

STATE OF VERMONT
OFFICE OF THE SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
APPELLATE OFFICER

IN RE DALE A. KENYON, RN

APPEAL FROM VERMONT
BOARD OF NURSING

License No. 026.0038277

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Docket No. 2012-759 (RN)

**APPELLATE ORDER APPROVING STIPULATION AND REMANDING TO THE
VERMONT BOARD OF NURSING**

This appeal was considered on February 26, 2015. The Appellant, Dale Kenyon, was present and appeared pro se. The State was represented by Annika Green, Esq. The Vermont Board of Nursing (hereinafter referred to as "the Board") issued a decision on October 14, 2014 following a hearing on October 13, 2014. The Respondent did not appear at the hearing. Her appeal raised the issue of lack of notice. Pursuant to 3 VSA Sec. 130a(a) the Appellate Officer took evidence on the issue of notice at the hearing on February 26, 2015. The evidence raised valid issues of lack of notice and potential violations of due process. Following the evidence and argument on the appeal, the parties reached a stipulated resolution of the appeal which was consistent with a previous offer of settlement by the State which had not actually been communicated to the Respondent prior to the hearing before the Board.

After a review of the terms of the stipulation, the Appellate Officer does reverse and remand to the Board pursuant to 3 VSA Sec. 130a(b) and OPR Rule 3.4. The appellate authority does strongly recommend to the Board that it approve the stipulation and proposed resolution by the parties to avoid further litigation and a potentially unjust result.

Dated this 26th day of February, 2015.


George K. Belcher
Appellate Officer

3/19/15
Dated Entered

Appeal Rights

A party may appeal a decision of an Appellate Officer or an Administrative Law Officer to the Vermont Superior Court, Washington Unit, Civil Division, by filing with the Docket Clerk a written notice of appeal within 30 days of the date of entry of the order, in the manner provided in the Vermont Rules of Appellate Procedure 3 and 4. A check for the court filing fee, made payable to the Clerk of the Vermont Superior Court, Washington Unit, Civil Division must accompany the filing. Any request for stay pending appeal should be filed with the Superior Court.

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

IN RE:	)	
DALE A. KENYON	)	Docket No. 2012-759
License No. 026.0038277	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Dale A. Kenyon, RN, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Dale A. Kenyon (the "Respondent") of Whitehall, New York is licensed by the State of Vermont as a Registered Nurse under license number 026.0038277. This license was originally issued on or about July 9, 2007 and is currently set to expire on or about March 31, 2013.
3. On or about October 13, 2014 the Board of Nursing conducted a hearing and found Respondent had committed unprofessional conduct. See Attachment A.
4. Respondent appealed the Board's decision. Briefs have been filed and a hearing was conducted on February 26, 2015 on the due process issue of notice. Based on that hearing the State enters into this agreement. The Appellate Officer is in agreement with this resolution.
5. Respondent is currently on probation as a result of her underlying criminal conviction and will continue to be on probation until summer of 2017.

Violations

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

6. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

Understandings

7. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent does not dispute that the State could prove these charges by a preponderance of the evidence if this matter went to a hearing and agrees that the conditions below are necessary to protect the public.
8. 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.
9. 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.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
12. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
13. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
14. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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05620-3402

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

- A. The Board of Nursing hereby **REINSTATES** the Respondent's license to practice nursing. Once reinstated, Respondent's license will be **CONDITIONED FOR A MINIMUM OF ONE (1) YEAR** commencing with the date of reinstatement. The conditions will be as follows:

1. Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

2. Length of Time of Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a **minimum of one (1) year** of supervised nursing in which she works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.

3. Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all nursing employers or nursing school with a clinical portion and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment or education, Respondent's immediate supervisor must submit to the Board an employer agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

4. Reports from Employers/Program Director.

Within one (1) month of the date of reinstatement or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. Moreover, on a **quarterly** basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written

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evaluation of her performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All nursing program reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

If Respondent has a negative or unfavorable employer or program report **the Board of Nursing Case Manager may at her discretion require an Independent Evaluation within 30 days of her request.** The evaluator must be pre-approved by the Board.

5. Practice Under Supervision.

Respondent shall practice as a nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.

6. Medication Audit.

Respondent's medication practices shall be audited by her supervisor. Her supervisor must include in the monthly supervision reports that Respondent meets the prevailing and acceptable standards of practice.

7. Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.

8. Interview with the Board or its Designee.

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

9. Out-of-State Practice.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent practicing nursing outside the State of Vermont. If Respondent fails to receive such approval before practicing nursing outside the State of Vermont, none of the time spent practicing nursing 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 nursing practice so long as the Respondent can still comply with the provisions of this Consent Order.

