

Barre

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

IN RE: Leslie Lucier Lucas } Docket No. NU60-0599
License No. 026-0014087 }

DEFAULT ORDER

The Nursing Board held a hearing on the above matter on 12 June 2006 at the Heritage Building, 81 River Street in Montpelier, Vermont.

Findings of Fact

1. Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§s 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 second Specification of Charges against the Respondent dated 16 February 2006 under this docket number [attached] alleging that the Respondent failed to report her 2005 convictions to the Board for DWI, False Information to a Police Officer (Dk't No. 17-1-05 Wncr.) and Violation of Conditions of Release (Dk't 433-5-05 Wncr). The state also alleged that the Respondent was charged with another DUI occurring on 14 January 2006.
3. The Board summarily suspended the Respondent's license based on the allegations in ¶ 2 on 13 February 2006.
4. 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 to file a timely answer. The Respondent was also sent a notice of the default hearing on this matter by certified mail.
5. The Respondent did not answer the charges within the legally prescribed time as stated in Office of Professional Regulation Rule 3.3 or at any time thereafter.
6. Upon hearing the State's presentation and taking notice of its own file pursuant to 3 V.S.A. 810(4), the Board finds 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. The Board concludes, in this 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 REVOKED effective as of the date of entry of this Order.

Vermont Board of Nursing:

By: Susan O. Farrell
Susan O. Farrell, RN, Chairperson

Dated at Montpelier: 12 June 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 6/14/06

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, 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106 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.

Barre

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

In re:	Leslie Lucier Lucas	}	
License No.	026-0014087	}	Docket No. NU60-0599
		}	

SUMMARY SUSPENSION ORDER

On 13 February 2006, 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 hearing took place at Central Vermont Hospital, 130 Fisher Road Berlin, Vermont. 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 23 January 2006, alleging that Respondent violated conditions of her lapsed license which lapsed on 31 March 2005.
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 right to renew her 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 O. Farrell DATED: 3/13/06

Susan O. Farrell, RN, Chairperson

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/14/06

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

IN RE: LESLIE LUCIER LUCAS)
License No. 026-0014087) DOCKET No. NU60-0599

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. Leslie Lucier Lucas (the "Respondent") of Barre, Vermont is a registered nurse holding license number 026-0014087, issued by the State of Vermont. This license was originally issued on or about May 1, 1981 and lapsed on March 31, 2005. The Respondent's license is currently conditioned pursuant to an Order entered by this Board on April 15, 2003. Attachment A. Section A(9) of that Order requires the Respondent to abstain completely from the consumption of alcohol. By way of history the Respondent's license was summarily suspended on or about September 20, 1999 and suspended on or about September 25, 2001.
4. Section A(9) of that Order requires the Respondent to abstain completely from the consumption of alcohol. Id.
5. On June 28, 2005 the Respondent was convicted of DWI #1 and False Information to a Police Officer in Docket Number 17-1-05 Wncr. The Respondent was also convicted of Violation of Conditions of Release in Docket Number 433-5-05 Wncr on June 28, 2005.
6. On information and belief the Respondent has been cited to appear in Washington District Court on February 16, 2006 for a DUI that allegedly occurred on or about January 14, 2006.
7. The Respondent did not notify the Office of Professional Regulation of her June 28, 2005 convictions.

STATE OF VERMONT



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

Request for Relief

8. 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.
9. The above acts and circumstances, alone or in combination, violate: 3 V.S.A. § 129a(a) (1) (fraudulent or deceptive procurement or use of a license); 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); 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); 3 V.S.A. § 129a(a) (11)(failing to report to the office a conviction of any felony or any offense related to the practice of the profession in a Vermont district court, a Vermont superior court, or a court outside Vermont within 30 days); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials). 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);

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

DATED at Montpelier, Vermont this 23rd day of January, 2006.

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



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

NU129.sum.susp.lit.wpd

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Leslie (Lucier) Lucas, RN
License No: 26-14087

Docket No. NU60-0599

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through its Attorney General William H. Sorrell, and Respondent Leslie (Lucier) Lucas, who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129 and 26 V.S.A. §1598.
2. The Board of Nursing pursuant to order dated 9-24-01 suspended Respondent's license to practice for four months with said license to be automatically reinstated on former conditions for a period of three years to commence on the date of that order.
3. Respondent has petitioned for a modification of that order. The State and the Respondent agree that the following order constitutes a reasonable resolution to that petition.
4. Respondent understands that the Board must review and accept the terms of this agreement. If the Board rejects any portion, the entire agreement shall be null and void.
5. Respondent understands that this agreement, if accepted by the Board, is a public document that may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7)

Attachment A

6. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
7. Respondent is not under the influence of any drugs or alcohol at the time she signs this agreement.
8. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing it.
9. Respondent agrees that the Board may enter the order set forth below.

