

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
ALICE MARIE KILPATRICK) Docket No: NU54-0595
License Number 19850)

MODIFICATION OF STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Alice Marie Kilpatrick 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, by stipulation entered on March 14, 1996, admitted to a drug abuse problem and was suspended for a period of one year.
- 3 Respondent petitioned the Board to lift the suspension. This was done and Respondent was placed on conditional license status on May 29, 1997 for a term of three years.
4. Respondent petitioned for a modification of that May 29, 1997 order that was granted by order entered March 11, 1998. Respondent has petitioned for a modification of the March 11, 1998 order. The State did not oppose that request and the Board by order of May 10, 1999 (entered 5-12-99) effected the modification.
5. Respondent now petitions for further modification. The modification requested is to remove the supervision for nonnarcotic medication passes in light of her record to date and to reduce the time she would be under supervision needed to monitor

narcotic medication passes in light of her work circumstances.

6. The parties have reached agreement on a modification of the Consent Order that a grant to Respondent the change requested and also imposes conditions felt necessary by the State. This modification is hereby submitted to the Board for approval.

7. Respondent waives her right to a hearing on her petition for modification of the Consent Order before the Board.

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

9. Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.

10. At the time Respondent signs this Stipulation Respondent is not under the influence of drugs or alcohol.

11. 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.

12. The parties agree to the entry of the following Modification of Consent Order.

MODIFICATION OF CONSENT ORDER

The Consent Order of May 10, 1999, currently in force and effect in this case is hereby modified to read as follows:

ORDER

A. Respondent's license is CONDITIONED until the supervised term required in paragraphs 1 and 15 which follows is completed to the satisfaction of the Board. This term commences with the date of entry of this Stipulation and Consent Order and subject to the following terms and restrictions:

1. Administration of Medications: Restriction and Term.

Respondent's license shall be conditioned to allow her to administer narcotic and addictive medications but only under the supervision plan set forth in paragraph 15 below.

This condition, regarding the administering of narcotic medications, may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Stipulation and Consent Order. It is understood that Respondent will be rotated into a position to administer medications in providing direct health care of patients. It is further understood that Respondent does not generally provide direct patient care and that the rotation into direct health care may be for but one eight hour shift per week.

The purpose of this condition is to assure the Board that Respondent is capable of dealing safely with narcotic and addictive drugs. This normally requires three months of supervision where the Respondent works in direct patient health care and administers medications for a full forty hours every two weeks to provide the Board with the assurances it needs. Therefore, Respondent will be credited with the hours she actually works in administering medications in a direct health care

setting on a pro-rata basis until the equivalent of three full months (forty hours every two weeks) of medication administration has occurred. It is understood that this may take longer than three calendar months.

In petitioning the Board for removal of this restriction, 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 her treating professional and employer/supervisor or nursing school administrator.

2. Approval of Treating Professional.

At the time this Stipulation and Consent Order is submitted to the Board for approval, Respondent shall submit to the Board for approval the name, address, and professional qualifications of the treating professional from whom Respondent intends to obtain counseling. Once approval of a treating professional is obtained from the Board, Respondent shall continue in counseling with that treating professional until the Board and treating professional agree that such counseling is no longer necessary. Respondent shall not change to a different treating professional without prior approval of the Board.

3. Substance Abuse Therapy and Notification to
Treating Professional.

Respondent shall obtain a substance abuse assessment and develop a treatment plan with the treating professional approved by the Board in paragraph 2 above. Respondent shall provide the Board with a copy of the treatment plan, which must be reviewed, and approved by the Board at the time the Board approves this

Stipulation and Consent Order. Respondent shall comply with the treatment plan approved by the Board.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Stipulation and Consent Order. By signing this Stipulation and Consent Order, Respondent waives all therapist/patient privilege for purposes of obtaining information from her treating professional.

4. 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. The first report is due commencing the month after the date of entry of this Stipulation and Consent Order and subsequent reports are due every three (3) months thereafter.

5. Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

6. Random Drug Testing.

Respondent shall designate a person, who shall be approved by the Board or its designee, to administer random drug and alcohol screens as required by the

Board or its designee. All testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph 8 Drug Use Exception).

7. 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 8.

8. 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. By signing this Stipulation and

Consent Order, Respondent waives any practitioner/patient privilege for the purposes of allowing the practitioner to disclose information to the Board of Nursing, its investigators, and the Attorney General's Office pursuant to this paragraph. (See also paragraph 20 below).

9. Interview with the Board or its designee.

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

10. Re-issue of License.

Within five (5) days of the date of entry of this Stipulation and Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned".

11. Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must be first approved by 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 Stipulation and Consent Order.

