

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Barbara Hohn

License Nos: 25-06363 & 26-20650

)
)
)
)
)

Docket No. NU34-0197

STIPULATION AND MODIFICATION OF CONSENT ORDER

NOW COME the State of Vermont, through its Attorney General, and Respondent Barbara Hohn, who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to modify and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent Barbara Hohn, of Fair Haven, Vermont is a licensed registered nurse holding license number 026-20650 and a license practical nurse holding license number 25-06363 issued by the State of Vermont.
3. The Board of Nursing approved a Stipulation and Consent Order in this matter on February 12, 1997, suspending Respondent's license. On or about August 27, 1997, Respondent petitioned the Board to lift the suspension. By Order dated 2/9/98 the Stipulation and Consent Order of February 12, 1997 was modified and Respondent was placed on a conditional license. Respondent now petitions for modification of the February 9, 1998 Order.
4. The parties have reached an agreement on a modification of the February 9, 1998 Order. This Stipulation and Modification of Consent Order is submitted to the Board for approval.

5. Respondent understands that the Nursing Board must review and accept the terms of the Modification of Consent Order. If the Board rejects any portion, the entire Stipulation and Modification of Consent Order shall be null and void.
6. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
7. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
8. At the time this Stipulation and Modification of Consent Order is approved by the Board, Respondent agrees that she shall have submitted to the Board for approval the name, address, and professional qualifications of a substance abuse counselor from whom Respondent intends to obtain counseling.
9. At the time this Stipulation and Modification of Consent Order is approved by the Board, Respondent agrees that she shall have submitted to the Board for review and approval a copy of a treatment plan developed by Respondent's substance abuse counselor.
10. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Modification of Consent Order.
11. 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 Modification of Consent Order.
12. Respondent voluntarily waives her right to a hearing on the request to lift the suspension.

13. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

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

A. The February 9, 1998 Order is modified. Respondent's license is **CONDITIONED for a minimum period of THREE YEARS** commencing with the date this order is entered by the Vermont Board of Nursing. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed three (3) years of supervised nursing practice in which Respondent works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time Respondent works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date Respondent returns to work as a nurse, whichever is later. In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from Respondent's treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer nonnarcotic medications under supervision while the prohibition on administering narcotic medications remains in place; and (2) full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision.

(3) Participation in support group.

Respondent shall participate, at least three times weekly, or as recommended by the treating professional, in a twelve step program or other support group, such as Alcoholics Anonymous or Narcotics Anonymous.

(4) Random Drug Testing.

Respondent has not practiced her profession since the imposition of these conditions in 1998. She has been subjected to random screens during that time and has had all screens returned negative indicating commendable abstention. The need for these tests does not exist while Respondent remains out of nursing and therefore these tests will only be triggered should she return to that profession and practices. The necessity for random screening will be in hiatus during her absence from active practice in the profession. Respondent shall be subject to this testing upon her return to employment in the field of nursing as noted below:

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or

its designee. All screens shall be negative except for drugs prescribed under the care of a physician, dentist, or nurse practitioner. (See paragraph C.(10), Drug Use Exception).

Results of these drug screens shall be made available to Respondent's treating professional.

(3) 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 C.(10).

(4) Drug Use Exception.

Respondent may take 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 chemical dependency 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 need for prescribed medications. 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.

(5) Interview with the Board or its designee.

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

(6) Re-issue of License.

Respondent's licenses to practice nursing shall be labeled "conditioned."

(7) 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.

(8) 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.

(9) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license 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 this Consent Order and the ability to comply with the conditions in the Consent Order. In

the event Respondent is attending a nursing program, Respondent 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.

(10) Reports from Employers/Nursing School

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 and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

Respondent shall authorize her employer and her nursing school administrator 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.

(11) 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.

(12) Prohibited Duties.

Respondent shall not work as a Charge Nurse nor in any supervisory capacity.

(13) Types of Employment Prohibited.

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

(14) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(15) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(16) 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.

(17) Costs.

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

(18) 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 license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(19) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(20) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse

rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and can safely and competently perform the duties of a licensed nurse. Such proof shall include appropriate support from treating professionals, all employers or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, full compliance with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

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)(7).