ORDER

Based on the stipulation above it is ORDERED AND ADJUDGED as follows:

A. The Board hereby ~~CONDITIONS~~ Respondent's license to practice nursing for a minimum period of three (3) years. The ~~CONDITIONS~~ on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. These conditions commence from the date of entry of the order of 9-24-01.

It is understood that Respondent has a medical condition that makes it difficult for her to work more than 8-16 hours every two weeks. It is understood that time will be credited on a pro rata. It is also understood that the times herein specified will be extended to allow Respondent to accommodate her work schedule as noted herein and complete the conditions at her pace.

Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later. In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer noncontrolled drug medications under supervision while the prohibition on administering controlled drug medications remains in place; and (2) full permission to administer noncontrolled drug medications along with permission to administer controlled drug medications only under supervision.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

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

Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and Notification to Treating Professional.

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

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan 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 entry of this Consent Order and subsequent reports are due every month thereafter.

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

(7) Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

(8) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug or alcohol screens as required by the Board or its designee. All testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph D. (10) Drug Use Exception).

(9) Abstain from Alcohol or Drug Use:

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph D. (10).

(10) Drug Use Exception:

Respondent may take 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 Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all 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 need for prescribed medications. Respondent shall keep a written record of 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.

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

(12) Re-issue of License.

Upon the lifting of the suspension and imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(13) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent 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.

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(15) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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 Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent 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 program to comply with the conditions in the Consent Order during clinical experience.

(16) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report

describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(17) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing. Respondent is teaching a course for expectant parents for Central Vermont Home Health Agency. It is understood that Respondent need not have a supervisor on site for this work. It is also understood that this work or any work that is not supervised, because it is not supervised, is not to be credited toward completion of the terms or periods otherwise specified herein.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(19) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(20) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(21) License Renewal.

In the event Respondent's license is scheduled to expire during the

period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

Release of Information Forms

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(23) Costs

Respondent shall bear all costs of complying with this Consent Order.

(24) Violation of the Consent Order

If Respondent violates the terms of this Consent 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

Consent Order, the conditional license period shall be extended until the matter is final.

(25) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(26) 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 fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate to the Board's satisfaction, that she fully complied with all the terms of this Consent Order

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

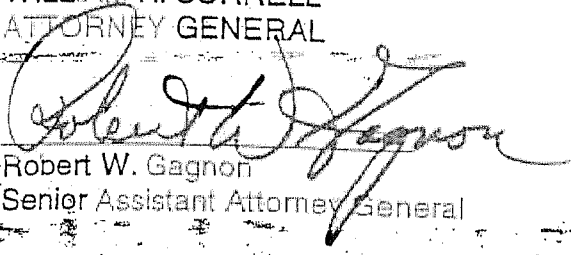
D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 3/12/03

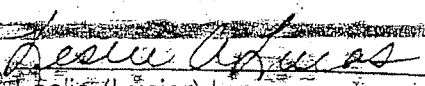
by:


Robert W. Gagnon
Senior Assistant Attorney General

RESPONDENT

Dated: 3-5-03

by:

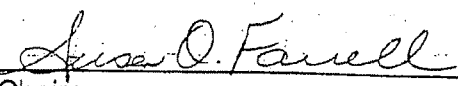

Leslie (Lucier) Lucas

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: April 14, 2003

by:


Chairperson

Date of entry: 4/15/03

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

IN RE:)
LESLIE (LUCIER) LUCAS) DOCKET No. NU60-0599
License No. 026-0014087)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Leslie Lucas, R.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); 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. Leslie Lucas (the "Respondent") of Barre, Vermont is a registered nurse holding license number 026-0014087, issued by the State of Vermont. This license was originally issued on or about May 1, 1981 and lapsed on March 31, 2005. The Respondent's license is currently conditioned pursuant to an Order entered by this Board on April 15, 2003. Attachment A. Section A(9) of that Order requires the Respondent to abstain completely from the consumption of alcohol.

3. By way of history the Respondent's license was summarily suspended on or about September 20, 1999 and suspended on or about September 25, 2001.

4. On June 28, 2005 the Respondent was convicted of DWI #1 and False Information to a Police Officer in Docket Number 17-1-05 Wncr. The Respondent was also convicted of Violation of Conditions of Release in Docket Number 433-5-05 Wncr on June 28, 2005.

5. On information and belief the Respondent has been cited to appear in Washington District Court on February 16, 2006 for a DUI that allegedly occurred on or about January 14, 2006.

