

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE:	Maribeth Klyszeiko	)	
	Case File No. NU32-1003	)	DEFAULT ORDER
	License No. 25-8294	)	

Introduction

The Board of Nursing held a default hearing in the above matter on February 14, 2005 at Central Vermont Hospital, 130 Fisher Road, in Berlin, Vermont. Board members Susan Farrell, De-Ann Welch, Sandra Norton, Ellen Leff, Linda Rice, Elayne Clift and ad hoc member Margaret Luce participated in the decision. State Prosecuting Attorney Edward Adrian appeared for the State. Maribeth Klyszeiko ("the Respondent") was present.

Ms. Klyszeiko indicated that she does intend to answer the charges but that she "had a lot going on." The State indicated that the State and the Respondent had had some previous conversations about what would be needed from the Respondent to begin negotiating a conditioned license, such as an independent evaluation from a licensed treating professional.

With this in mind, the Board proceeded with the default hearing.

Findings of Fact

1. The Respondent was sent notice of the Charges against her to her last known address certified mail and first class mail on November 12, 2004.
2. The certified mailing was signed for by the Respondent on November 16, 2004.
3. Notice of the default hearing was mailed to the same address by certified and regular mail and was signed for on January 28.
4. The Respondent has not filed an answer to the charges within the time allowed by law nor has she provided good cause for failing to do so.
6. After taking notice of its own file, the Board found the Respondent to be in default. The allegations contained in the State's Specification of Charges dated November 5, 2004 (copy attached) are therefore treated as the facts on which the Board's order is based.

Conclusions of Law

The Respondent has received adequate notice of the charges against her as indicated by the Board's file. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby INDEFINITELY SUSPENDED. The Respondent should continue to work with the State and the Nursing Board Office to provide the information necessary to determine whether she could resume practice under a conditioned license.

Appeal Rights

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

By:

Susan Farrell
Susan Farrell, RN
Chair

Date:

2/25/05

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY:

3/7/05

**STATE OF VERMONT
SECRETARY OF STATE
BOARD OF NURSING**

IN RE:)
MARIBETH KLYSZEIKO) DOCKET No. NU32-1003
License No. 025-0008294)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Maribeth Klyszeiko, L.P.N.:

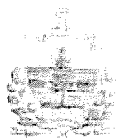
Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28 and; the rules of the Board and the Vermont Office of Professional Regulation.

Statement of Facts

2. Maribeth Klyszeiko (the "Respondent") of Essex Junction, Vermont is a licensed practical nurse license holding license number 025-0008294, issued by the State of Vermont. This license was originally issued on or about October 15, 2002 and is set to expire on January 31, 2006.
3. The Respondent's license was summarily suspended by the Board of Nursing on February 9, 2004 based upon the facts below.
4. At all relevant times, the Respondent was practicing as a licensed practical nurse and worked for Fletcher Allen Health Care (the "Facility") located in Burlington, Vermont.
5. On or about October 10, 2003, Nurse Priscilla Trudeau reported smelling an odor of intoxicants on the Respondent's breath while working at the Facility. The Respondent admitted to Ms. Trudeau that she had been drinking heavily the night before. LNA Gerard Hevey also reported that the Respondent had been rough with a patient transfer on or about this date and that the patient reported smelling an odor of intoxicants on the Respondent's breath.
6. Based on the above incident, the Respondent signed and agreed to a "Return to Work Agreement" on October 14, 2003. The Agreement provides in part that the Respondent will not report to work when unfit as a result of alcohol or other substances and that she agrees to engage in appropriate treatment and counseling.
7. On or about October 24, 2003, Nurse Jill Flynn reported that she smelled on odor of intoxicants on the Respondent's breath while working at the Facility. The Respondent admitted to Nurse Manager Louise Barrow that she drinks heavily at nights before reporting to work. The Respondent advised that she had been seeking alcohol treatment at

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

"Day One". The Respondent was escorted out of the Facility.

8. On or about October 27, 2003, the Respondent advised Ms. Barrow that she was trying to get into an inpatient alcohol program and that she was not ready to return to work.
9. On or about October 31, 2003, the Respondent was advised that her employment at the Facility was terminated.
10. On or about January 14, 2004, the Respondent admitted to Investigator Jackie Cholewa that she has a problem with alcohol and that she would drink heavily after work. She advised that she would consume approximately one bottle of wine after work. Respondent advised that she had gone to Day One for treatment and was seeing an alcohol counselor there. She also advised that she had recently attended a four day treatment for alcohol abuse at the Maple Leaf Program.
11. The Respondent has been in mental health counseling for approximately four years and has been addressing post-traumatic issues, depression and obesity. Her mental health provider advised that the Respondent's drinking "got really bad" over the past six months, prior to January 14, 2004.
12. The Respondent had been seeing Dr. Candace Fraser to deal with her alcohol and depression issues. Dr. Fraser advised that the Respondent has a "significant" alcohol problem. At various times the Respondent has been prescribed Prozac, Alprazolam, Effixor and Librium to help combat her struggle with alcohol and her mental health issues.

