

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

IN RE:

**BETTY ANN HURLBURT, RN
License No. 026-0014652**

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Docket No: NU 24-0901

STIPULATION AND CONSENT ORDER

The Respondent, Betty Ann Hurlburt, 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

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 129a, and 26 V.S.A. §§1574 and 1582.
2. 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).
3. The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
4. Fraudulent or deceptive procurement or use of a license is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(1).

Facts

RN

5. Respondent Betty Ann Hurlburt of Essex Junction, Vermont, is a licensed practical nurse holding license number 026-0014652 issued by the State of Vermont. Respondent was originally licensed on March 22, 1982 and Respondent's license is active until March 31, 2003.
6. By way of history, Respondent's license was Conditioned for a period of two years based upon two incidents of Respondent reporting for work while

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109 State Street
Montpelier, VT
05609

intoxicated. Stipulation and Consent Order entered April 20, 1992 (the "1992 Order")(attached and incorporated)

7. The Respondent worked at Fletcher Allen Health Care at all times relevant.
8. On or about August 30, 2001, the Respondent arrived at work under the influence of alcohol.
9. Several coworkers smelled alcohol on Respondent's breath.
10. On or about August 30, 2001, Respondent was observed at work exhibiting the following behaviors:
 - a swaying and unsteady gait;
 - b slurring speech ;
 - c red eyes.
11. Respondent, following the above incident and subsequent confrontation by her Nurse Manager, went on administrative leave and entered into a Return to Work Agreement.
12. Respondent, however, did not return to work for several days.
13. On or about June 26, 2000, Respondent plead guilty and was convicted of Driving While Intoxicated.
14. The conviction above is not a minor traffic offense.
15. Respondent filed her renewal application with the Board of Nursing on or about February 31, 2001, and failed to disclose that she had been convicted of a crime other than a minor traffic violation.

Claims

- A. 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).
- B. The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
- C. Fraudulent or deceptive procurement or use of a license is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(1).

Understandings

- D. Respondent admits the facts above and the conclusions of unprofessional conduct as set forth below in the Board's Order.
- E. 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.
- F. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- G. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
- H. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- I. 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.
- J. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
- K. Respondent agrees that the Board may set forth the order below.

ORDER

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

L. By engaging in the conduct above, Respondent acted unprofessionally pursuant to, and in violation of:

- a) 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession)
- b) Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3) (The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently); and
- c) 3 V.S.A. §129a(a)(1) (Fraudulent or deceptive procurement or use of a license).

M. The Nursing Board **SUSPENDS** the Respondent's license **FOR A MINIMUM**

PERIOD OF THREE (3) MONTHS, commencing on the date this order is entered, continuing until she demonstrates, to the satisfaction of the Board: possession of entry level qualifications; specific rehabilitation; good moral character and fitness; methods of assuring public safety, and; that reinstatement would not be detrimental to the integrity of the profession or subversive of the public interest. Such evidence shall include an independent assessment by a Board approved substance abuse counselor.

N. 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).

O. 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.

Fax #

(802) 828-2154

Agreed:

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

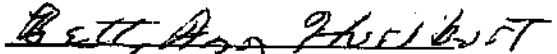
4/30/02

Dated: ~~4-30-02~~

by:

George C. Haegele IV
Assistant Attorney GeneralRESPONDENT
BETTY ANN HURLBURTDated: 4-30-02

by:


Betty Ann Hurlburt

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5.13.02

by:


ChairpersonDate of entry: 5/13/02

STATE OF VERMONT
BOARD OF NURSING

In Re:)
Betty Ann Hurlburt) Docket No. NU28-0591
License Number 26-00-14652)

CONSENT ORDER

NOW COME the State of Vermont, through Special Assistant Attorney General Andrew W. MacLean, and Betty Ann Hurlburt, respondent, and stipulate 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. Betty Ann Hurlburt is an RN licensed by the State of Vermont who holds license number 26-00-14652.

3. Hurlburt admits that she worked as a nurse on at least two occasions while under the influence of alcohol and that she has an alcohol abuse problem. This is unprofessional conduct under 26 V.S.A. §1582(a)(5) (habitually intemperate).

