

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

IN RE:)
SHARON LAUB)
License No. 101.0023454)

Docket No. 2012-381

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through State Prosecuting Attorney Gabriel M. Gilman, and the respondent, Sharon Laub, by and through her attorney, Eileen Elliott, Esq., who stipulate and agree as follows:

Board Authority

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

Statement of Facts

2. Sharon Laub ("Respondent") of Burlington, Vermont is licensed by the State of Vermont as an Advanced Practice Registered Nurse under license number 101.023454. This license was originally issued on or about July 29, 1997. On October 9, 2012 the Board accepted the voluntary surrender of Respondent's license.
3. At all times relevant, Respondent was employed as a certified registered nurse anesthetist at Fletcher Allen Health Care (the "Facility") in Burlington, Vermont.
4. On or about June 16, 2012, Respondent was the nurse anesthetist for two surgeries at the Facility. Respondent's documentation of Fentanyl administered in the course of both surgeries was significantly discrepant.
5. On or about June 16, 2012, following the second surgery, J.F. found an unused 250 mcg vial of Fentanyl in Respondent's purse.
6. On or about June 19, 2012, Respondent met with D.A., MD, K.L, MD, and S.P. During the meeting, Respondent admitted that she was using Fentanyl.

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7. On June 20, 2012, Respondent travelled to Atlanta, Georgia where she was admitted to the Talbot Recovery Campus. She remained there until approximately November 11, 2012. The Talbot continues to monitor Respondent's recovery. She returned for a scheduled visit in April, 2013 and will return again in Fall, 2013 for another scheduled visit, consistent with her continuing care plan with the Talbot.
8. OPR Investigator John Lewis interviewed Respondent by telephone on August 29, 2012. Respondent admitted to diverting Fentanyl from the Facility for her own use. Respondent acknowledged that she concealed her diversion by documenting more Fentanyl administration in patient records than she actually administered. Respondent stated that she secreted Fentanyl from the facility to her home by drawing the drug it into a syringe and take the syringe home. Respondent stated that she always kept the Fentanyl in her purse.
9. Respondent participates actively in ongoing treatment for her substance-abuse disorder, including individual therapy, twelve-step program meetings, family therapy, and random, observed drug screens. She is also seeing and working with Dr. Suzanne Parker of the Vermont Practitioner Health Program every two weeks. At this early point in Respondent's recovery, the parties have insufficient information to assess when Respondent may be prepared to return safely to nursing practice, and what conditions will be appropriate to that circumstance.

Violations

10. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performance of unsafe or unacceptable patient care pursuant to ARBN Rule 11.2(b)(1) and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Rule 11.2(b)(2);
 - b. 26 V.S.A. § 1582(a)(5) (Is ...addicted to the use of habit-forming drugs);
 - c. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Rule 11.2(d)(4) and falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN Rule 11.2(d)(3);
 - d. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or

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unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

Understandings

11. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
12. 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.
13. Respondent specifically waives any claim that any disclosures made to the full Board during its review of this agreement prejudice her right to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
14. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
15. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
16. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
17. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
18. 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. Respondent's license shall be suspended indefinitely and until further order of the Board.
- B. Respondent may petition the Board for conditional reinstatement of her license by filing a petition in duplicate with the OPR docket clerk and the State. As the petitioner, Respondent shall bear the burden of demonstrating to the Board's satisfaction that there exist a set of conditions under which Respondent may return to nursing practice without jeopardy to the public health, safety, or welfare, or to Respondent's own health. Pursuant to ARBN 11.4, Respondent's reinstatement petition shall be referred upon receipt to an investigative team for review, which may include additional investigation. Respondent shall grant releases allowing the investigative team to examine treatment records. Respondent shall cooperate with requests for independent evaluation by a treatment professional recommended by the

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investigative team. Following analysis by the investigative team, the State may negotiate a stipulation for reinstatement or file an opposition to reinstatement. If a petition is opposed by the State, Respondent shall be entitled to a contested hearing before the Board following an appropriate time for the completion of any necessary discovery. Respondent shall not be entitled to petition more frequently than biannually.

- C. Notwithstanding any provision above, the Respondent must continue to meet all applicable Nursing Board requirements for maintaining eligibility for licensure, 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).
- 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.

AGREED TO:

Dated: 9/5/13

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Gabriel M. Gilman
State Prosecuting Attorney

SHARON LAUB
RESPONDENT

Dated: 9/5/13

By: [Signature]
Sharon Laub

APPROVED AS TO FORM:

Dated: 9/5/13

ATTORNEY FOR RESPONDENT

By: [Signature]
Eileen Elliott, Esq.

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APPROVED AND SO ORDERED:

Dated: 9/9/13
Date of Entry: 9/9/13

VERMONT BOARD OF NURSING

By: [Signature]
Chairperson

**STATE OF VERMONT
BOARD OF NURSING**

In re: Sharon Laub
License No. 101-23454

2012-381Docket No. (APRN)

Acceptance of Surrender

On October 8, 2012 this matter came before the Board of Nursing on the State's Request for a Summary Suspension. Ms. Laub did not appear. Her attorney, on her behalf, wrote to the Board indicating that Ms. Laub had not practiced since June, 2012 and was in an out of state rehabilitation center. Ms. Laub surrendered her license pending resolution of the disciplinary matter regarding substance abuse which was the subject of the Summary Suspension Request.

Based on a Review of the pleadings and the file, and on the correspondence from Ms. Laub's attorney, the Board finds that Ms. Laub is a licensed 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. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. 3 V.S.A. § 814(c) permits the Board to summarily suspend a license if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order. 3 V.S.A. § 129(a)(7) permits us to accept a surrender of a license. Doing so does not divest the Board of jurisdiction to hear and resolve the disciplinary matter which was the subject of the State's Summary Suspension Request. 3 V.S.A. § 129(a)(5).

Accepting Ms. Laub's surrender is appropriate. Doing so protects the public while eliminating the need for us to consider whether there is an imperative need for emergency action, i.e., summary suspension.

Order

The Board **accepts the surrender** of Ms. Laub's license. The State shall promptly institute charges by filing its specification of charges so that the underlying disciplinary issues may be determined.

Vermont Board of Nursing

By: Deborah Swartz
Deborah Swartz, RN

Date: October 9, 2012

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 10/10/12