

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

IN RE:

JESSICA N. LENNON

License No. 025.0008295

)
)
)

Docket No. 2009-122

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Jessica N. Lennon, LPN, who stipulate and agree as follows:

Board Authority

1. The Vermont State 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 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. Jessica N. Lennon (the "Respondent") of Rutland, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0008295. This license was originally issued on or about October 18, 2002 and is currently set to expire on or about January 31, 2010.
3. Respondent was also licensed by the State of Vermont as a Licensed Nursing Assistant under license number 075.0011950. This license was originally issued on or about August 13, 2001 and lapsed on or about January 31, 2003.
4. By way of history, on or about January 6, 2005, Respondent's LPN license was conditioned by the Board due to Respondent's admissions of various failures to practice nursing competently. Attachment A. Respondent never had these conditions removed from her license.
5. By way of history, on or about December 14, 2005, Respondent's LPN license was summarily suspended by the Board due to allegations that the Respondent admitted to stealing approximately seven or eight oxycodone tablets and taking at least some of the medicine. Attachment B.

STATE OF VERMONT



**Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107**

6. By way of history, on or about February 16, 2006, Respondent's LPN license was indefinitely suspended by the Board pursuant to a Default Order, based on the conduct referenced above in ¶5. Attachment C.
7. By way of history, on or about February 29, 2008, Respondent's LPN license was conditionally reinstated by the Board, with the first three (3) months of conditions being under a suspended license prior to reinstatement. Attachment D. These conditions included the requirements that Respondent enter into a Board-approved treatment plan with a treating professional, and submit to random drug and alcohol screenings. Attachment D.
8. On or about August 5, 2009, Charges were filed against the Respondent in the above-captioned matter. Attachment E. The Charges were a result of Respondent's failure to comply with her current conditions required by the Board Order described above in ¶7, in that Respondent failed to have a treatment plan approved by the Board, and failed to submit to some of the required random drug and alcohol screenings. Since that date, Respondent has had a treatment plan approved by the Board.
9. On or about September 14, 2009 in a letter to the Board, the Respondent requested that her license status be changed to Inactive-Conditioned. The Respondent indicated that at this point in time, she does not plan to work as a nurse and plans to stay at home, caring for her young children.

Understandings

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 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. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
14. 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.
15. 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.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

16. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is hereby **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby changes Respondent's license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. Within forty-five (45) days of any future request for reinstatement, Respondent must: 1) obtain an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; 2) the results of the report with the drug and alcohol abuse independent evaluator must indicate that the Respondent does not present a risk to the safety, health or welfare of her potential patients; 3) Respondent must submit to the Board the results of a minimum of three (3) random urine analyses, collected in an observed setting, administered by a person who has been pre-approved by the Board, and analyzed by a lab qualified to analyze samples for forensic purposes and pre-approved by the Board; and 4) the results of the random urine analyses shall be negative; failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed positive. The Respondent's license shall not be reinstated until these prerequisites are met. Once reinstated, Respondent's license will be conditioned pursuant to the conditions currently in effect in Attachment D.
- B. The State agrees to **dismiss without prejudice** the Specification of Charges in the above-captioned case dated August 5, 2009 (Attached). This dismissal shall be executed only after the Board of Nursing has agreed to and signed this Stipulation and Consent Order.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, 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.

STATE OF VERMONT

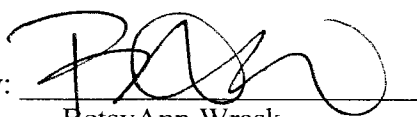


Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

AGREED TO:

