

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:	)	
Susan Keeney	)	Case File No. NU68-0401
License No. 26-21329	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, August 13, 2001, at 81 River Street in Montpelier, Vermont. Board members Linda Rice, Larry Kingsbury, Susan Cota, Elayne Clift, Laurey Tyo, Pat Rock and Diane Dowgiewicz participated in the decision. William Ahlers, Assistant Attorney General, appeared for the State. Susan Keeney ("the Respondent") was not present and gave no indication as to why she did not attend.

The Board took official notice of its own file and found that the Respondent was given adequate notice of the hearing. The Respondent did file an answer to the charges and did participate in a prehearing conference by phone at which the hearing date was chosen with the input of both parties. The Respondent also received a copy of the prehearing schedule by certified mail on June 29, 2001. The Board received copies of the Respondent's Answer as part of the case.

Findings of Fact

1. Susan Keeney is a registered nurse who holds license number 26-21329 issued by the State of Vermont.
2. Respondent has been convicted of four counts of driving while intoxicated. Those offenses have occurred on February 14, 1996; October 6, 1996; September 18, 1997; and September 25, 1997. Each offense involved increasingly higher blood alcohol content levels of .18, .191, .219, and .283, respectively.
3. By a Stipulation and Consent Order entered on September 17, 1998, the Respondent was found to have committed unprofessional conduct and her license was suspended for a period of at least one year.

4. By a Modified Stipulation and Consent Order entered on September 15, 2000, the Respondent's nursing license was reinstated with strict conditions.
5. The September 15, 2000 Stipulation and Consent Order imposed conditions for a minimum of three years and mandates that the Respondent abstain completely from the use of alcohol. See Stipulation at paragraph B(8).
6. In March of 2001, the Respondent consumed alcohol.

Conclusions of Law

- A. The Board of Nursing may revoke, suspend, discipline or otherwise condition the license of a nurse who engages in unprofessional conduct as defined by 26 V.S.A. §1582.
- B. Under paragraph B(23) of the September 15, 2000 Order, "If the Respondent violates the terms of this Consent Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action."
- C. Respondent, by consuming alcohol, has violated the explicit terms of paragraph B(8) of the Board's Order.
- D. Respondent, by consuming alcohol, has failed to comply with an order of the Board and violated a term or condition of a license restricted by the Board. This is unprofessional conduct in violation of 3 V.S.A. § 129a(a)(4).
- E. Respondent, by her actions detailed above, has demonstrated that she is habitually intemperate or is addicted to the use of habit-forming drugs. This is unprofessional conduct in violation of 26 V.S.A. § 1582(a)(5).

Order

In light of the above findings and conclusions, the Board hereby INDEFINITELY SUSPENDS the Respondent's license, effective as of the date of entry of this Order, below.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Diane Dowgiewicz
Diane Dowgiewicz
Acting Chair

Date: 8/15/01

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 8/30/01