6. The Respondent did not notify the Office of Professional Regulation of her June 28, 2005 convictions.

STATE OF VERMONT



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

7. Respondent's license was summarily suspended by this Board on or about February 13, 2006. These Charges are in addition to those dated June 28, 2005 filed pursuant to the same docket number.

Charges

8. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

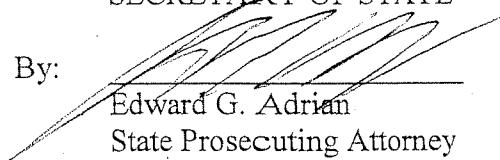
- i. 3 V.S.A. § 129a(a) (1) (fraudulent or deceptive procurement or use of a license);
- ii. 3 V.S.A. § 129a(a) (3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- iii. 3 V.S.A. § 129a(a) (4) (failing to comply with an order of the board or violating any term or condition of a license restricted by the board);
- iv. 3 V.S.A. § 129a(a) (11) (failing to report to the office a conviction of any felony or any offense related to the practice of the profession in a Vermont district court, a Vermont superior court, or a court outside Vermont within 30 days);
- v. 26 V.S.A. § 1582(a) (3) (is unable to practice nursing competently by reason of any cause);
- vi. ARBN, Chapter 4, Rule IV, II, C ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials);
- vii. 26 V.S.A. § 1582(a) (5) (is habitually intemperate);
- viii. 26 V.S.A. § 1582(a) (7) (engages in conduct of a character likely to deceive, defraud or harm the public); and

Relief Requested

WHEREFORE, the license of Leslie Lucier Lucas should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 16th day of February, 2006.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

nu.lucas.soc

STATE OF VERMONT



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

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Leslie (Lucier) Lucas, RN
License No: 26-14087

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Docket No.: NU60-0599

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through its Attorney General William H. Sorrell, and Respondent Leslie (Lucier) Lucas, who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129 and 26 V.S.A. §1598.
2. The Board of Nursing pursuant to order dated 9-24-01 suspended Respondent's license to practice for four months with said license to be automatically reinstated on former conditions for a period of three years to commence on the date of that order.
3. Respondent has petitioned for a modification of that order. The State and the Respondent agree that the following order constitutes a reasonable resolution to that petition.
4. Respondent understands that the Board must review and accept the terms of this agreement. If the Board rejects any portion, the entire agreement shall be null and void.
5. Respondent understands that this agreement, if accepted by the Board, is a public document that may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7)

Attachment A

6. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
7. Respondent is not under the influence of any drugs or alcohol at the time she signs this agreement.
8. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing it.
9. Respondent agrees that the Board may enter the order set forth below.

ORDER

Based on the stipulation above it is **ORDERED AND ADJUDGED** as follows:

A. The Board hereby **CONDITIONS** Respondent's license to practice nursing for a minimum period of three (3) years. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. These conditions commence from the date of entry of the order of 9-24-01.

It is understood that Respondent has a medical condition that makes it difficult for her to work more that 8-16 hours every two weeks. It is understood that time will be credited on a pro rata. It is also understood that the times herein specified will be extended to allow Respondent to accommodate her work schedule as noted herein and complete the conditions at her pace.

(2) Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later. In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer noncontrolled drug medications under supervision while the prohibition on administering controlled drug medications remains in place; and (2) full permission to administer noncontrolled drug medications along with permission to administer controlled drug medications only under supervision.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

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

Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and Notification to Treating Professional.

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

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan 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 entry of this Consent Order and subsequent reports are due every month thereafter.

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

(7) Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

(8) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug or alcohol screens as required by the Board or its designee. All testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph D. (10) Drug Use Exception).

(9) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph D. (10).

(10) Drug Use Exception.

Respondent may take 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 Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all 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 need for prescribed medications. Respondent shall keep a written record of 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.

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

(12) Re-issue of License.

Upon the lifting of the suspension and imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(13) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent 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.

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(15) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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 Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent 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 program to comply with the conditions in the Consent Order during clinical experience.

(16) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report

describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(17) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing. Respondent is teaching a course for expectant parents for Central Vermont Home Health Agency. It is understood that Respondent need not have a supervisor on site for this work. It is also understood that this work or any work that is not supervised, because it is not supervised, is not to be credited toward completion of the terms or periods otherwise specified herein.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(19) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(20) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(21) License Renewal.

In the event Respondent's license is scheduled to expire during the

period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(22) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(23) Costs.

Respondent shall bear all costs of complying with this Consent Order.

(24) Violation of the Consent Order.