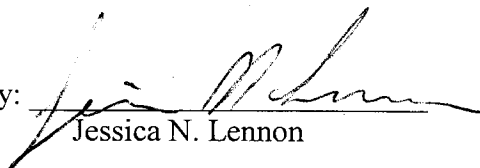
Dated: 10-12-09

STATE OF VERMONT
SECRETARY OF STATE

By: 
Betsy Ann Wrask
State Prosecuting Attorney

JESSICA N. LENNON
RESPONDENT

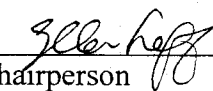
Dated: 10-1-07

By: 
Jessica N. Lennon

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11-9-09

By: 
Chairperson

Date of Entry: 11/10/09
nu.lennon.stip

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Jessica N. Lennon
License No. 25-8295

)
) Case File No. NU37-1203

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, December 13, 2004, at 81 River Street in Montpelier, Vermont. Board members Susan Farrell, Sandra Norton, Alan Weiss, Elayne Clift, Dee-Ann Welch, Donarae Metcalf and Linda Rice participated in the decision. Edward Adrian, Prosecuting Attorney, appeared for the State. Jessica Lennon ("the Respondent") was present. The presiding officer for the Board was Christopher Winters.

The Respondent largely did not contest the documentation errors set forth in the State's Specification of Charges dated June 16, 2004, as indicated by her testimony at the hearing. During the hearing, the State dismissed paragraphs 12 and 13 of the Charges, and amended the charge at paragraph 9 from failing to catheterize to failure to document catheterization.

Findings of Fact

1. At all times relevant to these charges, the Respondent, Jessica Lennon, was a Licensed Practical Nurse holding license number 025-0008295, issued by the State of Vermont.
2. The Respondent's license was originally issued on October 18, 2002 and the Respondent's license lapsed on January 31, 2004.
3. At all times relevant, the Respondent was employed by Eden Park Nursing Home ("the Facility") in Rutland, Vermont.
4. The Respondent admits that on or about September 22, 2003, she failed to change a resident's duragesic patch as required. Respondent adds that she was distracted at the time and only recently oriented.

9. The Respondent admits that on or about October 2, 2003, after performing a catheterization on resident E.B., she failed to document the amounts on the flow sheets.
10. The Respondent admits that on or about October 12, 2003, the Respondent checked off resident E.L.'s med chart as having administered Hytrin 2 mg when it had not been given. She adds that this medication had been borrowed for another resident and that she had been trained to do it this way.
11. The Respondent admits that on or about October 13, 2003, she failed to administer the prescribed Hytrin 2 mg to resident E.L.
12. The Respondent admits that on or about October 21, 2003, she guessed the length of a surgical incision when doing an admission assessment of a new resident because the Respondent didn't want to remove the dressing on the resident's lower back for fear of infection. The Respondent wrote this guess on an intake form.
13. The Respondent admits that on or about October 26, 2003, she failed to remove resident A.W.'s nitroglycerin patch at bedtime as required. As a result, the patch was left on for twenty-four hours instead of twelve hours. The Respondent believed that because the patch was not in its normal place, that an LNA must have removed it. She did not inquire of any of the LNAs on that shift as to the patch.
14. The Respondent admits that on or about October 30, 2003, she failed to document resident M.R.'s oxygen level following weaning M.R. off of the ventilator.
15. The Respondent admits that she has failed to document properly on several occasions and has had a problem with attention to detail.

Conclusions of Law

By making the charting errors set forth in the above facts, the Respondent has committed unprofessional conduct in that she has:

a) failed to comply with the provisions of state statutes or rules governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3).

b) demonstrated an inability to practice nursing competently in violation of 26 V.S.A. §1582(a)(3), including the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(2).

Order

A. Based on the above findings and conclusions as stipulated to by the parties, the Board of Nursing hereby **CONDITIONS** the Respondent's license for A MINIMUM OF ONE (1) YEAR from the date of entry of this Order. The **CONDITIONS** are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes two (2) years of supervised nursing practice in which Respondent works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Medication Administration / Pharmacology Course and Documentation Course.