12. Notification of Place of Employment/ Personal

Address/Telephone Number.

Within five (5) days of the date of entry of this Stipulation and 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.

13. Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and 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 Stipulation and 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 the Stipulation and Consent Order and the ability to comply with its conditions. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with its conditions during clinical experience.

14. Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Stipulation and 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. 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

15. Practice Under Supervision.

Respondent shall work under supervision in the administration of narcotic or addictive medications. Supervision shall be on site for the entire shift.

16. Prohibited Duties.

Respondent shall not work as a Charge Nurse.

17. Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, temporary employment agency or as a personal care provider during the effective period of this Stipulation and Consent Order. Respondent may work in a home health care agency subject to the supervision required in paragraph 15 above.

18. Prohibited Hours of Work.

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

19. License Renewal.

In the event Respondent's license is scheduled to expire during the period this Stipulation and 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.

20. Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with treating professionals for substance abuse treatment or with 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 to the Board of Nursing, its investigators, and the Attorney General's Office as required by other provisions of this Consent Order. 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 consent to disclosure during the term of this Consent Order shall be considered a violation of the Consent Order.

21. Costs.

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

22. 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 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 Stipulation and Consent Order, the conditional license period shall be extended until

the matter is final.

23. Length of Time Conditions Imposed.

These conditions shall remain in place until respondent has completed two (2) years of supervised nursing practice in which she 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.

24. Reevaluation of Conditions.

In the event Respondent does not work in nursing within two (2) years of the date of entry of this Stipulation and Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Stipulation and Consent Order.

25. 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, agrees that she 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 that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. 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 authorizes her treating professional, employer and 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 this Stipulation and Consent Order is in effect.

C. 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).

D. 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.

E. 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.

F. Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.

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

H. This Stipulation and Consent Order is entered into voluntarily by Respondent after the opportunity to consult with legal counsel. Respondent has not

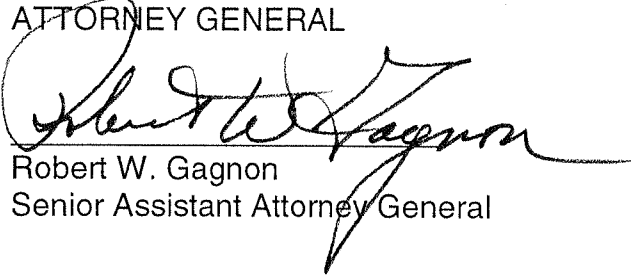
been coerced by anyone into signing this Stipulation and Consent Order.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 2-7-02

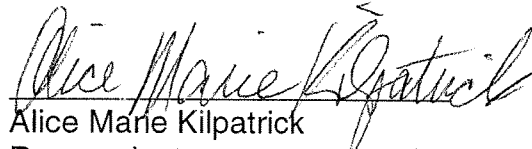
by:


Robert W. Gagnon
Senior Assistant Attorney General

ALICE MARIE KILPATRICK

Dated: 2/5/02

by:

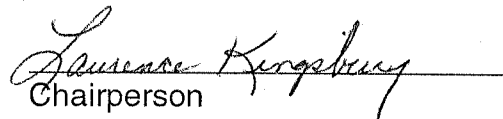

Alice Marie Kilpatrick
Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3/25/02

by:


Chairperson

Date of entry: 3/27/02

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
ALICE MARIE KILPATRICK) Docket No: NU54-0595
License Number 19850)

MODIFICATION OF STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Alice Marie Kilpatrick 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, by stipulation entered on March 14, 1996, admitted to a drug abuse problem and was suspended for a period of one year.
3. Respondent petitioned the Board to lift the suspension. This was done and Respondent was placed on conditional license status on May 29, 1997 for a term of three years.
4. Respondent now petitions for a modification of that May 29, 1997 order. The State will not oppose that request as long as certain conditions are met.
5. The parties have reached agreement on a modification of the Consent Order that grants Respondent the change requested and also imposes the conditions sought by the State. This modification is hereby submitted to the Board for approval.
6. Respondent waives her right to a hearing on her petition for modification of the Consent Order before the Board.

7. The parties understand that the terms of this Stipulation are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation shall be null and void.
8. Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
9. At the time Respondent signs this Stipulation Respondent is not under the influence of drugs or alcohol.
10. 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.
11. The parties agree to the entry of the following Modification of Consent Order.