If Respondent violates the terms of this Consent 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

Consent Order, the conditional license period shall be extended until the matter is final.

(25) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(26) 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 fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

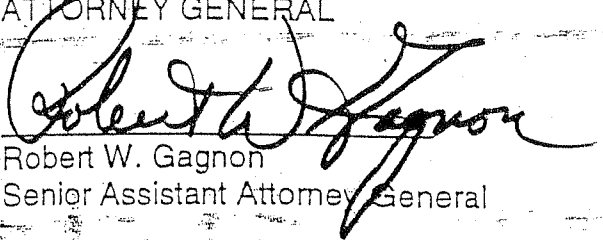
D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 3/12/03

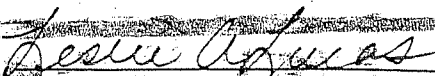
by:


Robert W. Gagnon
Senior Assistant Attorney General

RESPONDENT

Dated: 3-5-03

by:

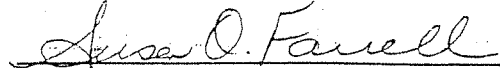

Leslie (Lucier) Lucas

APPROVED AND SO ORDERED:

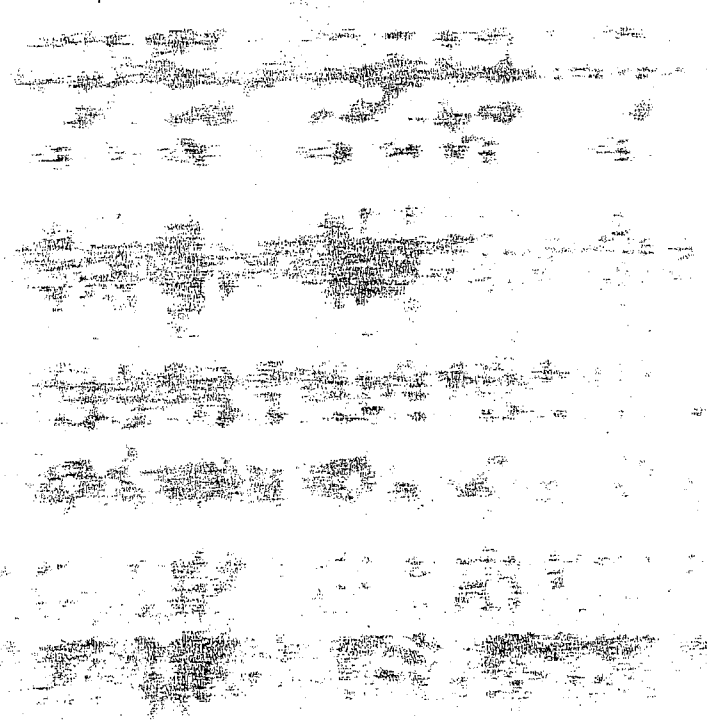
VERMONT BOARD OF NURSING

Dated: April 14, 2003

by:


Chairperson

Date of entry: 4/15/03



STATE OF VERMONT
BOARD OF NURSING

IN RE:

Leslie (Lucier) Lucas, RN
License No: 26-14087

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Docket No.: NU60-0599

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through its Attorney General William H. Sorrell, and Respondent Leslie (Lucier) Lucas, who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129 and 26 V.S.A. §1598.
2. The Board of Nursing pursuant to order dated 9-24-01 suspended Respondent's license to practice for four months with said license to be automatically reinstated on former conditions for a period of three years to commence on the date of that order.
3. Respondent has petitioned for a modification of that order. The State and the Respondent agree that the following order constitutes a reasonable resolution to that petition.
4. Respondent understands that the Board must review and accept the terms of this agreement. If the Board rejects any portion, the entire agreement shall be null and void.
5. Respondent understands that this agreement, if accepted by the Board, is a public document that may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7)

6. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
7. Respondent is not under the influence of any drugs or alcohol at the time she signs this agreement.
8. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing it.
9. Respondent agrees that the Board may enter the order set forth below.

ORDER

Based on the stipulation above it is **ORDERED AND ADJUDGED** as follows:

A. The Board hereby **CONDITIONS** Respondent's license to practice nursing for a minimum period of three (3) years. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. These conditions commence from the date of entry of the order of 9-24-01.

It is understood that Respondent has a medical condition that makes it difficult for her to work more than 8-16 hours every two weeks. It is understood that time will be credited on a pro rata. It is also understood that the times herein specified will be extended to allow Respondent to accommodate her work schedule as noted herein and complete the conditions at her pace.