Respondent must complete (i.e.: receive a passing grade, if applicable) a course on (1) medication administration / pharmacology and a course on (2) documentation with prior approval by the Board or its designee, and then submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee. These courses must be completed within one year of the date of entry of this Order. It is possible that both subjects may be covered in one course, subject to Board approval.

(3) Notification to Employers.

Respondent shall provide a copy of this Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Order or of any subsequent employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Order and the ability to comply with the conditions in the Order.

(4) Reports from Employers

Within one (1) month of the date of entry of this Order and monthly thereafter, Respondent shall cause every employer Respondent has worked for during the relevant time period to submit to the Board an evaluation of Respondent's performance and attendance during that time period. This report shall be submitted in writing on forms issued by the Board.

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

Respondent shall sign a consent, upon request of the Board, to authorize Respondent's employer to provide all information requested by the Nursing Board, or its designee, either orally

or in writing, at any time during the period the Order is in effect.

Practice Under Supervision

Respondent shall practice only in a setting where Respondent has on-site supervision for the entire shift by a registered nurse that is licensed and in good standing.

(6) Types of Employment

Respondent 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 Order.

(7) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice as a nurse in the State of Vermont.

(8) Costs.

Respondent shall bear all costs of complying with this Order.

(9) Violation of the Order.

If Respondent violates the terms of this 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 Order, the conditional license period shall be extended until the matter is final.

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 formally restored by appropriate Board action. Respondent shall demonstrate, to the Board's satisfaction that Respondent fully complied with all the terms of this Order. If the Respondent demonstrates to the Board's satisfaction compliance with all of her conditions, then any and all conditions shall be removed.

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

C. This Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

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
Chair

Date:

12-24-04

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 1/6/05

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

IN RE:
JESSICA N. LENNON
License No. 025-0008295

Docket No: NU 37-1203

SPECIFICATION OF CHARGES

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

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.
2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
3. The inability to practice nursing by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
4. The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2).

Facts

5. The Respondent is a Licensed Practical Nurse holding license number 025-0008295, issued by the State of Vermont.
6. The Respondent's license was originally issued on October 18, 2002 and the Respondent's license lapsed on January 31, 2004.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

7. At all times relevant, the Respondent was employed as an L.P.N. by Eden Park Nursing Home ("the Facility") in Rutland, Vermont.
8. On or about September 22, 2003, the Respondent failed to change a resident's duragesic patch as required.
9. On or about October 2, 2003, the Respondent failed to catheterize resident E.B. and when questioned about it, the Respondent stated that she had performed the catheterization. The Respondent also signed off on E.B.'s chart as if it had been done, though no amounts were recorded on the flow sheets.
10. On or about October 12, 2003, the Respondent checked off resident E.L.'s med chart as having administered Hytrin 2 mg when it had not been given.
11. On or about October 13, 2003, the Respondent failed to administer the prescribed Hytrin 2 mg to resident E.L.
12. On or about October 15, 2003, the Respondent failed to perform or assign LNAs to tasks of completing residents' vital signs, showers and blood pressures.
13. On or about October 17, 2003, the Respondent failed to respond to a resident's chair sensor. The resident was found by staff on the floor in front of the wheelchair calling for help.
14. On or about October 21, 2003, the Respondent "guessed" at the length of a surgical incision when doing an admission assessment of a new resident because the Respondent didn't want to remove the dressing on the resident's lower back.
15. On or about October 26, 2003, the Respondent failed to remove resident A.W.'s nitroglycerin patch at bedtime as required. As a result, the patch was left on for twenty-four hours instead of twelve hours.
16. On or about October 30, 2003, the Respondent failed to document resident M.R.'s oxygen level following weaning M.R. off of the ventilator.

Charges

A. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:

- (i) 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2); and

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

(ii) 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Jessica N. Lennon should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 16th day of June 2004.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.lennon.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

entered 12/14/05

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

In re: Jessica Lennon
License No. 025-0008295

Docket No. NU30-1005

SUMMARY SUSPENSION ORDER

On 12 December 2005, this matter came before the Vermont State Board of Nursing on the prosecution's Request for Summary Suspension pursuant to 3 V.S.A. § 814(c). The Board has authority to summarily suspend a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action.

