

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

IN RE:

CHRISTINA M. LAPINSKA

)

)

Docket No. APP-NU11-0708

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney Edward G. Adrian, and the Applicant, Christina M. Lapinska, who stipulate and agree as follows:

Board Authority

1. The Vermont 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 Applicant 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Christina M. Lapinska (the "Applicant") of Oaklawn, Illinois has been licensed by the State of Illinois as a Registered Nurse since September 28, 1992 under license number 041269899. The Applicant applied for Vermont licensure as a Registered Nurse on or about June 30, 2008 via a Board Application by Endorsement (the "Application") that was received by the Board on or about July 9, 2008.
3. In Question Three of Section III of the Application, Applicant answered "Yes" in response to the question "Has Vermont, any other state, territory, or other jurisdiction, restricted, suspended, revoked, or taken any other disciplinary action against a license, certificate, or registration that you hold or held in any profession or occupation?"
4. Applicant included with her Application a copy of the Consent Order issued by the State Of Illinois Department of Financial and Professional Regulation (the "Illinois Order"), entered by the Illinois Board of Nursing on or about February 8, 2008. Attachment A. The Illinois Order placed Applicant's Illinois registered nursing license on probation for an indefinite period of not less than two (2) years due to Applicant diverting morphine and dilaudid for personal use from the Illinois hospital in which she worked. The Illinois Order mandates, among other conditions, quarterly

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random urine screens and participation in and compliance with an Aftercare Agreement.

5. In a letter accompanying her Application, the Applicant revealed that she began diverting morphine and dilaudid from the hospital emergency room in which she worked due to health and stress issues. The Applicant stated that after being caught diverting, she took time off; researched different areas in which she could work as a nurse; and began living a healthier lifestyle. Applicant stated she has no intentions – and due to her health is not able – to work in an emergency room.
6. Applicant is now working at Matria Healthcare in Rosemont, Illinois (the “Facility”) as a telephone triage nurse. This employment requires the Applicant to be licensed in all 50 states, which is the reason for Applicant’s request for Vermont registered nursing licensure.
7. In a letter dated June 3, 2008 that accompanied the Application, Tony Duman, Clinical Manager of the Facility, described the Applicant as being in good standing at the Facility.
8. In a letter dated June 16, 2008 that accompanied the Application, Martin Doot, Medical Director, and Janet Pickett, Case Manager, of Illinois Professional Health Program, described the Applicant as being in compliance with the terms of her Aftercare Agreement; being in sustained full remission of her substance abuse disorder; and as having a sobriety date of December 13, 2006.

Charges

9. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Applicant has committed unprofessional conduct in violation of:
 - a. 3 V.S.A. § 129a(b)(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 failure to conform to the essential standards of acceptable and prevailing practice); and
 - b. 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).

Understandings

10. Applicant understands that the 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.

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11. Applicant 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.
12. Applicant has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Applicant is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
14. Applicant 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.
15. Applicant voluntarily waives her right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
16. Applicant 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 Board of Nursing hereby **GRANTS** the Applicant's application for her registered nursing license. Once issued, the Applicant's registered nursing license will be **CONDITIONED FOR A MINIMUM OF EIGHTEEN (18) MONTHS** commencing with the date of entry of this Stipulation and Consent Order. The conditions will be as follows:

(1) License to be labeled "Conditioned."

Any license issued to the Applicant by this Board shall be labeled "Conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until the Applicant has completed all conditions ordered. Applicant shall be subject to the conditions until Applicant completes **eighteen (18) months** of supervised registered nursing practice in which the Applicant works at least forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Applicant shall be prohibited from working more than forty (40) hours per week.

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

Applicant shall enter into and continue substance abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Board that such counseling is no longer necessary.

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Applicant shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional. The substance abuse counseling and treatment plan shall include random quarterly urine drug screens.

(4) Completion of Mental Health Counseling and Treatment Plan.

Applicant shall enter into and continue mental health counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Board that such counseling is no longer necessary. Applicant shall enter into and comply with the mental health treatment plan approved by the Board and the treating professional.

(5) Notification to Treating Professionals.

Applicant shall provide a copy of this Stipulation and Consent Order to her treating professionals referred to in paragraphs A.(3) and A.(4) and cause her treating professionals to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professionals' ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(6) Reports from Treating Professionals.

Applicant shall authorize and cause her treating professionals to submit to the Board evidence of satisfactory progress with the substance abuse and mental health treatment plans during the effective period of this 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 commencement of the conditions and subsequent reports are due **quarterly** thereafter.

Applicant shall authorize her treating professionals to provide all information requested by the Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(7) Participation in Recovery Groups.

Applicant shall participate as recommended by her treating professionals, in Alcoholics Anonymous meetings and/or other recovery group(s).

(8) Random Drug and Alcohol Testing.

Applicant shall submit to random drug and alcohol screenings at the request of the Board or its designee. Applicant shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

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 act as a violation of this Order.

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(9) Abstain from Drug and Alcohol Use.

Applicant shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph A.(10) for the period of time described in A.(2).