MODIFICATION OF CONSENT ORDER

The Consent Order of May 29, 1997, currently in force and effect in this case is hereby modified as follows:

Paragraph 19 is amended by the addition of the following language, "Except that Respondent is specifically authorized to work for the Professional Nursing Services, Inc., and to perform only the following duties while so employed: work as a CPR instructor, administer Hepatitis B vaccines and do PPD screenings, conduct OSHA Training Sessions to include instruction in blood borne pathogens, infection control, tuberculosis, hazards communication, food safety, hand washing and compressed gasses."

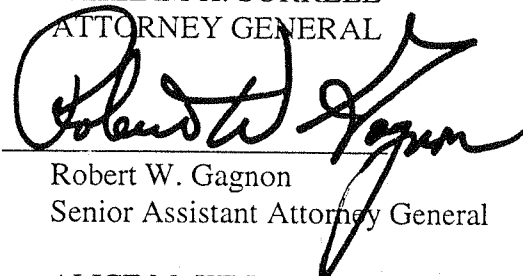
B. This Stipulation is public and the Board may notify other states of its disposition as provided in 3 V.S.A. §129(a)(7).

C. 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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

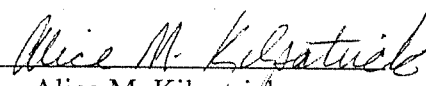
Dated: 2/23/95

by: 

Robert W. Gagnon
Senior Assistant Attorney General

ALICE M. KILPATRICK
RESPONDENT

Dated: 2/20/98

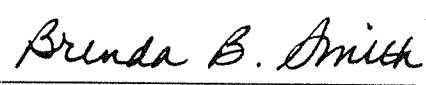
by: 

Alice M. Kilpatrick

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3/9/98

by: 

Chairperson

Date of entry: 3-11-98

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Alice M Kilpatrick) Docket No: NU54-0594
License Number 19858)

STIPULATION AND MODIFICATION OF CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through it Attorney General, and Respondent Alice M. Kilpatrick who 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 Alice M Kilpatrick, is a registered nurse holding license number 19858.
3. The Nursing Board summarily suspended Respondent's nursing license on February 12, 1996.
4. On March 14, 1996, the Nursing Board approved a Stipulation and Consent Order suspending Respondent's license for a minimum period of twelve months from the date of the order.
5. Respondent has petitioned the Board to lift the suspension now imposed on her license so that she may practice again.
6. Respondent has provided documentation indicating on-going substance abuse treatment is in place and she is doing very well.
7. The State is not opposed to lifting the suspension and modifying the 1996 Order as long as certain conditions are met.

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

8. The parties have reached an agreement on a modification of the 1996 Order which grants Respondent's request reinstate her license to allow her to practice, and which also imposes the conditions sought by the State. This modification is submitted to the Board for approval.

9. At the time this Stipulation and 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 the treating professional from whom Respondent intends to obtain on-going counseling.

10. 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.

11. Respondent has read and reviewed this document and agrees that it contains the entire agreement between the parties.

12. Respondent is not under the influence of any drugs or alcohol at the time of signing this Stipulation and 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 Consent Order.

14. 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 1996 Order is modified. The suspension placed on Respondent's license by the 1996 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 administering any medications except she may administer immunization medications.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board of all changes of treating professional. 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 until the Board and treating professional agree that such counseling is no longer necessary. Respondent shall comply with the treatment plan approved by the Board.

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

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

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's professional letterhead. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

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

(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 for Respondent under the care of a physician, dentist, or nurse practitioner. (See paragraph C.(10) Drug Use Exception).

(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 license to practice nursing shall be labelled "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 Respondent's 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 Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices in nursing and inform them of the 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 the Stipulation and 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 Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

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 licensed nurse in good standing with the Vermont Board of Nursing.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(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.

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

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

B. If the Board (1) does not approve the treating professional presented to the Board for approval pursuant to paragraph 7 of the Stipulation or (2) does not approve the treatment plan presented to the Board for review and approval pursuant to paragraph 8 of the Stipulation, Respondent must submit another treating professional or treatment plan for the Board's approval prior to the next regularly scheduled monthly meeting of the Board. If Respondent fails to comply with this paragraph or the Board again rejects the proposed treating professional or treatment plan, Respondent shall be deemed to have violated this Consent Order.

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

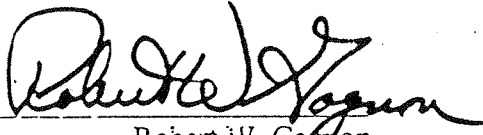
D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7).