Findings of Fact & Conclusions of Law:

Based on a review of the evidence presented to the Board at the hearing on this matter, the Board finds:

1. The Respondent is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a), and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a "Request for Summary Suspension" dated 5 December 2005 alleging that Respondent took approximately seven or eight oxycodone tablets from a colleague who had recently undergone surgery. The State further alleges that the Respondent admitted to stealing the medicine and that Respondent further admitted that she took at least some of the medicine.
3. The State argues that public health, safety or welfare imperatively requires emergency action, and the state asks this Board to suspend summarily the Respondent's license prior to a full hearing on the merits.
4. The Board has considered the evidence related to the allegations in the State's Request for Summary Suspension.
5. The Board finds that the State has, in its presentation of evidence, met its burden to the necessary degree of showing the need for emergency action to protect the public health, safety and welfare.

Order:

Pursuant to 3 V.S.A. § 814(c), the Board issues the following order which shall remain in effect until further action by the Board.

The State of Vermont's Request for Summary Suspension is GRANTED.

The Respondent's license is summarily suspended pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, RN, Chairperson

Dated: 12 December 2005

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/14/05

VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

extend
2/16/06

In re: Jessica Lennon } Docket No. NU30-1005
License No. 025-0008295 }
}

DEFAULT ORDER

The Nursing Board held a hearing on the above matter on 13 February 2006 at Central Vermont Hospital 130 Fisher Road, Berlin, Vermont.

Findings of Fact

1. Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28, the Administrative Rules of the Board of Nursing and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a Specification of Charges against the Respondent on 16 December 2005 alleging that the Respondent had diverted oxycodone tablets for her personal use. The Respondent's license was summarily suspended on 12 December 2005 based on these allegations.
3. The Office of Professional Regulation served Respondent with notice of the charges by certified mail and first class mail to the Respondent's last known address as provided by the Respondent to the Office of Professional Regulation. The notice of charges contained instructions detailing the Respondent's legal obligation to answer the charges and explaining the consequences of failure file a timely answer. The Respondent was also sent a notice of the default hearing on this matter by certified mail.
4. The Respondent did not answer the charges within the time permitted by Office of Professional Regulation Rule 3.3 or at any time thereafter.
5. Upon hearing the State's presentation and taking notice of its own file pursuant to 3 V.S.A. 810(4), the Board found the Respondent to be in default. The allegations contained in the State's specification of charges (copy attached) are therefore treated as proven and serve as the factual basis for the Board's order. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

The Respondent received adequate and legal notice of the charges as indicated by the Board's file and the State's presentation of the case to the Board. Because the Respondent failed to answer the charges of unprofessional conduct, the Board finds the Respondent in default and will treat the State's factual allegations as if proven pursuant to Office of Professional Regulation Rule 3.4. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in unprofessional conduct as alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the Board of Nursing orders the license of the Respondent to be SUSPENDED INDEFINITELY effective as of the date of the hearing, 13 February 2006.

Vermont Board of Nursing:

By:

Susan O. Farrell
Susan O. Farrell, RN, Chairperson

Dated at Berlin: 13 February 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/16/06