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If the Respondent receives discipline on a nursing license held in another state during the conditioned period, the Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

10. Notification of Place of Employment/Personal Address/Telephone Number.

Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

11. Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

12. 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 as a nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

13. Release of Information Forms.

The conditions of this Order require the Respondent to authorize a provider to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's nursing license.

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This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

14. Costs.

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

15. 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 until the unprofessional conduct matter is concluded.

16. Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board, or it's designee, to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, 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).
- 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.

AGREED TO:

Dated:

2.26.15

STATE OF VERMONT
SECRETARY OF STATE

By:

Annika Green
Annika Green
State Prosecuting Attorney

DALE A. KENYON
RESPONDENT

Dated:

2/26/15

By:

Dale A. Kenyon
Dale A. Kenyon

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

APPROVED AND SO ORDERED:

Dated: 3/9/15

Date of Entry: 3/19/15

VERMONT BOARD OF NURSING

By: Jeanie Carr
Chairperson

STATE OF VERMONT



Prosecuting Attorney
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89 Main Street
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**STATE OF VERMONT
BOARD OF NURSING**

In re: Dale Kenyon
License No. 026-38277

}
} Docket No. 2012-759(RN)
}

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Jeanine Carr, RN, Chair
Ellen Watson, APRN, Vice Chair
Alan Weiss, Public Member
William G. White, Jr., Public Member
Sheila Davis, LPN
Virginia Hudson, RN
Jennifer Laurent, APRN
Kelly Sinclair, LNA

Appearances:

Prosecuting the case: S. Lauren Hibbert
for Respondent: Did not appear

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on October 13, 2014 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The Specification of Charges alleges that Ms. Kenyon, in violation of Vermont Statutes, diverted morphine for her own use.

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. Ms. Kenyon was a licensed registered nurse. Her license was summarily suspended on

January 14, 2013. It expired on March 31, 2013. Ms. Kenyon remains subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d), 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.

2. In December, 2012 Ms. Kenyon was employed at Mountain View Center in Rutland, Vermont as a registered nurse. Facility records there raised suspicions that Ms. Kenyon was mismanaging drugs and possibly diverting them. Records showed that Ms. Kenyon withdrew drugs for patients who did not need them. The records showed that some of those drugs had been "wasted." The signatures which were supposed to be written by Ms. Kenyon's colleagues who witnessed the wasting did not match the signatures on file for those colleagues. The witness signatures were forged.
3. An internal investigation led to a complaint and an OPR investigation. An OPR investigator spoke with Ms. Kenyon at the Mountain View facility.
4. Ms. Kenyon admitted to the investigator that she had diverted morphine from Mountain View for her own use. She admitted that she forged the witness signatures to cover up her diversion of drugs. Forging medical records is conduct likely to deceive and harm the public.
5. Ms. Kenyon reluctantly showed the investigator her arms which showed track marks from injections she had given herself. Ms. Kenyon admitted that she injected herself with morphine diverted from the facility. She claimed that termination from another job and emotional issues were why she was taking and using morphine.
6. Ms. Kenyon practiced nursing while abusing narcotic drugs. At the time she was not fit to practice nursing.

Conclusions of Law

Based on the evidence presented and Facts found above we conclude as follows:

1. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(3):** The Prosecution has proved by a preponderance of the evidence that Ms. Kenyon is unable to practice nursing competently by reason of any cause. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).
2. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(7):** The Prosecution has proved by a preponderance of the evidence that Ms. Kenyon has engaged in conduct of a character likely to deceive, defraud, or harm the public. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).

Discussion

Order

For the violations above, to protect the public, health, safety and welfare, the following sanction is necessary.

Ms. Kenyon does not hold a license at this time. No request to reinstate her license will be considered until Ms. Kenyon has complied with the conditions set forth in the incorporated

"Reinstatement Prerequisites and Conditions Imposed," attached hereto. If Ms. Kenyon successfully complies with the reinstatement conditions, her license will be conditioned as set forth in that attachment.