E. 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

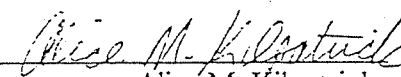
WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: May 9, 1997

by: 
Robert W. Gagnon
Senior Assistant
Attorney General

Alice M. Kilpatrick
RESPONDENT

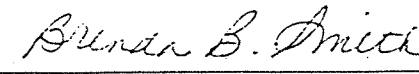
Dated: May 11, 1997

by: 
Alice M. Kilpatrick

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5/22/97

by: 
Chairperson

Date of entry: 5-29-97

STATE OF VERMONT
BOARD OF NURSING

In Re:)
Alice Marie Kilpatrick) Docket No. NU54-0594
License Number 19858)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General Jeffrey L. Amestoy, and Respondent Alice Marie Kilpatrick 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 Alice Marie Kilpatrick is a registered nurse licensed by the State of Vermont holding license number 19858.

3. On February 12, 1996, the Board of Nursing entered a Summary Suspension Order against the license of respondent Alice Kilpatrick.

4. On February 5, 1996, the State of Vermont filed a Specification of Charges alleging violations of the September 1995 Consent Order.

5. Respondent does not contest the allegations in the February 5, 1996, Specification of Charges.

6. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

rejects any portion, the entire Stipulation and Consent Order shall be null and void.

7. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

8. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

9. 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.

10. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing on the Specification of Charges dated February 5, 1996.

11. 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. By engaging in the conduct alleged in the Specification of Charges, respondent has violated the September 1995 Consent Order and is subject to further disciplinary action.

B. The Board of Nursing hereby **SUSPENDS** the license of respondent for at least 12 months commencing on the date of entry of this Order.

C. Upon the passage of 12 months from the date of entry, respondent may petition the Board to lift the suspension. After formal review by the Board, the Board may lift the suspension. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Board of Nursing, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and shall include proof of objective testing for both drug and alcohol use at appropriate intervals throughout the period of suspension. All testing shall be done on a random, unannounced basis, and analyzed in a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests of drug use shall be collected in an observed setting.

D. Upon the Board's lifting of the suspension the Board shall retain the right to impose conditions on respondent's license.

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

F. 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).

G. 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

JEFFREY L. AMESTOY
ATTORNEY GENERAL

Dated: 2/21/96

by: Eve Jacobs-Carnahan
Eve Jacobs-Carnahan
Assistant Attorney General

ALICE MARIE KILPATRICK
RESPONDENT

Dated: 2/26/96

by: Alice Marie Kilpatrick
Alice Marie Kilpatrick

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3/11/96

by: Brenda B. Smith
Chairperson

Date of entry: 3-14-96

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STATE OF VERMONT
BOARD OF NURSING

In Re:)
Alice Marie Kilpatrick) Docket No. NU54-0594
License Number 19858)

SUMMARY SUSPENSION ORDER

This case came before the Board of Nursing for a hearing on a request for summary suspension on Monday, February 12, 1996. Based upon the evidence presented by the Attorney General, the Board finds that the allegations in the request have been established to the necessary degree, and that therefore the public health, safety and welfare imperatively require emergency action.

Pursuant to 3 V.S.A. 814(c) and 26 V.S.A. §1582, Kilpatrick's license as a nurse is **SUMMARILY SUSPENDED** until a hearing on the charges has been held and determined, or other resolution of this case.

Dated at Middlesex, Vermont, this 12th day of February, 1996.

BOARD OF NURSING

by: Brenda J. Smith
Chair/Acting Chair

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
ALICE MARIE KILPATRICK) Docket No: NU54-0595
License Number 19850)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, through Attorney General Jeffrey L. Amestoy, and Respondent Alice Marie Kilpatrick 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 19850.
3. At all times relevant to this Stipulation and Consent Order Respondent has been employed by the Southwestern Vermont Medical Center as charge nurse in the Emergency Room.
4. The Nursing Board received a report of unprofessional conduct on or about May 5, 1995, stating that Respondent was suspended from employment for diverting drugs.
5. Respondent admits that she has been diverting Percocet and Demerol (both narcotics) for personal use from Southwestern Vermont Medical Center since 1991 by signing out medications while off duty and for patients who were no longer in the unit.
6. Respondent has been seeing a physician for treatment of migraine headaches. She has been prescribed Percocet for pain management.

7. On four occasions between September 1994 and the end of April 1995 Respondent presented herself as a walk-in at the Southwestern Vermont Medical Center Emergency Room for migraine pain. On each occasion she received a prescription for multiple Percocet tablets.

8. The above described acts constitute a violation of 26 V.S.A. §1582(a)(5) and 1582(a)(7) and the Administrative Rules for the Board of Nursing. Pursuant to 26 V.S.A. §1582(a)(5) addiction to the use of habit forming drugs constitutes unprofessional conduct. Furthermore, pursuant to 26 V.S.A. §1582(a)(7) and the Administrative Rules of the Board of Nursing, conduct likely to deceive, defraud or harm the public, including diverting drugs for personal or other unauthorized use constitutes unprofessional conduct.

