

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

IN RE:	)	Docket No. 2021-43
MARY ANNE MARCY	)	
License No. 026.0023562	)	Docket No. 2021-44
License No. 101.0134447		

STIPULATED VOLUNTARY SURRENDER OF LICENSE AND ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Jennifer B. Colin, and Respondent Mary Anne Marcy, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the “Board”) has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the “ARBN”); and the Rules of the Office of Professional Regulation.

Alleged Facts

1. Mary Anne Marcy (“Respondent”) of Olive Branch, Mississippi, is licensed in the State of Vermont as a Registered Nurse under license number 026.0140389. This license was first issued on September 22, 2019 and expired on March 31, 2021.
2. Respondent is also licensed in the State of Vermont as an Advanced Practice Registered Nurse under license number 101.0134447. This license was first issued on December 4, 2019 and expired on March 31, 2021.
3. Respondent is also licensed by the State of Mississippi as a Registered Nurse and Advanced Practice Registered Nurse under license number R866369.
4. On October 6, 2020, The Mississippi Board of Nursing disciplined Respondent’s licenses and privilege to practice nursing in the State of Mississippi because she is addicted to or dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbituates, amphetamine, hallucinogens, or other drugs having similar effect. *See Attachment A.*

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Montpelier, VT
05620-3402

5. The discipline imposed by the Mississippi Board of Nursing was based on several arrests and at least one conviction involving disorderly conduct or public drunkenness that occurred between 2017 and 2018.
6. Through the Mississippi Board of Nursing disciplinary matter, Respondent obtained a substance abuse evaluation in June 2019. The evaluation recommended Respondent complete intensive outpatient treatment for alcohol abuse as well as follow the Mississippi Nurse Recovery Program protocols and requirements. *See* Attachment A.
7. Based on the Mississippi Order, it appears that Respondent was involved in the Mississippi Board of Nursing's disciplinary process from at least March 2018 through the entry of the Order.
8. Respondent was reprimanded, fined, and her licenses were placed on probation. Respondent's probation includes supervised practice, drug screens, treatment, support groups, and other restrictions on her right to practice nursing. *See* Attachment A.
9. On September 20, 2019, Respondent submitted an initial application for licensure as a Registered Nurse in the State of Vermont.
10. Within the application, Respondent answered "No" to the question, "Are you currently under INVESTIGATION or PENDING CHARGES for a professional, occupational, or professional services license, certificate, or registration in any licensing jurisdiction."
11. This answer was false.
12. Respondent also answered "No" to the question, "Have you EVER been convicted of a crime other than a minor traffic violation?"
13. This answer was false.
14. Respondent answered "No" to the question, "Does a dependency on alcohol, drugs, or prescription medication(s) impair or limit your ability to practice this profession with reasonable skill and safety?"
15. This answer was false.
16. Respondent also answered "No" to the question, "Are you currently participating in a supervised program or professional assistance program which monitors you in order to assure that you are not engaging in the use of alcohol or controlled substances?"
17. This answer was false.

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18. On November 12, 2019, Respondent submitted an initial application for licensure as an Advanced Practice Registered Nurse in the State of Vermont.
19. Within the application, Respondent answered “no” to the question, “Has Vermont or any other state, federal authority, or other jurisdiction taken any DISCIPLINARY ACTION against (e.g., warned, reprimanded, fined, restricted, conditioned, suspended, revoked) a license, certificate, or registration that you hold or have held in any profession, or occupation, or professional service.”
20. This answer was false.
21. Respondent also answered “No” to the question, “Have you EVER been convicted of a crime other than a minor traffic violation?”
22. This answer was false.
23. Respondent answered “No” to the question, “Does a dependency on alcohol, drugs, or prescription medication(s) impair or limit your ability to practice this profession with reasonable skill and safety?”
24. This answer was false.
25. Respondent also answered “No” to the question, “Are you currently participating in a supervised program or professional assistance program which monitors you in order to assure that you are not engaging in the use of alcohol or controlled substances?”
26. This answer was false.

Violation One: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

27. The State re-alleges and incorporates Paragraphs 2 through 26 above.
28. As a Registered Nurse and an Advanced Practice Registered Nurse, Respondent is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
29. Paragraphs 2 through 26 above demonstrate Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public.
30. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(3).

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89 Main Street
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Violation Two: 3 V.S.A. § 129a(a)(1) Fraudulent or deceptive procurement or use of a license

31. The State re-alleges and incorporates Paragraphs 2 through 26 above.
32. As a Registered Nurse and Advanced Practice Registered Nurse, Respondent must be truthful in the application process and is prohibited from engaging in fraudulent or deceptive procurement or use of a license.
33. Paragraphs 2 through 26 above demonstrate that Respondent engaged in fraudulent or deceptive procurement or use of a license.
34. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Understandings

35. This Stipulation is neither an admission of liability by Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and the expense of protracted litigation, the Parties enter this full and final Stipulation pursuant to these Understandings and the Order below. Respondent does not dispute that the State may be able to prove these charges by a preponderance of the evidence if this matter proceeds to a merits hearing.
36. Respondent understands that the Nursing Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
37. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
38. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
39. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
40. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
41. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
42. Respondent agrees that the Voluntary Surrender and Order set forth below may be entered by the Board.

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Office of
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89 Main Street
3rd Floor
Montpelier, VT
05620-3402

VOLUNTARY SURRENDER AND ORDER

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

- A. The Board of Nursing hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her Registered Nursing license.
- B. The Board of Nursing hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her Advanced Practice Registered Nursing license.
- C. Any future application for licensure shall be subject to the licensing requirements of that particular profession. If a future application for licensure in the State of Vermont is approved, that license shall be **CONDITIONED** pursuant to whatever terms are found to be reasonable at the time of Respondent's application for licensure, taking into account the stipulated facts above.
- D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.
- F. This Stipulation and Consent Order shall be applicable as a matter of law to all other licenses issued by the Board of Pharmacy, as provided in 3 V.S.A. §129(l).

AGREED TO:

Dated: 11/4/2021

STATE OF VERMONT
SECRETARY OF STATE
DocuSigned by:
Jennifer Colin
D190D9C5BA65468...
By: _____
Jennifer B. Colin
State Prosecuting Attorney

Dated: 11/4/2021

RESPONDENT
DocuSigned by:
Mary Anne Marcy
0B287A7BB2A544A...
By: _____
Mary Anne Marcy

APPROVED AND SO ORDERED:

Dated: 11/8/2021

VERMONT BOARD OF NURSING
DocuSigned by:
Jennifer Laurent
EB1741915719477...
By: _____
Chairperson

Date of Entry: 11/9/2021

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

**STATE OF MISSISSIPPI
BOARD OF NURSING**

**IN THE MATTER OF MISSISSIPPI
LICENSE NO. R866369, ISSUED TO:**

MARY MARCY

Respondent

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*

Case No. 2018-0051

**Certified by
MS Board of Nursing**

FINAL ORDER

THIS MATTER came before the Hearing Panel of the Mississippi Board of Nursing, pursuant to Section 73-15-31 Miss Code Ann. (Rev. 2012), on October 6, 2020, for consideration of allegations of violation(s) of the Mississippi Nursing Practice Law by Mary Marcy ("Respondent") in the above referenced case and the Agreed Settlement Proposal entered into by M. Westley Mutziger, Associate General Counsel, and Margaret Sams Gratz, Attorney for the Respondent.

Upon consideration of the Agreed Settlement Proposal, and the presentation of the parties, and being otherwise fully advised of the premises, **IT IS HEREBY ORDERED:**

1. The Agreed Settlement Proposal is hereby approved and adopted. A copy of the Agreed Settlement Proposal is attached hereto as Exhibit "A" and incorporated herein.
2. The Respondent shall adhere to and abide by all the terms and conditions of the Agreed Settlement Proposal.
3. Failure to comply with any term of the Agreed Settlement Proposal shall cause the Respondent to be subject to further discipline.
4. The burden of proof shall be on the Respondent to demonstrate compliance with all of the terms and conditions of this Final Order.
5. That this document will be considered to be a public record entered as the final disposition of disciplinary proceedings presently pending against the **RESPONDENT** and that this action shall be considered to be and may be recorded as a **FINAL ORDER** of the Board. This discipline will be reported to all federally mandated data banks and in accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996, as amended. This Final Order shall be placed in and become a part of the Respondent's official records and shall become effective on October 6, 2020.

This, the 6th day of October 2020.

(BOARD SEAL)



MISSISSIPPI BOARD OF NURSING

BY:

Mary W. Stewart
Hearing Panel Chair

Salma H. NP-C
Hearing Panel Member

Sandra C. [Signature]
Hearing Panel Member

Certified by
MS Board of Nursing

STATE OF MISSISSIPPI
BOARD OF NURSING

IN THE MATTER OF MISSISSIPPI
LICENSE NO R-866369, NP, issued to:

FINE/ FORMAL REPRIMAND/
EDUCATIONAL COURSES/
60 MOS. PROBATION

MARY MARCY
7160 GROVE PARK ROAD
OLIVE BRANCH, MS 38654

CASE NO. 2018-0051

RESPONDENT

AGREED SETTLEMENT PROPOSAL

WHEREAS, RESPONDENT, MARY MARCY, has been vested with the right and privilege to practice nursing in the State of Mississippi by virtue of License No. R-866369, issued by the Mississippi State Board of Nursing;

WHEREAS, RESPONDENT, MARY MARCY, has consented to enter into an AGREED SETTLEMENT PROPOSAL without the necessity of a disciplinary hearing before the Mississippi Board of Nursing;

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. That RESPONDENT agrees to, offers no defense to, and that sufficient evidence exists to constitute a violation of Miss. Code Ann. Section 73-15-29 (1) (1) (h) in that RESPONDENT is addicted to or dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamine, hallucinogens, or other drugs having similar effect, or has misappropriated any medication.
2. That on or about October 14th, 2017, the Pontotoc MS Sherriff's Office arrested RESPONDENT for Domestic Violence, Public Drunk, three (3) Counts of Disorderly Conduct, Possession of Marijuana, Possession of Paraphernalia, and Possession of Controlled Substance (Schedules III & IV). RESPONDENT pled guilty to one (1) count of Disorderly Conduct on about November 09th, 2017, in the Pontotoc County MS Justice Court. The court retired the Public Drunk charge to file and dismissed the remaining charges.
3. That on or about December 11th, 2017, the Tunica MS Sherriff's Office arrested RESPONDENT for Disorderly Conduct – Failure to Comply with Commands of Law Enforcement Officers. RESPONDENT pled not guilty, and the and the Tunica County MS Justice Court remanded the charge to file on or about January 03rd, 2018.

Agreed Settlement Proposal of *Mary Marcy*
Page 2 of 10

4. That on or about January 05th, 2018, the Tupelo MS Police Department arrested **RESPONDENT** for Public Drunk, Disorderly Conduct – Conduct Interfering with Business, Customers, Invitees, etc., and Disorderly Conduct – Failure to Comply with Commands of Law Enforcement Officers. **RESPONDENT** pled not guilty to the charges, and the Tupelo MS Municipal Court retired the charges to file on or about January 18th, 2018.
5. That in her statement to the Board dated March 14th, 2018, **RESPONDENT** acknowledged alcohol being “involved in a couple of these arrests.” **RESPONDENT** further stated that she was no longer drinking and that she does “not have a substance abuse problem.”
6. That on or about June 26th, 2019, **RESPONDENT** submitted to a chemical dependency evaluation with Board-approved assessor, Bobby Scott, M.A. Further, **RESPONDENT** executed a consent to release the results of the assessment to the Board. Mr. Scott’s Diagnostic Impression of **RESPONDENT** included Alcohol Use Disorder, Moderate. Notably, Mr. Scott recommended **RESPONDENT** complete an Intensive Outpatient Program (IOP) to target her Alcohol Use Disorder, follow the recommendations of the IOP for follow-up care, as well as the Nurse Recovery Program protocols and requirements. As of March 25th, 2020, the Board has received no evidence indicating **RESPONDENT** has complied with, or is in the process of complying with, Mr. Scott’s recommendations.

IT IS, THEREFORE, STIPULATED AS FOLLOWS:

1. That this **AGREED SETTLEMENT PROPOSAL** is entered into freely, willingly and voluntarily by all the parties without threats or promises, and further, such **AGREED SETTLEMENT PROPOSAL** is entered into in lieu of having a full administrative hearing before the Mississippi Board of Nursing.
2. That **RESPONDENT** hereby voluntarily, willingly and freely waives all **RESPONDENT’S** due process rights including, but not limited to, the right to a hearing whereby **RESPONDENT** could:
 - a. Appear either personally or by counsel or both,
 - b. Cross-examine any witnesses who may testify against **RESPONDENT**,
 - c. Present testimony, evidence, and witnesses on **RESPONDENT’S** behalf, and
 - d. Have subpoenas issued by the Board on **RESPONDENT’S** behalf.
3. The Mississippi Board of Nursing is established pursuant to the Mississippi Nursing Practice Law, Title 73, Chapter 15 of the Mississippi Code of 1972, as amended, and is charged with the duty of licensing and regulating the practice of nursing in the State of Mississippi. The Respondent is the holder/applicant of a license issued by the Board and is, therefore, subject to the Mississippi Nursing Practice Law.

Agreed Settlement Proposal of *Mary Marcy*
Page 3 of 10

4. The Mississippi Board of Nursing and the Board Hearing Panel have jurisdiction in this matter pursuant to Miss. Code Ann. Sections 73-15-17, 73-15-29, 73-15-31, and 30 Miss. Admin. Code Pt 2825 R. 1.5. Venue is likewise properly placed before the Board Hearing Panel to hear this matter in Madison County, Mississippi.
5. That it is understood and agreed that the purpose of this **AGREED SETTLEMENT PROPOSAL** is to avoid a hearing before the Board Hearing Panel. As such, **RESPONDENT** authorizes the Board Hearing Panel to review and examine any documentary evidence or information concerning **RESPONDENT** prior to or in conjunction with its consideration of the **AGREED SETTLEMENT PROPOSAL**.
6. That this **AGREED SETTLEMENT PROPOSAL** shall be subject to approval by the Board Hearing Panel. If the Board Hearing Panel fails to approve the **AGREED SETTLEMENT PROPOSAL**, it shall have no force or effect on the parties.
7. That should this **AGREED SETTLEMENT PROPOSAL** not be approved by the Board Hearing Panel, it is agreed that the following shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding **RESPONDENT**: presentation of this **AGREED SETTLEMENT PROPOSAL** to the Board; consideration of this **AGREED SETTLEMENT PROPOSAL** by the Board Hearing Panel; consideration of the documentary evidence and any other information by the Board.
8. **PENALTIES.** That upon acceptance, approval and execution of an Order by the Board's Hearing Panel incorporating the terms of this **AGREED SETTLEMENT PROPOSAL**, **RESPONDENT** agrees to the following penalties which are authorized by Miss Code Ann. Section 73-15-29 (2) as a condition to being licensed/privileged as a nurse in the State of Mississippi:
 - a. **FORMAL REPRIMAND.** **RESPONDENT** agrees to accept a **FORMAL REPRIMAND** which will become a permanent part of **RESPONDENT'S** nursing record.
 - b. **FINE.** **RESPONDENT** agrees to pay a fine of \$500.00, which must be received in the Board's office within thirty (30) calendar days from the date the Board's Hearing Panel executes an Order incorporating this **AGREED SETTLEMENT PROPOSAL**. Failure to pay the fine according to the terms of this **AGREED SETTLEMENT PROPOSAL** may result in further disciplinary action.
 - c. **LEGAL ASPECTS OF NURSING COURSE.** That within ninety (90) calendar days from the date the Board's Hearing Panel executes an Order incorporating this **AGREED SETTLEMENT PROPOSAL**, **RESPONDENT** shall have written verification received in the Board's office indicating **RESPONDENT** has

Agreed Settlement Proposal of *Mary Marcy*
Page 4 of 10

successfully completed a Board-approved course/workshop on Legal Aspects of Nursing.