(2) Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later. In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer noncontrolled drug medications under supervision while the prohibition on administering controlled drug medications remains in place; and (2) full permission to administer noncontrolled drug medications along with permission to administer controlled drug medications only under supervision.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

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

Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and Notification to Treating Professional.

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

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan 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 entry of this Consent Order and subsequent reports are due every month thereafter.

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

(7) Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

(8) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug or alcohol screens as required by the Board or its designee. All testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph D. (10) Drug Use Exception).

(9) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph D. (10).

(10) Drug Use Exception.

Respondent may take 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 Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all 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 need for prescribed medications. Respondent shall keep a written record of 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.

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

(12) Re-issue of License.

Upon the lifting of the suspension and imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(13) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent 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.

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(15) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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 Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent 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 program to comply with the conditions in the Consent Order during clinical experience.

(16) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report

describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

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Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing. Respondent is teaching a course for expectant parents for Central Vermont Home Health Agency. It is understood that Respondent need not have a supervisor on site for this work. It is also understood that this work or any work that is not supervised, because it is not supervised, is not to be credited toward completion of the terms or periods otherwise specified herein.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(19) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(20) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(21) License Renewal.

In the event Respondent's license is scheduled to expire during the

period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(22) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(23) Costs.

Respondent shall bear all costs of complying with this Consent Order.

(24) Violation of the Consent Order.

If Respondent violates the terms of this Consent 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

Consent Order, the conditional license period shall be extended until the matter is final.

(25) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(26) 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 fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

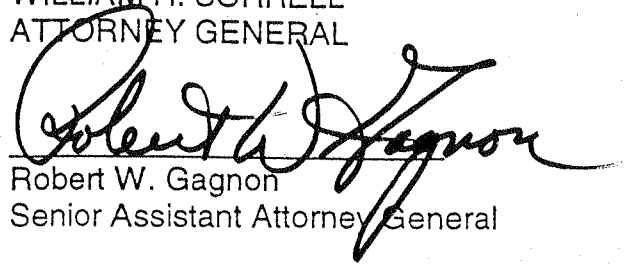
D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 3/12/03

by:


Robert W. Gagnon
Senior Assistant Attorney General

RESPONDENT

Dated: 3-5-03

by:


Leslie (Lucier) Lucas

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: April 14, 2003

by:


Chairperson

Date of entry: 4/15/03

**STATE OF VERMONT
BOARD OF NURSING**

IN RE: _____)

Leslie Lucier
License No. 26-140087

Case File No. NU60-0599

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, September 10, 2001, at 81 River Street in Montpelier, Vermont. Board members Linda Rice, Larry Kingsbury, Alan Weiss, Susan Farrell, Elayne Clift, Laurey Tyo, Pat Rock and Diane Dowgiewicz participated in the decision. Robert Gagnon, Assistant Attorney General, appeared for the State. Leslie Lucier ("the Respondent") was present.

The Board received copies of the Specification Of Charges and the Respondent's Answer as part of the case.

Findings of Fact

- 1 Leslie Lucier is a registered nurse who holds license number 26-14087 issued by the State of Vermont.
- 2 Respondent's license was summarily suspended by an order of the Board entered on September 20, 1999.
- 3 Respondent's license is currently conditioned under the terms of a Stipulation and Consent Order agreed to by the parties, approved by the Board, and entered on August 17, 2000 ("the 2000 Order"). The 2000 Order is attached to the Specification of Charges and is incorporated by reference.
4. Under the terms of the 2000 Order at Paragraph A(9), the Respondent is to abstain from the consumption of alcohol.
- 5 The Respondent admits to a relapse and that she consumed alcohol in December of 2000.
- 6 The Respondent self-admitted to the Maple Leaf Farm Program for intensive

substance abuse treatment, including a stay of 13 days.

- 7 Under the terms of the 2000 Order at Paragraph A(8), the Respondent is to submit to random drug and alcohol screening at the request of the Board.
- 8 As the result of one such screen triggered by the Board, the Respondent tested positive for the drug Benzodiazepine on November 16, 2000.
- 9 The Respondent failed to provide documentation that she had been prescribed this drug pursuant to Paragraph A(10) of the 2000 Order.
- 10 Under the terms of the 2000 Order at Paragraphs A(3)-A(6), the Respondent is to cause reports to be made by her treating professional and see to it that those reports are given to the Board.