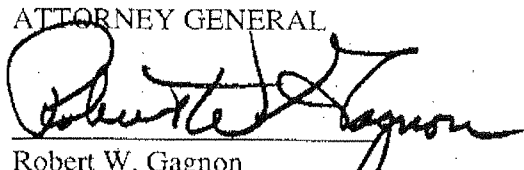
D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

8-1-00
Dated: ~~December 17, 1997~~

by:


Robert W. Gagnon
Senior Assistant Attorney General

BARBARA HOHN
RESPONDENT

Dated: 7/29/00

by:

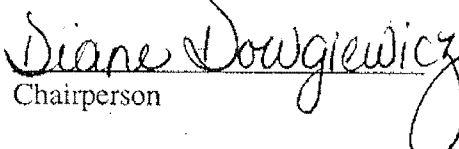

Barbara Hohn

APPROVED AND SO ORDERED:

Dated: 8/14/00

VERMONT BOARD OF NURSING

by:


Chairperson

Date of entry: 8-17-00

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:	)	
	)	
Barbara Hohn	)	Docket No. NU34-0197
<u>License Nos: 25-06363 & 26-20650</u>	)	

STIPULATION AND MODIFICATION OF CONSENT ORDER

NOW COME the State of Vermont, through its Attorney General, and Respondent Barbara Hohn, who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to modify and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent Barbara Hohn, of Fair Haven, Vermont is a licensed registered nurse holding license number 026-20650 and a license practical nurse holding license number 25-06363 issued by the State of Vermont.
3. The Board of Nursing approved a Stipulation and Consent Order in this matter on February 12, 1997, suspending Respondent's license. The Stipulation and Consent Order (hereinafter February Order) is attached and incorporated by reference.
4. On or about August 27, 1997, Respondent petitioned the Board to lift the suspension now in place on her license.
5. The State is not opposed to lifting the suspension as long as certain conditions are met.
6. The parties have reached an agreement on a modification of the February Order which lifts the suspension and also imposes the conditions sought by the State. This Stipulation and Modification of Consent Order is submitted to the Board for approval.

7. Respondent understands that the Nursing Board must review and accept the terms of the Modification of Consent Order. If the Board rejects any portion, the entire Stipulation and Modification of Consent Order shall be null and void.
8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
10. At the time this Stipulation and Modification of Consent Order is approved by the Board, Respondent agrees that she shall have submitted to the Board for approval the name, address, and professional qualifications of a substance abuse counselor from whom Respondent intends to obtain counseling.
11. At the time this Stipulation and Modification of Consent Order is approved by the Board, Respondent agrees that she shall have submitted to the Board for review and approval a copy of a treatment plan developed by Respondent's substance abuse counselor.
12. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Modification of Consent Order.
13. 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 Modification of Consent Order.
14. Respondent voluntarily waives her right to a hearing on the request to lift the suspension.

15. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

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

A. The February Order is modified. The suspension placed on Respondent's license by the February Order is lifted and Respondent's license is **CONDITIONED for a minimum period of THREE YEARS** commencing with the date this order is entered by the Vermont Board of Nursing. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed three (3) years of supervised nursing practice in which Respondent works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time Respondent works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date Respondent returns to work as a nurse, whichever is later. In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and

competently administer medications. Such proof shall include appropriate support from Respondent's treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer nonnarcotic medications under supervision while the prohibition on administering narcotic medications remains in place; and (2) full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board of all changes of treating professionals. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board as indicated in paragraph 10 above. This treatment shall continue until the treating professional certifies that such counseling is no longer necessary. Respondent shall comply with the substance abuse treatment plan approved by the Board as indicated in paragraph 11 above.

(5) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Consent Order to the

approved treating professional and cause the treating professional to inform the Board, in writing and on professional letterhead, of receipt of the 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.

(6) Reports from Treating Professionals.

Respondent shall authorize and cause the substance abuse 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 the substance abuse 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.

(7) Participation in support group.

Respondent shall participate, at least three times weekly, or as recommended by the treating professional, in a twelve step program or other support group, such as Alcoholics Anonymous or Narcotics Anonymous.

(8) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or

employer or both shall administer random alcohol or drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed under the care of a physician, dentist, or nurse practitioner. (See paragraph C.(10), Drug Use Exception).

Results of these drug screens shall be made available to Respondent's treating professional.

(9) 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 C.(10).

(10) Drug Use Exception.

Respondent may take 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 chemical dependency 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 need for prescribed medications. 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.

(11) Interview with the Board or its designee.

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

(12) Re-issue of License.

Respondent's licenses to practice nursing shall be labeled "conditioned."

(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 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.

(14) 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.

(15) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license 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 this Consent Order and the ability to comply with the conditions in the Consent Order. In the event Respondent is attending a nursing program, Respondent 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.

(16) Reports from Employers/Nursing School

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 and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

Respondent shall authorize her employer and her nursing school administrator 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.

(17) 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.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse nor in any supervisory capacity.

(19) Types of Employment Prohibited.

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

(20) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(21) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(22) 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.

(23) Costs.

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

(24) 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 license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(25) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board

for reevaluation of the conditions of this Consent Order.

(26) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and can safely and competently perform the duties of a licensed nurse. Such proof shall include appropriate support from treating professionals, all employers or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, full compliance with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

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)(7).