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

In re	Jessica Lennon	}
License No.	025-0008295	}
Docket No.	NU30-1005	}

**FINDINGS OF FACT
CONCLUSIONS OF LAW & ORDER**

1. On Monday, 10 December 2008, the Board of Nursing heard this appeal of the preliminary denial of the license reinstatement application of Petitioner Jessica Lennon.
2. Board members Kenneth W. Bush, Susan O. Farrell (Chairperson),¹ Ellen W. Leff, Donarae Metcalf, Sandra J. Norton, Linda M. Y. Rice, Deborah Robinson, Alan H. Weiss, DeAnn Welch and William White participated in the hearing of this matter. The Petitioner appeared with counsel Denise Clark. Edward G. Adrian appeared on behalf of the State of Vermont. Board counsel Kevin F. Leahy presided.
3. Petitioner is appealing, and seeks the reversal of, the preliminary denial of her application to have her LPN license reinstated.
4. The Office of Professional Regulation ("OPR") acting on behalf of the Board, denied Petitioner's application in July 2007.
5. For the reasons set forth below, the Board vacates the preliminary denial and grants the Petitioner's request.
6. The Petitioner initially sought to have her license reinstated by an application filed with OPR arguing that her sustained sobriety warranted reinstatement.
7. A review committee designated by the Board preliminarily denied the application and gave, as its reason for denying the reinstatement application, discrepancies on reports made to third parties as well as OPR's evaluation of treatment recommendations. See OPR letter to Petitioner dated 20 July 2007.
8. This appeal followed.
9. A Petitioner bears the burden of proof. 3 V.S.A. § 129(e).
10. It is therefore incumbent upon the Petitioner to demonstrate to the Board that she is qualified to practice without jeopardizing the public health safety and welfare.

¹ Susan O. Farrell's term expired at the end of 2007. She participated in the deliberation of this matter and the consideration of the Board's order.

11. The Board reviewed and considered the evidence presented at the hearing by the Petitioner including her testimony, academic records, letters of recommendation and her employment history, which included four years of military service with an honorable discharge and successful small business experience.
12. Respondent also presented a medical evaluation showing a period of sustained remission from substance abuse. The Board took the medical records into evidence and then placed them under seal by unanimous consent of all participating Board members.
13. Based on a review of the evidence in support of Petitioner's appeal, the Board holds that the Petitioner has demonstrated that she is entitled to have her license reinstated with conditions put into place in order to protect the public health, safety and welfare.
14. Petitioner's license shall therefore be reinstated by this order and consistent with conditions as set forth in the Appendix attached to this order.
15. This shall also require that Petitioner successfully complete the first three months of conditions under a suspended license prior to reinstatement.
16. Upon successfully completing three months of all conditions other than the practice requirements and employer reports, the Board will conditionally reinstate the Petitioner's license.
17. The license conditions shall remain in place until Petitioner successfully completes and complies with all conditions set forth in this order and demonstrates rehabilitation to the Board.

ORDER

The July 2007 decision to deny Petitioner's reinstatement application for her license to practice as a practical nurse is VACATED; and

Petitioner's request to have her license reinstated is GRANTED in part and with conditions; and

Petitioner's license shall be CONDITIONALLY REINSTATED pursuant to the terms imposed by this order and as stated in the attached Appendix; and

Petitioner's license is SUSPENDED for THREE MONTHS effective the date of entry of this order; and

The CONDITIONS set forth in this order shall govern the Petitioner's license until further order of this Board.

- END -

(signature page to follow)

Vermont Board of Nursing:

By: Linda Rice APRN Date: 2-26-08
Linda M. Y. Rice, APRN
Board Chairperson

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/29/08

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 the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Secretary of State's Office, National Life Building, FL2, 1 National Life Drive, Montpelier, Vermont 05602-3402 within 30 days of the entry of the order.

For more information about the procedure for filing an appeal, please see the Administrative Rules for the Office of Professional Regulation, which you can find at: <http://www.vtprofessionals.org/opr1/opr/admnrule.pdf> and the Rules are also available at the Office of Professional Regulation.

If you file an appeal, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The appellate officer will review the record (the tape recording, exhibits etc.) created before the board during the hearing of your case. In cases of alleged irregularities in procedure before the board, not shown in the record, proof related to that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

APPENDIX
(License conditions Jessica Lennon Lic. No. 025-0008295)

1. Re-issue of License.

Following a three month suspension and upon the commencement of these conditions, Petitioner Jessica Lennon, License No. 025-0008295, (Petitioner) shall be issued a license labeled "conditioned."