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

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

A. Respondent's license is CONDITIONED for a minimum period of three (3) years commencing with the date of entry of this Stipulation and Consent Order and subject to the following terms and restrictions:

1. Administration of Medications.

Respondent's license shall be conditioned to prohibit her from administering any medications (with two narrowly limited exceptions described in paragraph A.1.a. below) for a period of

three (3) months. During this time period, as part of the prohibition on administering medications, respondent shall be prohibited from having a Pyxis password or using the Pyxis machine in any way.

This prohibition on administering medications may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Stipulation and Consent Order or the date she 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 her 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.

1.a. Exceptions to Medication Prohibition

Notwithstanding the prohibition on administering medications respondent shall be permitted to administer the following two medications when she is working in the triage unit of the emergency department at the Southwestern Vermont Medical Center: (1) Bacitracin ointment and (2) Tylenol elixir. Furthermore, respondent shall only be permitted to administer these two medications as long as she has access to them in a way which does not give her access to areas storing prescription, regulated, or controlled drugs, and as long as she is prohibited from using the Pyxis machine. Respondent shall be prohibited from entering any information on the Pyxis machine regarding the administration of these two medications or any other medications.

2. Approval of Treating Professional.

At the time this Stipulation and Consent Order is submitted to the Board for approval, Respondent shall submit to the Board for approval the name, address, and professional qualifications of the treating professional from whom Respondent intends to obtain counseling. Once approval of a treating professional is obtained from the Board, Respondent shall continue in counseling with that treating professional until the Board and treating professional agree that such counseling is no longer necessary. Respondent shall not change to a different treating professional without prior approval of the Board.

3. Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall obtain a substance abuse assessment and develop a treatment plan with the treating professional approved by the Board in paragraph 2 above. Respondent shall provide the Board with a copy of the treatment plan which must be reviewed and approved by the Board at the time the Board approves this Stipulation and Consent Order. Respondent shall comply with the treatment plan approved by the Board.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Stipulation and Consent Order. By signing this Stipulation and Consent Order, Respondent waives all therapist/patient privilege for purposes of obtaining information from her treating professional.

4. 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 subsequent reports are due every month thereafter.

5. Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

6. 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 for her under the care of a physician, dentist, or nurse practitioner. (See paragraph 8 Drug Use Exception).

7. 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 8.

8. 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. By signing this Stipulation and Consent Order, Respondent waives any practitioner/patient privilege for the purposes of allowing the practitioner to disclose information to the Board of Nursing, its investigators, and the Attorney General's Office pursuant to this paragraph. (See also paragraph 20 below).

9. Interview with the Board or its designee.

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

10. Re-issue of License.

Within five (5) days of the date of entry of this Stipulation and Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labelled "conditioned".

11. Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must be first approved by 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 Stipulation and Consent Order.

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

Within five (5) days of the date of entry of this Stipulation and 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.

13. Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and 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 Stipulation and 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 the Stipulation and Consent Order and the ability to comply with its conditions. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with its conditions during clinical experience.

14. Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Stipulation and 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

15. 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.

16. Prohibited Duties.

Respondent shall not work as a Charge Nurse.

17. Types of Employment Prohibited.

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

18. Prohibited Hours of Work.

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

19. License Renewal.

In the event Respondent's license is scheduled to expire during the period this Stipulation and 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.

20. Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with treating professionals for substance abuse treatment or with 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 to the Board of Nursing, its investigators, and the Attorney General's Office as required by other provisions of this Consent Order. 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 the Consent Order.

21. Costs.

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

22. 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 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 Stipulation and Consent Order, the conditional license period shall be extended until the matter is final.

23. Length of Time Conditions Imposed.

These conditions shall remain in place until respondent has completed three (3) years of supervised nursing practice in which she 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.

24. Reevaluation of Conditions.

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

25. 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, agrees that she 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 that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. 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 authorizes her treating professional, employer and 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 this Stipulation and Consent Order is in effect.

C. 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).

D. 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.

E. 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.

F. Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.

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

H. This Stipulation and 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

JEFFREY L. AMESTOY
ATTORNEY GENERAL

Dated: 8/29/95

by: Eve Jacobs-Carnahan
Eve Jacobs-Carnahan
Assistant Attorney General

ALICE MARIE KILPATRICK

Dated: 8/31/95

by: Alice Marie Kilpatrick
Alice Marie Kilpatrick
Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Sept. 11, 1995

by: Brenda B. Smith
Chairperson

Date of entry: 9-12-95