Charges

13. The above acts and circumstances, alone or in combination, violate: 3 V.S.A. § 129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause); 26 V.S.A. § 1582(a)(5) (is habitually intemperate); 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public); Vermont Board of Nursing Administrative Rule (the "Rules") Chapter 4, Rule IV, II, B, 2 (failure to conform to the essential standards of acceptable and prevailing nursing practice); Rule Chapter 4, Rule IV, II, C (any cause includes use of drugs, narcotics, chemicals or any other type of materials).

Request for Relief

WHEREFORE, the Respondent's license should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 5th day of November, 2004.

STATE OF VERMONT
SECRETARY OF STATE

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

By:

Edward G. Adrian
State Prosecuting Attorney

nu.klyszeiko.soc.wpd

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

STATE OF VERMONT
BOARD OF NURSING

In re: Maribeth Klyszeiko
License No. 25-8294

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Docket No. NU32-1003

SUMMARY SUSPENSION ORDER

On February 9, 2004, this case came before the Board of Nursing for a hearing on the State's request for summary suspension.

Based upon the evidence presented by the parties, the Board finds that the allegations in the request for summary suspension have been established to the necessary degree. Therefore, the Board finds that the public health, safety, or welfare imperatively require emergency action against the Respondent's license.

Pursuant to 3 V.S.A. § 814(c), Respondent Maribeth Klyszeiko's nursing license is SUMMARILY SUSPENDED until a hearing on charges has been held and determined, or other resolution of this case.

BOARD OF NURSING

By: Ausen Farrell
Chair

Dated: Feb. 9, 2004

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/10/04

**STATE OF VERMONT
SECRETARY OF STATE
BOARD OF NURSING**

IN RE: MARIBETH KLYSZEIKO
License No. 025-0008294

) **DOCKET No. NU32-1003**
)

REQUEST FOR SUMMARY SUSPENSION

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28 and; the rules of the Board and the Vermont Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety or welfare imperatively requires emergency action.

Statement of Facts

3. Maribeth Klyszeiko (the "Respondent") of Essex Junction, Vermont is a licensed practical nurse license holding license number 025-0008294, issued by the State of Vermont. This license was originally issued on or about October 15, 2002 and is set to expire on January 31, 2006 .
4. At all relevant times the Respondent was practicing as a licensed practical nurse and worked for Fletcher Allen Health Care (the "Facility") located in Burlington, Vermont.
5. On or about October 10, 2003, Nurse Priscilla Trudeau reported smelling an odor of intoxicants on the Respondent's breath while working at the Facility. The Respondent admitted to Ms. Trudeau that she had been drinking heavily the night before. LNA Gerard Hevey also reported that the Respondent had been rough with a patient transfer on or about this date and that the patient reported smelling an odor of intoxicants on the Respondent's breath.
6. Based on the above incident, the Respondent signed and agreed to a "Return to Work Agreement" on October 14, 2003. The Agreement provides in part that the Respondent will not report to work when unfit as a result of alcohol or other substances and that she agrees to engage in appropriate treatment and counseling.
7. On or about October 24, 2003, Nurse Jill Flynn reported that she smelled on odor of intoxicants on the Respondent's breath while working at the Facility. The Respondent admitted to Nurse Manager Louise Barrow that she drinks heavily at nights before reporting to work. The Respondent advised that she had been seeking alcohol treatment at "Day One". The Respondent was escorted out of the Facility.
8. On or about October 27, 2003, the Respondent advised Ms. Barrow that she was trying to get into an inpatient alcohol program and that she was not ready to return to work.

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9. On or about October 31, 2003, the Respondent was advised that her employment at the Facility was terminated.
10. On or about January 14, 2004, the Respondent admitted to Investigator Jackie Cholewa that she has a problem with alcohol and that she would drink heavily after work. She advised that she would consume approximately one bottle of wine after work. Respondent advised that she had gone to Day One for treatment and was seeing an alcohol counselor there. She also advised that she had recently attended a four day treatment for alcohol abuse at the Maple Leaf Program.
11. The Respondent has been in mental health counseling for approximately four years and has been addressing post-traumatic issues, depression and obesity. Her mental health provider advised that the Respondent's drinking "got really bad" over the past six months, prior to January 14, 2004.
12. The Respondent had been seeing Dr. Candace Fraser to deal with her alcohol and depression issues. Dr. Fraser advised that the Respondent has a "significant" alcohol problem. At various times the Respondent has been prescribed Prozac, Alprazolam, Effixor and Librium to help combat her struggle with alcohol and her mental health issues.

Request for Relief

13. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.
14. The above acts and circumstances, alone or in combination, violate: 3 V.S.A. § 129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); 26 V.S.A. § 1582(a)(5) (is habitually intemperate) ; 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public); Vermont Board of Nursing Administrative Rule (the "Rules") Chapter 4, Rule IV, II, B, 2 (failure to conform to the essential standards of acceptable and prevailing nursing practice); Rule Chapter 4, Rule IV, II, C (any cause includes use of drugs, narcotics, chemicals or any other type of materials).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 025-0008294 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 4th day of February, 2004.

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SECRETARY OF STATE

By:

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State Prosecuting Attorney