(10) Drug Use Exception.

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

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds fourteen (14) days. This includes medications to be administered as necessary. It is not anticipated that Applicant would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

Applicant 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.

(11) Interview with the Board or its Designee.

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

(12) Notification to Employers/Nursing School.

Applicant shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Applicant practices as a registered nurse and inform them of Applicant's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered nursing employment, Applicant shall cause Applicant's 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 the Applicant is attending a nursing program, Applicant 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

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program to comply with the conditions in the Consent Order during clinical experience.

(13) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing practice and **quarterly** thereafter, Applicant shall cause every registered nursing employer for which the Applicant has worked during the quarter to submit to the Board an evaluation of Applicant's work performance and attendance during that quarter. This report shall be in writing on forms issued by the Board.

In the event the Applicant is attending a nursing program, Applicant shall cause the Program Director to submit to the Board, on a quarterly basis, a written evaluation of her 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.

(14) Practice Under Supervision.

Applicant shall practice as a registered nurse only in a setting where Applicant has direct supervision for the entire shift by a registered nurse who is licensed and in good standing.

(15) Types of Employment Prohibited.

Applicant shall not work in a supervisory role. Applicant 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 Consent Order.

(16) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Applicant shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Applicant shall further notify the Board, in writing, within five (5) days of any change in employment, personal address, or telephone number.

(17) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Applicant shall first obtain approval from the Board prior to Applicant leaving the State of Vermont. If Applicant 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. The Board will approve out-of-state practice so long as the Applicant can still comply with the provisions of this Consent Order.

(18) Notification to Other States.

In the event that the Applicant is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Applicant is

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licensed of the conditional status of her Vermont registered nursing license within thirty (30) days of the date of entry of this Order. If the Applicant fails to provide such notification, it will be considered a violation of this Order.

(19) License Renewal.

If the Applicant'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 registered nurse, the Applicant must timely apply for renewal, pay the applicable fee, and demonstrate that she has otherwise complied with the requirements for license renewal.

(20) Release of Information Forms.

The conditions of this Order require the Applicant to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Applicant and any and all treatment rendered to the Applicant for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Applicant'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 Applicant is entitled to revoke this consent at any time. However, any revocation by the Applicant 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 Applicant's registered nursing license.

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

The Applicant understands that her treatment provider may require her to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(21) Costs.

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

(22) Violation of this Order.

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

(23) Completion of Conditional License Period.

After the conditional license period, the Applicant may petition the Board to remove any and all conditions on her license. The Applicant must present proof

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that she has fully complied with the terms of this Order and that she can safely and competently perform the duties of a registered nurse. The Applicant may be eligible to have any and all conditions removed from her license if the Applicant has no conditions or other limitations on any other registered nursing licenses the Applicant may hold in any other state.

- B. Notwithstanding any provision above, the Applicant must continue to meet all 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 Applicant's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 9/18/08

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

Dated: 9/18/08

CHRISTINA M. LAPINSKA
APPLICANT

By: [Signature]
Christina M. Lapinska

APPROVED AND SO ORDERED:

Dated: 10-13-08

VERMONT BOARD OF NURSING

By: [Signature]
Chairperson

Date of Entry: 10/14/08

app.nu.lapinska.stip

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STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND	)	
PROFESSIONAL REGULATION	)	
of the State of Illinois,	)	Complainant,
v.	)	No. 200700715
Christina LaPinska,	)	
License No. 041269899,	)	Respondent

CONSENT ORDER

The Department of Professional Regulation by Neal A. Draznin, one of its attorneys, and Christina LaPinska, Respondent, hereby agree to the following:

STIPULATIONS

Christina LaPinska is licensed as a Registered Professional Nurse in the State of Illinois, holding license No. 041269899. Said license is presently in ACTIVE status. At all times material to the matter set forth in this Consent Order, the Department of Financial and Professional Regulation, Division of Professional Regulation of the State of Illinois (hereinafter the "Department"), had jurisdiction over the subject matter and parties herein.

The Department alleges that during the month of December 2006, the Respondent diverted Morphine and Dilaudid from her hospital employer for her personal use.

The allegations set forth above, if proven to be true, would constitute grounds for suspending, revoking, or otherwise disciplining Respondent's license as a registered professional nurse on the authority of 225 Illinois Compiled Statutes 65/10-45(b)(7) and 65/10-45(b)(9).

As a result of the foregoing, an Informal Disciplinary Conference was held on September 20, 2007 at the offices of the Department at 100 West Randolph, Chicago. Nursing Board member, Ellen Davel was present as was the Respondent. Neal A. Draznin appeared as counsel for the Department.

Respondent has been advised of the right to have the pending allegation(s) reduced to written charges, the right to counsel, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order. Respondent has freely and willfully entered into this Consent Order without any threat or coercion by any person. Respondent has not relied on any statements or promises made by or on behalf of the Department other than those specifically set forth in writing herein.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Neal A. Draznin, its attorney, and Christina LaPinska, agree as follows:

- A. Effective upon the Director of the Division of Professional Regulation's approving and signing this

Consent Order, Respondent's Registered Professional Nurse's License, License No. 041269899, shall be placed on PROBATION for an indefinite period of not less than two (2) years.

