

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

In re: SHARON B. LAUB
License Nos. 026.0023454
101.0023454

}
}
} Docket No. M2013-109
}
} 2012-381
}

Participating Board Members:

Ellen Watson, APRN, Chair
Jennifer Laurent, APRN,
William G. White, Jr., Public Member
Luana Tredwell, LPN
Kelly Sinclair, LNA
Virginia Hudson, RN
Douglas Sutton, RN
Deborah Swartz, RN

Appearances:

Prosecutor: Elizabeth St. James, Esq.
Petitioner: Appeared *pro se*

Hearing Officer: George K. Belcher

ORDER GRANTING PETITION FOR MODIFICATION OF CONDITIONS

The Vermont Board of Nursing held a hearing in the above matter on May 14, 2018 at the Office of Professional Regulation in Montpelier, Vermont. The State was represented by Elizabeth St. James, Esq. Petitioner attended and was not represented by counsel.

Findings of Fact

1. Petitioner has been licensed as a Registered Nurse and as an Advanced Practice Registered Nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, and the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. The Petitioner stipulated to a suspension of her Advanced Practice Registered Nurse License on September 5, 2013 (Docket No. 2012-381). The Petitioner stipulated to a Reinstatement Stipulation and Consent order on January 9, 2015 (Docket No M2013-109) which enabled the Petitioner to renew her Registered Nurse License under conditions allowing her to work towards renewal of her APRN License. The stipulated order called for conditions upon the license of the Petitioner for a minimum of five years

including a minimum of five years of supervised practice. Paragraphs 1 and 5 of the conditions portion of the order ("Conditions A") called for Random Drug and Alcohol Testing. Paragraph 9 of the conditions portions of the order called for monthly reports from her employer or program director. Paragraph 1 of the conditions portion of the order provided, in part, that the Petitioner could petition the Board for a modification of the conditions "... as may be appropriate to align practice supervision with changes in Respondent's work setting or treatment progress."

3. The Petitioner petitioned the Board by letter dated April 15, 2018 to modify the conditions of her Registered Nurse license. She requested that the conditions no longer require that she participate in random drug and alcohol screens and that the monthly evaluations of workplace performance be less frequent than monthly.
4. The State objected to the modification of the conditions, arguing that the Petitioner: (1) had not satisfied the five-year period of drug screens or monthly reporting; (2) had missed several random drug tests in the last six months; and (3) did not offer a valid reason for modifying the conditions.
5. The Petitioner explained in her testimony that she had taken random drug screens for a two year period before entering into the 2015 stipulation so that she has, in effect, completed five years of random drug screens. She also explained that changes in her personal life (level of employment, divorce, children in college, etc.) have made the expense of random drug screens more burdensome. She explained that she remains active in recovery programs and counseling. The petitioner has almost six years of continuous sobriety. Most importantly, she explained that she is no longer seeking to be certified as a Certified Registered Nurse Anesthetist but has resolved to continue practice only as a Registered Nurse. (It is clear that the conditions in the 2015 order were gauged in contemplation of her transitioning to both RN and CRNA practice. Since she is no longer seeking to resume her CRNA designation, the need for the five year requirement of both random drug screening and monthly reporting is lessened in the opinion of the Board.)

Conclusions of Law and Discussion

In the discretion of the Board, conditions may be modified or removed if the Petitioner shows good cause to do so. 3 VSA Sec. 129(5). Here the Petitioner has explained her strong efforts to safely reenter the field of nursing. She has taken steps to address the concerns of the original discipline. The Petitioner has convinced the Board that the random drug and alcohol screens are no longer necessary to her safe practice and that the other conditions of her license provide added protection for the public without continuing the random drug screens. Likewise, the Board is persuaded that the requested modification of the reporting requirement is adequate to protect the public. These changes to the conditions of her license are justified by substantial changes in the factual situation from the time of the 2015 order.

Order

1. **The Board does modify condition number one of "Conditions A" of the Order of January 13, 2015 to delete the following sentence:
"Notwithstanding any provision of this Consent Order to the contrary, and notwithstanding the future modification or abrogation of other conditions,**

Respondent shall be subject to randomized, monitored drug testing at the direction of the Board's case manager so long as Respondent may hold a Board license."

2. The Board does delete condition number five of "Conditions A" of the Order of January 13, 2015.
3. The Board does modify Condition number nine of "Conditions A" of the Order of January 13, 2015 to read, in part, as follows:
"Reports from Employer/Program Director. Within one (1) month of the date of reinstatement or within one (1) month of the commencement of nursing employment and [monthly] quarterly commencing with this order of modification and thereafter, Respondent shall cause every nursing employer Respondent has worked for during the [month] previous three months to submit to the Board...."
In addition, there is added to Condition number nine the following sentence: "Upon successful completion of quarterly reports for one year from the date of this Order Granting Petition for Modification of Conditions, the requirement of quarterly reports shall cease."
4. Except as modified above all other prior conditions shall continue without modification.

Vermont Board of Nursing

By: _____

Ellen Watson, APRN, Chair
Vermont Board of Nursing

Date: _____

5/18/2018

OFFICE OF PROFESSIONAL REGULATION

5/22/18
Date of Entry

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main St., Fl. 3, Montpelier, VT 056203402 within 30 days of the entry of this Order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.