4. Hurlburt voluntarily waives her right to charges and a contested hearing before the Board of Nursing to resolve this matter.

5. The parties agree that the following constitutes fair and reasonable discipline given the above circumstances:

a. The terms and conditions of this consent order are effective for a period of two years commencing on the date this consent order is approved by the Board of Nursing.

b. Hurlburt agrees to enter into and continue with all counseling and treatment recommended by the Vermont Recovering Professionals Program (VRPP) for the duration of this consent order or until such time as her treating professionals and the Board concur that further treatment is not necessary.

c. The initial VRPP treatment plan or contract must be reviewed and approved by the Board at the time the Board approves this consent order. Hurlburt agrees to attend the meeting of the Board of Nursing at which this consent order and her treatment plan will be presented for approval.

d. Hurlburt agrees to follow through with all treatment plans and programs recommended for follow-up care by VRPP, and

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specifically agrees to comply with all terms of the treatment contract she enters into with VRPP.

e. Hurlburt's license shall be conditioned to prohibit her from working as a nurse in any setting in which she is either self-employed or has access to patients in their homes with no on-site supervision by another nurse or health care professional.

f. Hurlburt shall submit to alcohol screening at least monthly for the first year of this consent order. Hurlburt shall submit to drug screening at the discretion of VRPP or its designee. After one year, the frequency of alcohol screening may be reduced with the consent of the Board and VRPP. All screens will be negative except for drugs prescribed for her under a doctor's care.

g. Hurlburt shall remain drug and alcohol free for the duration of this stipulation, other than medication prescribed.

h. Hurlburt agrees to inform the Board in writing of any medications she is prescribed, within 48 hours of obtaining the prescription.

i. Hurlburt shall attend AA or NA meetings at least three times per week unless her treating professionals specifically permit her to attend less frequently.

j. Hurlburt shall authorize her treating professionals to submit monthly written reports regarding her progress to the Board of Nursing beginning one month after this consent order is approved by the Board, and she shall be responsible for ensuring the reports are submitted.

Such reports shall include:

1. a description of initial and follow up treatment plans to include goals, treatment modalities, frequency of visits and proposed time frame.
2. any alterations in the treatment plan.
3. adherence to treatment plan and progress during treatment.
4. verified attendance at AA and/or NA meetings to include dates of attendance.
5. frequency and summary of contacts between the treating professionals and Hurlburt's employers.
6. frequency and results of drug and alcohol tests.
7. discharge and termination from treatment.

At the end of one year, the Board may reduce the required

frequency of such reports if the Board and the treating professionals agree that a reduction is appropriate.

k. Hurlburt may return to work as a nurse at any time provided that her employer or prospective employer is informed of this consent order and is willing to supervise her as required by this consent order.

l. Hurlburt shall provide her treating professionals and each employer with copies of this consent order. Written verification that each treating professional and each employer has received and read the consent order shall be forwarded to the Board by Hurlburt.

m. Hurlburt shall provide written notice of her current address and home phone number to the Board and shall provide written notice of any change of address or phone number to the Board within 48 hours of the change.

n. Hurlburt shall provide written notice of any change in employment status to the Board within 48 hours of the change.

o. Hurlburt shall bear all costs of complying with this consent order.

p. The Board reserves the right to impose probation with terms set by the Board upon termination of this consent order.

6. Hurlburt will be available at the Board's request to come before the Board during the term of this consent order to discuss her status.

7. The final disposition of the complaint against Hurlburt is public and the Board may notify other states of its disposition.

8. The violation of any of the terms of this consent order may result in further charges. Such hearing may result in further discipline including suspension or revocation of the license of Hurlburt.

9. The parties understand that the terms of this consent order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire consent order shall be null and void.

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10. This consent order is entered into voluntarily by Betty Ann Hurlburt after the opportunity to consult with legal counsel.

STATE OF VERMONT

JEFFREY L. AMESTOY
ATTORNEY GENERAL

Dated: 2/28/92

by: Andrew W. MacLean
Andrew W. MacLean
Assistant Attorney General

BETTY ANN HURLBURT

Dated: 3-5-92

Betty A Hurlburt
Betty Ann Hurlburt

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Dated: 4/20/92

by: Kathleen R. Gerson, RN, MS.
Chairperson