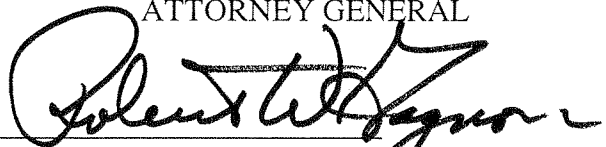
D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: December 17, 1997

by:


Robert W. Gagnon
Senior Assistant Attorney General

BARBARA HOHN
RESPONDENT

Dated: 1/7/97

by: Barbara L. Hohn
Barbara Hohn

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/9/98

by: Brenda B. Smith
Chairperson

Date of entry: 2-10-98

STATE OF VERMONT
BOARD OF NURSING

IN RE:	)	
Barbara Hohn	)	Docket No: NU34-0197
License Number 25-0006363	)	
26-0020650	)	

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, through Attorney General J. Wallace Malley, and Respondent, Barbara Hohn and stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a registered nurse licensed by the State of Vermont holding license number 25-0006363 & 26-0020650.
3. The Respondent works as a staff nurse at the Rutland Regional Medical Center, Rutland, Vermont.
4. Respondent admits she has diverted controlled drugs from the medication room for her own use, specifically Darvocet. This occurred during July of 1996.
5. Respondent also works for Dr. Daniel Foley and dr. Beerworth.
6. Respondent admits she called in prescriptions for her own use, naming either Dr. foley or Dr. Beerworth as the

prescriber on those occasions.

7. Respondent admits she has abused regulated and prescription drugs. Respondent also admits to a problem with alcohol.

8. The above described acts constitute unprofessional conduct under 26 V.S.A. §1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs).

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

A. Respondent's license is SUSPENDED for a period of six(6) months. The term of six months shall be measured from the date of filing this Stipulation and Consent Order.

1. Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall obtain a substance abuse assessment and develop a treatment plan with a Board approved treating professional. Respondent shall provide the Board with a copy of the treatment plan which must be reviewed and approved by the Board. (This approval may be delegated to the Investigative-Team). 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 ability to comply with the conditions related to treatment and with all other terms of this Stipulation and Consent Order. By signing this Stipulation and Consent Order, Respondent waives any therapist/patient

privilege for purposes of obtaining information from her treating professional.

2. 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 Stipulation and 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 Stipulation and Consent Order and every month thereafter.

3. Participation in Support Group

Respondent shall participate in one or more substance abuse support group programs (such as Alcoholics Anonymous, Narcotics Anonymous, a recovering professionals program, or other program) approved by the Board or the Respondent's treating professional, at least three times weekly, or as recommended by her treating professional.

4. Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent's treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed for her under the care of a physician or nurse practitioner. (See

Section 6 Drug Use Exception).

5. 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 section 6.

6. Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician or nurse practitioner whose identity shall be made known to the Board by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board 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 need for prescribed medications. 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. By signing this Stipulation and Consent Order, Respondent waives any practitioner/patient privilege for purposes of obtaining information pursuant to this paragraph.

7. Interview with the Board or its designee.

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

8. Release of Information Forms.

Respondent shall immediately execute all release of information forms as may be required by the Board or its designee.

9. Costs.

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

10. Violation of the Stipulation and Consent Order.

If Respondent violates the terms of this Stipulation and Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke suspend or take other disciplinary action. If a complaint or charges are filed against Respondent during the term of this Stipulation and Consent Order, the suspension shall stay in effect until resolution of the subsequent complaint and charge.

12. At the conclusion of this period of suspension, the respondent may petition the Board for reinstatement or a conditional license. Respondent agrees that she must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Board that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Furthermore, Respondent shall demonstrate, to the Board's

satisfaction, that she fully complied with all the terms of this Stipulation and Consent Order.

Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

B. By signing this Stipulation and Consent Agreement, Respondent agrees to allow the Nursing Board, or its designee, to obtain information, either orally or in writing, from her treating professional, employer or nursing school administrator at any time during the period this Stipulation and Consent Order is in effect.

C. Respondent waives her right to formal charges and a hearing before the Board.

D. The final disposition of the complaint against Respondent is public and the Board may notify other states of its disposition as provided in 3 V.S.A. §129(a)(7).

E. Respondent understands that this Stipulation and Consent Order will remain part of her licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

F. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.

G. Respondent has read and reviewed this document fully and

agrees that it contains the entire agreement between the parties.

H. 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.

I. At the time Respondent signs this Stipulation and Consent Order Respondent is not under the influence of drugs or alcohol.

J. This consent order is entered into voluntarily by Respondent after the opportunity to consult with legal counsel. Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.

STATE OF VERMONT

J. WALLACE MALLEY
ATTORNEY GENERAL

Dated: 2/10/97

by: Robert W. Gagnon

Robert W. Gagnon
Senior Assistant
Attorney General

RESPONDENT
BARBARA HOHN

Dated: 2/10/97

by: Barbara Hohn

Barbara Hohn

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/10/97

by: Glenda B. Smith
Chairperson

Date Filed: 2-12-97