2. Length of Time Conditions Imposed.

The conditions shall remain in place until Petitioner completes a three month suspension followed by three (3) years of supervised nursing practice in which Petitioner works forty (40) hours every two (2) weeks as a licensed practical nurse. Petitioner shall receive credit for part-time work (*i.e.* work that is less than forty (40) hours every two (2) weeks) on a prorated basis. The Petitioner may not work more than forty (40) hours per week.

3. Completion of Drug and Alcohol Abuse Counseling and Treatment Plan.

Petitioner shall enter into and continue drug and alcohol abuse counseling with a treating professional approved by the Board until the treating professional certifies that counseling is no longer necessary. Petitioner shall comply with the substance abuse treatment plan approved by the Board and the treating professional.

4. Notification to Treating Professional.

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

5. Reports from Treating Professional.

Petitioner shall authorize and cause Petitioner's treating professional to submit evidence of satisfactory progress with the treatment plan during the effective period of this Order. These reports shall be submitted on forms issued by the Board. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due every month thereafter.

Petitioner shall authorize Petitioner's treating professional to provide information requested by the Nursing Board while this Order is in effect.

6. Notification to Employers/Nursing School.

Petitioner shall provide a copy of this Order to all employers in any current or future setting in which Petitioner practices nursing and inform them of Petitioner's conditional license status. Within ten (10) days of the date of entry of this Order or of any subsequent nursing employment, Petitioner shall cause Petitioner's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Order and acknowledging the ability to comply with its conditions. In the event Petitioner attends a nursing program, Petitioner shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Order and ability of the program to comply with the conditions in the Order during clinical experience.

7. Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of nursing employment and monthly thereafter, Petitioner shall cause every nursing employer for which Petitioner worked during that month to submit an evaluation of Petitioner's work performance and number of days worked. This report shall be submitted in writing on forms issued by the Board.

In the event the Petitioner is attending a nursing program, Petitioner shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Petitioner's performance and days attended. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

8. Practice Supervision.

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

9. Administration of Medications

Respondent may not administer controlled substances. The Respondent may petition to have this condition removed or modified after completing twelve (12) weeks of work as a nurse. A petition seeking removal or modification of this condition must demonstrate that Respondent can safely administer controlled substances. Support for the petition shall include an explanation of Respondent's employer/school administrator inventory control procedures, and the Board may also require documented support for removing this condition from any applicable treating professional.

10. Participation in Recovery Group.

Petitioner shall participate in a substance abuse recovery group as recommended by Petitioner's treating professional.

11. Random Drug and Alcohol Testing.

Petitioner shall submit to random drug and alcohol screenings at the request of the Board or its designee pursuant to Board procedures. Testing shall be random. Urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

12. Abstain from Drug and Alcohol Use.

Petitioner shall abstain completely from the consumption or possession of alcohol and drugs with the exception of prescribed medications while these conditions are in place.

13. Drug Use Exception.

The Petitioner may only use lawfully prescribed medications. Petitioner shall inform the Board in writing of a prescribing, physician, dentist, or nurse practitioner's identity within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Petitioner shall ensure that the prescribing health care professional confirms, in writing and on appropriate letterhead, knowledge of Petitioner's substance abuse history within one (1) week of entering into the practitioner/patient relationship. Petitioner shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing health care professional, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request that Petitioner's practitioner document the continued necessity for scheduled medications prescribed for an extended term.

14. Records.

Petitioner shall keep a record of all medications that the Petitioner takes including over-the-counter medications, and Petitioner shall produce the record upon reasonable request of the Board or its designee.

15. Types of Employment Prohibited.

Petitioner shall not work in a supervisory role with the exception of supervising unlicensed assistive persons. Petitioner 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 Order.