- d. **NCSBN UNDERSTANDING SUBSTANCE USE DISORDER IN NURSING COURSE.** That within thirty (30) calendar days from the date the Board's Hearing Panel executes an Order incorporating this **AGREED SETTLEMENT PROPOSAL**, **RESPONDENT** shall have written verification received in the Board's office indicating **RESPONDENT** has successfully completed the National Council of State Boards of Nursing (NCSBN) online course, "Understanding Substance Use Disorder in Nursing" course, including completion of the self-study booklet.
- e. **COMPLY WITH EVALUATION FOR CHEMICAL DEPENDENCY/ SUBSTANCE ABUSE.** That **RESPONDENT** shall comply with all recommendations of the chemical dependency assessment dated June 26, 2019, performed by Board-approved assessor Robert L. Scott.
 - i. **RESPONDENT** shall execute an affidavit incorporating the assessor's recommendations into this Order within fourteen (14) days of the Board receiving said evaluation and recommendations. **RESPONDENT** shall comply with and follow all recommendations of the assessor.
- f. **CONFERENCE WITH COMPLIANCE OFFICER.** Within fourteen (14) calendar days of the date the Board's Hearing Panel executes an Order incorporating this **AGREED SETTLEMENT PROPOSAL**, **RESPONDENT** shall meet personally with Compliance Officer, (Phone No. 601-957-6300) in the Board's office to discuss compliance with this **AGREED SETTLEMENT PROPOSAL**.
- g. **COMPLIANCE AFFIDAVIT.** That within fourteen (14) calendar days from the date the Board's Hearing Panel executes this Order, the **RESPONDENT** shall sign an Affidavit incorporating the terms of this Order of the Board.
- h. **PROBATION.** That **RESPONDENT'S** license shall be placed on "Probation" for the duration of the terms as outlined in this **AGREED SETTLEMENT PROPOSAL**. **RESPONDENT'S** "Probation" status shall be referenced through the Board's online verification system. The restrictions/monitoring established in this **AGREED SETTLEMENT PROPOSAL** shall commence upon the date the Board's Hearing Panel executes an Order incorporating this **AGREED SETTLEMENT PROPOSAL**.
 - i. **DURATION.** That **RESPONDENT'S** license shall be placed on Probation for a minimum of sixty (60) months. That **RESPONDENT** shall complete all requirements in this **AGREED SETTLEMENT PROPOSAL** within seventy-two (72) months from the date the Board's

Agreed Settlement Proposal of *Mary Marcy*
Page 5 of 10

Hearing Panel executes an Order incorporating this **AGREED SETTLEMENT PROPOSAL**. After a minimum of sixty (60) calendar months of compliance with this Order, provided that **RESPONDENT** has practiced as a nurse for a minimum of sixty (60) months, **RESPONDENT** will be eligible for removal of the stipulations from the license.

- a) Practice as a nurse for purposes of this Order is defined as employment as a Registered Nurse on a least a permanent part time basis (40 hours every two weeks) or full-time basis in the state of Mississippi.
- ii. **CURRENT, ACTIVE LICENSE.** For the duration of this **AGREED SETTLEMENT PROPOSAL**, the **RESPONDENT** shall maintain a current, active Mississippi nursing license.
- iii. **SINGLE-STATE LICENSE.** In compliance with Miss Code Ann. Section 73-15-201, **RESPONDENT** shall retain only a Single-State Mississippi Nursing License for the duration of this Order. **RESPONDENT** agrees that for the duration of this Order to limit **RESPONDENT'S** practice as a nurse to the STATE OF MISSISSIPPI.
- iv. **PRESENT AND FUTURE EMPLOYER NOTIFICATION.** **RESPONDENT** shall notify each present employer in nursing and present each with a complete copy of this Order within five (5) days of receipt of the Order executed by the Board's Hearing Panel incorporating this **AGREED SETTLEMENT PROPOSAL**. While under the terms of this Order, **RESPONDENT** shall notify all future employers in nursing and present each with a complete copy of this Order prior to accepting an offer of employment.
- v. **EMPLOYER REPORTS.** That the **RESPONDENT** shall have each employer in the field of nursing or any other health-care related occupation submit quarterly progress reports in writing which speak to the day-to-day job performance evaluation with an emphasis on administration and documentation of controlled substances. If the **RESPONDENT** is unemployed or not employed as a nurse, or any other healthcare-related occupation, the **RESPONDENT** must send a letter to the Board monthly stating the **RESPONDENT'S** current employment status.
- vi. **QUARTERLY REPORTS.** Once the Board's office receives **RESPONDENT's** initial completed "Report of Supervised Practice" form **RESPONDENT** will be required to have the employer submit a new "Report of Supervised Practice" form quarterly to the Board. All reports are due in the Board's office on or before the fifteenth (15th) day of the following months: March, June, September, and December. The first report is due within ten (10) days after starting to work as a nurse. All reports will only be accepted if