The Board requested these reports on multiple occasions, but the Respondent has caused only two of the monthly required reports to be sent to the Board since her license was conditioned.
12. Until the day of the hearing, the Respondent did not offer any reason why those reports were not forthcoming.
13. Under the terms of the 2000 Order at Paragraph A(16), the Respondent was to cause her employer to submit monthly employer reports or she was to submit monthly self-reports if not employed in nursing.
14. The Respondent has not been employed in nursing since the implementation of the 2000 Order, but has not submitted any self-reports to the Board. The Respondent admits she was unaware of this provision and that she did not take the Order as seriously as she should have when agreeing to it in August of 2000.
15. The Respondent has been active in participating in Alcoholics Anonymous for the past several months and has a sponsor.
16. The Respondent has submitted to random samples for urinalysis as part of her Intensive outpatient Program in connection with the Maple Leaf Farm. She has tested negative for drugs and alcohol for each of 13 different tests from January through July.

Conclusions of Law

- A. The Board of Nursing may revoke, suspend, discipline or otherwise condition the license of a nurse who engages in unprofessional conduct as defined by 26 V.S.A. §1582 and 3 V.S.A. § 129a.

- B. Under paragraph A(25) of the 2000 Order, "If the Respondent violates the terms of this Consent Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action."
- C. Respondent, by consuming alcohol and failing to provide the reports and documentation required under the conditional license, has violated the explicit terms of the Board's Order.
- D. Respondent, by consuming alcohol, has failed to comply with an order of the Board and violated a term or condition of a license restricted by the Board. This is unprofessional conduct in violation of 3 V.S.A. § 129a(a)(4).

Opinion

The Board applauds and congratulates Ms. Lucier on her significant progress in the time since the unfortunate events that led to the conditions on her license and subsequent relapse. The entire Board is hopeful that Ms. Lucier will remain on the path to recovery.

Ms. Lucier's resolve to maintain her nursing license is impressive, but the blatant violations of the Board's Order remain. She has admitted as much. Orders of the Board are to be undertaken solemnly, and violations of such Orders are treated with equal solemnity. The following decision was not made lightly, or without lengthy discussion and debate. The Board's main concern is always public protection; but in making this decision, the Board has Ms. Lucier's welfare in mind just as much as public's.

Order

In light of the above findings and conclusions, the Board hereby **SUSPENDS** the Respondent's license for a period of **FOUR MONTHS**, effective as of the date of entry of this Order, below.

During the suspension, the Respondent must still comply with all terms of the 2000 Order.

At the end of the four month suspension, if there are no violations of the conditions placed on the Respondent's license, the Respondent's license will be automatically reinstated but will remain **CONDITIONED** under the strict terms of the 2000 Order, for a period of **THREE YEARS**, as specified in that Order. The three year term specified in the 2000 Order begins as of the date of entry of this Order, below.

Appeal Rights

This is a final administrative determination by the Vermont 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 9.24.01

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 9/25/01

STATE OF VERMONT
BOARD OF NURSING

In re: Leslie Lucier, RN
Lic. No. 26-14087

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Docket No. NU60-0599

SPECIFICATION OF CHARGES

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and to conduct hearings pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.

2. Respondent, Leslie Lucier, is licensed by the State of Vermont as a registered nurse. Respondent holds license No. 26-14087.

3. Respondent's license is currently conditioned. (A copy of that order is attached hereto and made a part hereof as Attachment A.)

4. Pursuant to paragraph A (8) of that order, Respondent is to submit to random drug and alcohol screening at the request of the Board or its designee.

5. Respondent was tested on 11/16/00. The screen indicated a positive test result for the drug Benzodiazepine. Respondent failed to provide documentation that she had been prescribed a drug in this group pursuant to paragraph A(10).

6. Pursuant to paragraphs A (3)-(6), Respondent was to enter counseling and treatment for alcohol and drug issues. Respondent was to cause reports to be made to the Board by her treating professional. Despite requests, treating professional reports have been sporadic with only two reports in over six months being received. There has been no indication that treatment is no longer necessary or that reporting should cease. There has been no explanation of the

failure to cause reports to be filed.

7. Pursuant to paragraph A (16) Respondent was to cause her employer to submit a monthly report or she was to submit a self-report if she was not employed. Employer reports have not been provided, self-reports have not been provided, nor has any explanation of this deficiency been offered.

8. Pursuant to paragraph A (9) of the order, Respondent was to abstain completely from the use of alcohol. Respondent has reported that she suffered a relapse and drank alcohol, resulting in her self-admitting for in-patient treatment.

9. By the conduct described above Respondent has committed unprofessional conduct by violating the terms of her conditional license, Paragraphs A (3-6), (8), (9), and (16) and T3 V.S.A. §129a (a)(4) (failure to comply with a condition of license restricted by the Board).

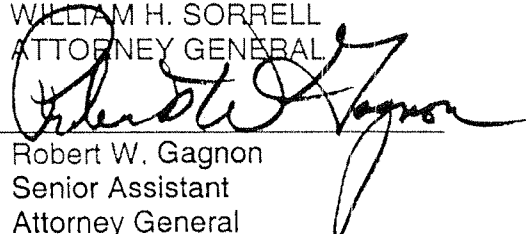
WHEREFORE the nursing license of Respondent, Leslie Lucier, should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

Dated at Montpelier, Vermont this 12th day of April 2001.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by:


Robert W. Gagnon
Senior Assistant
Attorney General

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Leslie Lucier, RN
License No: 26-14087

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)
)

Docket No.: NU60-0599

INTERIM STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through its Attorney General William H. Sorrell, and Respondent Leslie Lucier, who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate and adjudicate complaints of unprofessional conduct pursuant to 3 V.S.A. §129 and 26 V.S.A. §§1595, 1598.
1. Respondent is a registered nurse licensed by the State of Vermont holding license number 26-14087.
3. Respondent was employed at all relevant times by Maple Lane Nursing Home of Barton, Vermont.
3. Respondent admits that on or about, April 17, 1999, she reported for work and later complained she was ill. The administrator, Gary Marcotte, drove her to the Emergency Room. She declined his offer to accompany her into the ER. She did not return to work on that occasion or later. Telephone contact indicated she had admitted herself to a detoxification center.
5. Respondent acknowledges she has an alcohol abuse problem. She informed Investigator Ron West that she never drank while working but could not wait for the day to end (3:15) so she could have a beer.
6. Respondent's license was summarily suspended by Order entered september 20, 1999.
7. The present charges were filed on February 16, 1999. this stipulation relates

to those outstanding charges.

8. 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.

9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

11. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.

12. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

13. 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. The Board hereby lifts the suspension of Respondent's license and **CONDITIONS** Respondent's license to practice nursing for a minimum period of three (3) years. The **CONDITIONS** on Respondent's license would be as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later. In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer noncontrolled drug medications under supervision while the prohibition on administering controlled drug medications remains in place; and (2) full permission to administer noncontrolled drug medications along with permission to administer controlled drug medications only under supervision.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

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

Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and Notification to Treating Professional.

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

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan 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 entry of this Consent Order and subsequent reports are due every month thereafter.

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

(7) Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

(8) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug or alcohol screens as required by the Board or its designee. All testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph D. (10) Drug Use Exception).

(9) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph D. (10).

(10) Drug Use Exception.

Respondent may take 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 Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all 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 need for prescribed medications. Respondent shall keep a written record of 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.

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

(12) Re-issue of License.

Upon the lifting of the suspension and imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(13) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent 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.

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(15) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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 Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent 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 program to comply with the conditions in the Consent Order during clinical experience.

(16) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report

describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(17) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(19) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(20) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(21) License Renewal.

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

(22) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(23) Costs.

Respondent shall bear all costs of complying with this Consent Order.

(24) Violation of the Consent Order.

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

(25) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(26) 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 fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

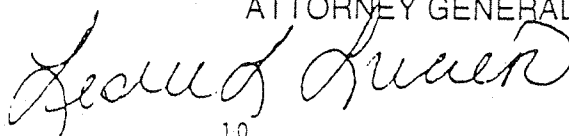
B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

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)(7).

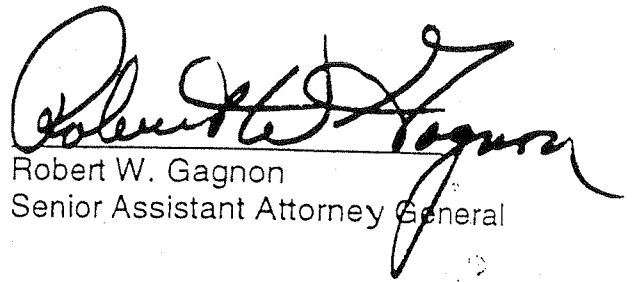
D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

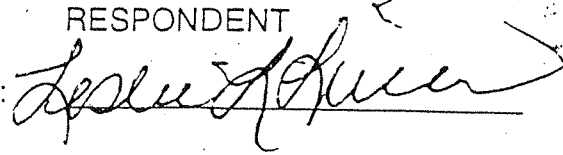
WILLIAM H. SORRELL
ATTORNEY GENERAL



Dated: 7/7/00

by: 
Robert W. Gagnon
Senior Assistant Attorney General

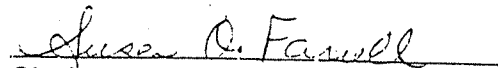
Dated: 8-14-00

RESPONDENT
by: 