16. Out of State Practice/Residence.

Before the Board credits any out-of-state practice or residence toward fulfillment of these terms and conditions, Petitioner must obtain Board approval prior to Petitioner leaving the State of Vermont. If Petitioner fails to receive approval, the Board will not credit

time spent out-of-state toward the fulfillment of the terms and conditions of this Order. The Board will approve out-of-state practice so long as the Petitioner can still comply with the provisions of this Order.

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

Within five (5) days of the date of entry of this Order, Petitioner shall notify the Board, in writing, of Petitioner's current place of employment, personal address, email address and telephone number. Petitioner must notify the Board, in writing, within forty-eight (48) hours of any change in employment or contact information.

18. Notification to Other States.

If the Petitioner is licensed in nursing in another state(s), Petitioner must inform the nursing licensing board of the state(s) in which the Petitioner is licensed of the conditional status of Petitioner's Vermont nursing license within thirty (30) days of the date of entry of this Order.

19. License Renewal.

Petitioner must timely apply for renewal and otherwise comply with the requirements for license renewal.

20. Release of Information Forms.

In fulfilling the conditions of this Order, the Petitioner must authorize various persons identified in this order to report information or to discuss the Petitioner with the Board. This includes treating professionals and employers. The Petitioner must execute a consent form that allows disclosure to the Board or its designee.

21. Violation of this Order.

If the Petitioner violates the terms of this Order, the Board, after giving the Petitioner notice and an opportunity to be heard, may impose additional disciplinary actions.

22. Completion of Conditional License Period.

After completion of the conditional license period, the licensee may petition the Board to remove the license conditions. The Petitioner must present proof that Petitioner has complied with the terms of this Order. The Petitioner must also present proof of successful rehabilitation in order to be reinstated.

(- END -)

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

IN RE:
JESSICA N. LENNON
License No. 025.0008295

)
)
)

Docket No. 2009-122

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Jessica N. Lennon, LPN:

Board Authority

1. The Vermont State 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 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. Jessica N. Lennon (the "Respondent") of Rutland, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0008295. This license was originally issued on or about October 18, 2002 and is currently set to expire on or about January 31, 2010.
3. Respondent was also licensed by the State of Vermont as a Licensed Nursing Assistant under license number 075.0011950. This license was originally issued on or about August 13, 2001 and lapsed on or about January 31, 2003.
4. By way of history, on or about January 6, 2005, Respondent's LPN license was conditioned by the Board due to Respondent's admissions of various failures to practice nursing competently. Attachment A. Respondent never had these conditions removed from her license.
5. By way of history, on or about December 14, 2005, Respondent's LPN license was summarily suspended by the Board due to allegations that the Respondent admitted to stealing and consuming approximately seven or eight oxycodone tablets. Attachment B.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

6. By way of history, on or about February 16, 2006, Respondent's LPN license was indefinitely suspended by the Board pursuant to a Default Order, based on the conduct referenced above in ¶5. Attachment C.
7. By way of history, on or about February 29, 2008, Respondent's LPN license was suspended and conditioned by the Board due to Respondent's chemical dependency. Attachment D. These conditions included the requirements that Respondent enter into a Board-approved treatment plan with a treating professional, and submit to random drug and alcohol screenings. Attachment D.
8. To date, Respondent has failed to comply with her current conditions ordered by the Board by failing to have a treatment plan approved by the Board, and by failing to submit to random drug and alcohol screenings, which were required by the Board Order described above in ¶7.

Charges

9. 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)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes aiding, abetting, or assisting any person in any act in violation of this chapter or acts against this best interest of the public pursuant to ARBN Chapter 4, Subchapter 4, Rule II(D)(10);
 - b. 3 V.S.A. § 129a(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board); and
 - c. 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).

Relief Requested

WHEREFORE, the license of Jessica N. Lennon should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 5th day of August, 2009.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

nu.lennon.soc

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney