if applicable, the Program Director of a Nursing School, write to the Board, on appropriate letterhead, acknowledging receipt of the Stipulation and Order and indicating a willingness to comply with the conditions in paragraphs (3) and (4) below.

- (3) The Respondent shall authorize, and shall take all reasonable steps to ensure that, the each employer of the Respondent as a nurse and any Nursing School that the Respondent attended to submit to the Board monthly reports, submitted by the end of the subsequent month on forms available from the Board, regarding the Respondent's performance, attendance, and the existence of any indications of drug use during the previous month. In the event that the Respondent is not employed as a nurse or is not attending a nursing school during any month or portion thereof, the Respondent shall submit to the Board, in writing, a self-report describing other employment, activities, and drug use during that period.
- (4) The Respondent authorize, and shall take all reasonable steps to ensure that, each employer and, if applicable, the Program Director at a nursing school, responds to all requests of the Board, or its designee, to discuss and document the Respondent's performance, attendance, the existence of any indications of drug use and, in general, the Respondent's compliance with this Order.

- (1) The Respondent shall practice only in a setting where she has direct supervision for the entire shift by a registered nurse in good standing.
- (2) The Respondent shall not work as a Charge Nurse.
- (3) The Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider.
- (4) The Respondent shall not work the night shift.

P. 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 he has otherwise complied with the requirements for license renewal.

Q. 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 or its designee, 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 and to the Attorney General's Office. Any revocation by The Respondent of such a consent to disclosure during the term of this Order shall be considered a violation of this Order.

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

- S. Violation of this Order If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended the unprofessional conduct matter is concluded.
- T. 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 fully complied with the terms of this Order. The Respondent must also present proof of successful substance 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.
- U. Notwithstanding any provision above, The Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- V. This Stipulation and 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 Order will remain part of the Respondent's licensing file and may be used in determining sanctions in any future disciplinary matter.

AGREED TO:

Date: 9 Jul 02

BY: JENNIFER HILTON
THE RESPONDENT

Jennifer Hilton
Jennifer Hilton

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

Date: 29th July 2002

George C. Haegel IV
George C. Haegel IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

Date: 8/12/02

BOARD OF NURSING
Laurence Kingibeau, LPN
Chairperson

Dated entered: 8/13/02