APPEAL RIGHTS

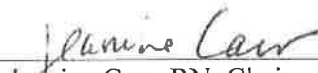
This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, Office of Professional Regulation, 89 Main Street, Fl. 3, Montpelier, Vermont 05620-3402 within 30 days of the entry of this Order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By:


Jeanine Carr, RN, Chair

Date: October 14, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/16/14

**Vermont Board of Nursing
Disciplinary Decision
Reinstatement Prerequisites and Conditions Imposed**

In re: Dale Kenyon
License No. 026-38277
Docket No. 2012-759

Order

As noted in the Order this date, Ms. Kenyon's license expired on March 31, 2013. Should she ever wish to resume the practice of nursing in Vermont:

Before applying for reinstatement, Ms. Kenyon must meet the following conditions:
Within forty-five (45) days of requesting reinstatement:

- 1) Ms. Kenyon shall obtain an independent evaluation report by a licensed professional specializing in drug and alcohol abuse, pre-approved by the Board or its designee;
- 2) The results of the report by the drug and alcohol independent evaluator must indicate that Ms. Kenyon does not present a risk to the safety, health, or welfare of her potential patients; and
- 3) Ms. Kenyon must submit to the Board or its designee the results of a minimum of **six (6)** random urine analyses administered by a person who has been pre-approved by the Board or its designee, and analyzed by a laboratory pre-approved by the Board or its designee which is qualified to analyze samples for forensic purposes. Ms. Kenyon shall authorize the Board or its designee to share urinalyses results with the independent evaluator (paragraph 1, above) and with Respondent's treatment provider(s).
- 4) The results of the random urinalyses shall be negative. Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed to be positive.

Ms. Kenyon's license shall not be reinstated until these prerequisites are met.

License Conditions

(1) Re-issuance of License

When Ms. Kenyon has shown successful completion of the reinstatement conditions above, her license shall be reinstated as **"conditioned."** The conditions set forth below shall remain with Ms. Kenyon's license until further Order of the Board.

(2) Length of time of Conditions Imposed

These conditions shall remain in place until Ms. Kenyon has completed all conditions ordered. Ms. Kenyon shall be subject to these conditions until she completes a **minimum**

of three (3) years of supervised practice in which she works at least forty (40) hours every two (2) weeks as a licensed registered nurse. Part time employment of less than forty (40) hours every two (2) weeks shall be credited on a pro-rated basis. Ms. Kenyon shall be prohibited from working more than forty (40) hours per week.

(3) **Completion of Substance Abuse Counseling and Treatment Plan**

Ms. Kenyon shall enter into and continue substance abuse counseling with a treating professional pre-approved by the Board until the treating professional certifies in writing to the Board that such counseling is no longer necessary. Ms. Kenyon shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional.

(4) **Notification to Treating Professional**

Ms. Kenyon shall provide a copy of this Order to the treating professional and cause the treating professional to inform the Board, in writing on professional letterhead, of receipt of the Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Order.

(5) **Reports from Treating Professional**

(a) Ms. Kenyon shall authorize and cause the treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Order. The first report is due commencing one month after the date of reinstatement. Subsequent reports are due **monthly** thereafter.

(b) Ms. Kenyon shall authorize the treating professional to provide all information requested by the Board of Nursing, or its designee, either orally or in writing, at any time during the period this Order is in effect.

(6) **Participation in Recovery Group(s)**

Ms. Kenyon shall participate in substance abuse recovery group(s) as recommended by the treating professional, and shall submit **quarterly** reports to the Board documenting such attendance on forms issued by the Board.

(7) **Random Drug and Alcohol Testing**

(a) Ms. Kenyon shall submit to random substance abuse screenings at the request of the Board or its designee. Ms. Kenyon shall designate a person, who has been pre-approved by the Board or its designee, to administer random substance abuse screens. All testing shall be done on a random, unannounced basis and be analyzed by a laboratory which is qualified to analyze samples for forensic purposes and which is approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(b) Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine screen shall cause that screen to be presumed positive. Any

positive screen shall constitute a violation of this Order.

(8) Abstinence from Drug and Alcohol Use

Ms. Kenyon shall abstain completely from the consumption or possession of alcohol and drugs with the exception of drugs as outlined in Paragraph 9 for the duration of this Order.

(9) Drug Use Exception

(a) Ms. Kenyon shall not take controlled substances unless medically necessary. Ms. Kenyon 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 Ms. Kenyon within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Ms. Kenyon shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letter head, of knowledge of Ms. Kenyon's substance abuse issue(s) within one (1) week of entering into the practitioner / patient relationship. Ms. Kenyon 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.

(b) During the term of this Order, the Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medication for a period greater than fourteen (14) days. If that occurs, the conditions herein may be revoked by the Board.

(c) Ms. Kenyon 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.

(10) Notification to Employers/Nursing School

(a) **Employer** Ms. Kenyon shall provide a copy of this Order to all employers in any current or future setting in which Ms. Kenyon practices as a registered nurse and inform them of the conditional license status.

Within ten (10) days of the date of reinstatement or of any subsequent employment, Ms. Kenyon shall cause Ms. Kenyon's immediate supervisor to write on the employer's letterhead to the Vermont Board of Nursing acknowledging receipt of this Order and acknowledging the employer's ability to comply with the conditions required by this Order.