B. During the Probationary period, Respondent shall adhere to the following:

1. Respondent shall not ingest alcohol;
2. Respondent shall not ingest any mood or mind altering substances except those therapeutically prescribed by treating prescriber whose patient records reflect that the treating prescriber knew of Respondent's disease and ongoing recovery;
3. Respondent shall provide quarterly random urine screens during the Probationary period. Failure, refusal to give the screens, dilution or a positive result shall be a violation of Probation;
4. Respondent shall provide the Department with quarterly reports which include:
 - a. current residential address and telephone number where he can be reached;
 - b. if working as a nurse, Respondent shall provide a copy of any performance evaluation completed by her employer within the prior quarter. Respondent, shall at the beginning of Probation, provide the Department with

objective documentation as to the frequency of employee performance evaluations;

- c. a description of job duties, responsibilities and name of immediate supervisor, if employed in a nursing related environment;
 - d. a copy of all incident reports within the prior quarter.
5. Respondent shall notify the Department's Nurse Investigative Supervisor in writing of any change in employment and home address and telephone within five (5) days;
6. The Respondent will provide the Department with:

- a. current residential address and telephone number where he can reached;
- b. a copy of any performance evaluation completed by her employer. Respondent shall, at the beginning of Probation, provide the Department with objective documentation as to the frequency of employee performance evaluations;
- c. a description of job duties, responsibilities and name of immediate supervisor, if employed in

a nursing related environment; a copy of all incident reports within the prior quarter;

- C. Respondent shall enter into and comply with all substantive conditions of an Aftercare Agreement with the Illinois Professionals Health Program, unless another Aftercare Program is pre-approved in writing by one of the Department's prosecutions or probation staff. Conditions in the Aftercare Agreement relating to the payment of fees to the Illinois Professionals Health Program are not deemed substantive conditions. Respondent shall cause a copy of her current Aftercare Agreement to be submitted to the Department's Nursing Act Coordinator within ten (10) days of execution of this agreement by the Board. Respondent shall cause copies of any amendments to the aftercare Agreement to be submitted to the Department's Nursing Act Coordinator within three (3) days of implementation.
- D. Respondent shall routinely attend approved self-help group meetings pursuant to the terms of the Aftercare Agreement.
- E. Respondent agrees that any positive drug test subsequent to entry of this Consent Order permits the Department of Professional Regulation to issue an Order mandating the automatic, indefinite and immediate suspension of the Respondent's nursing license for a minimum of twelve (12) months. This

suspension shall not preclude the Department from taking any other disciplinary or other action it deems appropriate. In the event that Respondent contests in writing (by filing an appropriate motion with the Department) the factual basis underlying the suspension, then Respondent shall be afforded a hearing on the merits within thirty (30) days from the filing thereof.

F. Respondent agrees that any violation of paragraph B, C, D, or E of this Consent Order permits the Director of the Division of Professional Regulation to issue an Order forthwith mandating the automatic, indefinite and immediate suspension of Respondent's license as a Registered Professional Nurse for a minimum period of six (6) months. This suspension shall not preclude the Department from taking any other disciplinary or other action it deems appropriate. In the event Respondent contests in writing (by the filing of an appropriate petition with the Department) the factual basis underlying said suspension within thirty (30) days of the imposition thereof, then Respondent shall be afforded a hearing on the merits within thirty (30) days from filing of said petition.

G. Any violation by the Respondent of the terms and conditions of this Consent Order shall be grounds for the Department to immediately file a Complaint to

revoke the Respondent's license to practice as a Registered Professional Nurse in the State of Illinois.

H. All reports required to be submitted to the Department pursuant to this Consent Order shall be sent to:

Illinois Department of Financial and Professional Regulation

Division of Professional Regulation

Attn: Probation Compliance Unit

100 West Randolph Street, Suite 9-300

Chicago, Illinois 60601

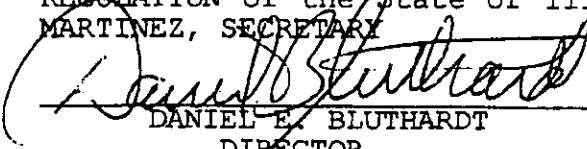
I. This Consent Order shall become effective upon the signing and approval by the Director of the Department.

01/18/08	
DATE	Neal A. Draznin Attorney for the Department
1/3/2008	
DATE	Christina LaPinska Respondent
1/14/08	
DATE	Julio Santiago Chair, Illinois Board of Nursing

The foregoing Consent Order is approved in full.

DATED THIS 8th day of February, 2008.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION, DEPARTMENT OF PROFESSIONAL
REGULATION of the State of Illinois; DEAN
MARTINEZ, SECRETARY


DANIEL E. BLUTHARDT
DIRECTOR

REF: License No. 041269899, Case No. 200700715