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Aug. 14, 2000

by: 
Chairperson

Date of entry: 8/17/00

STATE OF VERMONT
VERMONT BOARD OF NURSING

In Re:

Leslie Lucier, RN
Lic. No. 26-14087

)
) Docket No. NU60-0599
)

SPECIFICATION OF CHARGES

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and to conduct hearings pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-14087.
3. At all times relevant to this Specification of Charges, Respondent was employed by Maple Lane Nursing Home, Barton, Vermont.
4. On or about, April 17, 1999, Respondent reported for work and later complained she was ill. The administrator, Gary Marcotte, drove her to the Emergency Room. She declined his offer to accompany her into the ER. She did not return to work on that occasion or later. Telephone contact indicated she had admitted herself to a detoxification center.
5. Respondent has acknowledged she has an alcohol abuse problem. She informed Investigator Ron West that she never drank while working but could not wait for the day to end (3:15) so she could have a beer.

6. Respondent has stated to Ron West that she is in treatment with Dawnland Center of Newport, Vermont. While she did begin treatment with Dawnland Center she stopped going and was discharged from the program. She did not complete the program.

7. The conduct described above is unprofessional conduct under 26 V.S.A. §1582(3)(is unable to practice nursing by reason of any cause) and §1582(5).

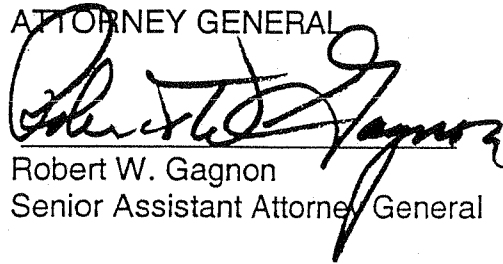
WHEREFORE, the license of Leslie L. Lucier should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: Feb. 14, 2010

by:


Robert W. Gagnon
Senior Assistant Attorney General

STATE OF VERMONT
BOARD OF NURSING

In re: Leslie Lucier
License No. 26-14087

Docket No. NU60-0599

SUMMARY SUSPENSION ORDER

On September 13, 1999, 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), Leslie Lucier'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: Susan Farrell
Susan Farrell
Chair

Dated: Sept. 15, 1999

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9-20-99

STATE OF VERMONT
BOARD OF NURSING

In re:)
Leslie Lucier, RN) Docket No. NU60-0599
Lic. No. 26-14087)

REQUEST FOR SUMMARY SUSPENSION

NOW COMES the State of Vermont and requests the summary suspension of the nursing license of Leslie Lucier on the following grounds:

1. Leslie Lucier is licensed by the State of Vermont as a registered nurse. She holds license No. 26-14087.
2. Pursuant to 3 V.S.A. §814, the Board of Nursing is authorized to summarily suspend the license of a nurse when it finds that the public health, safety, or welfare imperatively requires emergency action.
3. Respondent has worked as a nurse at Maple Lane Nursing Home, Barton, Vermont.
4. On or about, April 17, 1999, Respondent reported for work and later complained she was ill. The administrator, Gary Marcotte, drove her to the Emergency Room. She declined his offer to accompany her into the ER. She did not return to work on that occasion or later. Telephone contact indicated she had admitted herself to a detoxification center.
5. Respondent has acknowledged she has an alcohol abuse problem. She informed Investigator Ron West that she never drank while working but could not wait for the day to end (3:15) so she could have a beer.

6. Respondent has stated to Ron West that she is in treatment with Dawnland Center of Newport, Vermont. While she did begin treatment with Dawnland Center she stopped going and was discharged from the program. She did not complete the program.
7. The conduct described above is unprofessional conduct under 26 V.S.A. §1582(3)(is unable to practice nursing by reason of any cause) and §1582(5).
8. The health, safety, and welfare of the public imperatively require emergency action against the license of respondent.

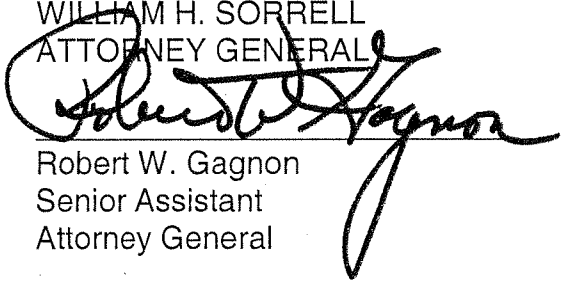
WHEREFORE, the nursing license of Leslie Lucier should be summarily suspended.

Dated at Montpelier, Vermont this 5th day of Sept. 1998.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by:


Robert W. Gagnon
Senior Assistant
Attorney General