(b) **Nursing School** Should Ms. Kenyon attend a nursing program which has a clinical portion that involves actual patient care, Ms. Kenyon shall provide a copy of this Order to the Program Director. Ms. Kenyon shall cause the Program Director to write to the Board on program letterhead acknowledging receipt of the Order and the ability of the program to comply with the terms of this Order during Ms. Kenyon's clinical experience.

(11) Reports from Employers/Program Director

Within one (1) month of the date of reinstatement and monthly thereafter, Ms. Kenyon shall cause every employer she has worked for during the relevant period as a licensed registered nurse to submit to the Board an evaluation of Ms. Kenyon's performance during that period. This report shall be on forms issued by the Board.

(12) Practice Under Supervision:

Ms. Kenyon shall practice only in a setting where Ms. Kenyon has "direct supervision" for the entire shift by a licensed registered nurse in good standing.

(13) Administration of Medications

(a) Ms. Kenyon is prohibited from administering any controlled substances. This condition may be removed only by Ms. Kenyon filing a petition with the Board after she has worked as a registered nurse for twelve (12) weeks of at least forty (40) hours every two weeks (or the part time equivalent) after the date of reinstatement.

(b) In any such petition, Ms. Kenyon must demonstrate to the satisfaction of the Board, that she can safely and competently administer such medications. In any such petition, Ms. Kenyon must include appropriate support from the treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

(c) The removal of this prohibition shall not automatically result in reinstatement of all medication privileges. The Board may gradually restore those privileges through incremental steps it deems appropriate.

(14) Types of Employment Prohibited

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

(15) Interview with Board or its Designee.

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

(16) Out-of-State Practice

Out-of-state practice can be credited toward fulfillment of this Order only if Ms. Kenyon shall first obtain prior approval from this Board for out-of-state practice. If Ms. Kenyon fails to obtain prior approval before practicing out-of-state, none of the out of state practice time will be credited toward fulfillment of the terms of this Order. The Board will approve out-of-state practice so long as Ms. Kenyon can still comply with the provisions of this Order.

(17) Notification of Place of Employment, Personal Address, Telephone Number

Within 5 days of reinstatement, Ms. Kenyon shall notify the Board in writing, of her

current place of employment, personal address, and telephone number. Ms. Kenyon shall further notify the Board, in writing, within forty-eight (48) hours of any change of employment, personal address, or telephone number.

(18) Notification to Other States

In the event that Ms. Kenyon is licensed in any other state(s), Ms. Kenyon must, within thirty (30) days, inform the nursing licensing board there of the conditioned status of Ms. Kenyon's license in Vermont. Failure to provide such notification will constitute a violation of this Order.

(19) License Renewal

If Ms. Kenyon's license expires while this Order remains in effect, this Order does not automatically extend the license. To continue to practice Ms. Kenyon must timely apply for renewal, pay the applicable fee, and demonstrate that all renewal requirements have been satisfied.

(20) Release of Information Forms

This Order requires Ms. Kenyon to authorize substance abuse treating providers to report to the Board or its designee and provide information verbally or in written form and to discuss Ms. Kenyon and all treatment rendered. This Order requires that any and all information from Ms. Kenyon's treatment providers be provided to Office of Professional Regulation investigators. Information acquired by the Board, its designees, or the Office of Professional Regulation investigators may be used for further prosecution, if it is determined that the terms of this Order or any rules or laws governing the practice of nursing have been violated.

(21) Costs

Ms. Kenyon shall bear all costs of complying with this Order.

(22) Violation of this Order

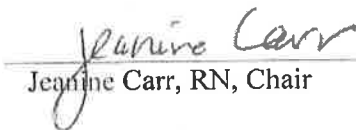
If Ms. Kenyon violates the terms of this Order in any respect, the Board, after giving Ms. Kenyon notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary sanctions. If a complaint of unprofessional conduct is made against Ms. Kenyon during the term of this Order, the Order shall be automatically extended until the unprofessional conduct matter is concluded.

(23) Completion of Conditional License Period

(a) After the conditional license period, Ms. Kenyon may petition the Board **on a form available from the Board** to remove any and all license conditions. Ms. Kenyon must present proof that all terms of this Order have been met. Ms. Kenyon must also present proof of successful substance abuse rehabilitation. Ms. Kenyon must demonstrate to the satisfaction of the Board that she poses no danger to the public or the practice of nursing and that she can safely and competently perform her licensed duties.

(b) Notwithstanding any provision above, Ms. Kenyon must continue to meet all Board of Nursing requirements for maintaining a license, license renewal, and license reinstatement.

Vermont Board of Nursing, by

By: 
Jeanine Carr, RN, Chair

Dated: October 14, 2014