Agreed Settlement Proposal of *Mary Marcy*

Page 6 of 10

received in the Board's office within two (2) weeks immediately following the due date. All reports must be submitted directly from the individual completing the report. It is the responsibility of the restricted individual, not the responsibility of the individual who completes/submits quarterly report(s) to ensure that the report(s) is/are received in this office in a timely manner.

- vii. **MAXIMUM HOURS ALLOWED.** Employment will be limited to the equivalent of no more than eighty-eight (88) hours per two-week period. Employment will further be limited to working no more than twelve (12) consecutive hours in a 24-hour period.
- viii. **ABSTAIN FROM ADDICTIVE SUBSTANCES.** That **RESPONDENT** shall abstain from all mood-altering, controlled, and addictive substances. Substances which may be medically necessary due to a diagnosed condition may be reviewed by the Board in consultation with a physician knowledgeable in chemical dependency to determine the impact upon **RESPONDENT'S** sobriety and **RESPONDENT'S** ability to practice nursing safely and effectively. Based on the review and the other evidence available to the Board, the Board may immediately suspend all employer/employee agreements and may direct **RESPONDENT** to appear at a hearing to show cause why the Board should not modify these stipulations, suspend **RESPONDENT'S** license or take any other disciplinary action against **RESPONDENT'S** license pursuant to that Nursing Practice Law.
- ix. **DRUG SCREENS.** That **RESPONDENT** shall have a minimum of one (1) periodic unannounced blood or urine drug screen per month. Specimen collections must be observed and a chain of custody maintained. Drug screens must be done by a person and an agency approved by that Board and must be in compliance with Board-approved Criteria for Periodic Drug Screens. Drug screens must test for drugs of abuse including: alcohol, amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, opiates, phencyclidine, propoxyphene, and any specified synthetic narcotics (including Meperidine). Positive screens must be confirmed by gas chromatography/mass spectrometry (GCMS). **RESPONDENT** shall be responsible for that cost of these screens.
- x. **MONTHLY DRUG SCREEN REPORT/POSITIVE SCREENS.** Copies of all periodic unannounced drug screen reports must be sent to the Board MONTHLY with the exception that the reports of all POSITIVE screens must be sent to the Board upon being processed.
- xi. **DEMAND DRUG SCREENS.** For the duration of these restrictions, **RESPONDENT** shall furnish periodic unannounced urine, blood and/or hair specimens on demand of that Board staff and/or **RESPONDENT'S** employer for that purpose of screening for the presence of alcohol or other habit-forming substances, narcotics, barbiturates, amphetamines, hallucinogens, or other

Agreed Settlement Proposal of *Mary Marcy*
Page 7 of 10

drugs having similar effect. This requirement is in addition to and separate from that drug screens in Paragraph t above. **RESPONDENT** shall be responsible for the cost of these screens.

- xii. **NOTICE OF FAILURE TO FURNISH DRUG SPECIMEN.** That **RESPONDENT** must have the Board notified verbally within 24-hours of any and all information regarding **RESPONDENT'S** refusal to furnish a blood/urine/hair specimen on demand for that purpose of having a drug screen performed. This information must be provided to the Board in writing within 5 days of that event.
- xiii. **INFORMATION REGARDING DRUG USE.** That **RESPONDENT** must have the Board notified of any and all information regarding **RESPONDENT'S** consumption or use of alcohol or mood-altering, controlled or addictive substances, prescription and nonprescription. Said notification must be submitted to the Board verbally within twenty-four (24) hours of consumption and use and in writing within five (5) working days of **RESPONDENT'S** consumption or use of alcohol or mood-altering substances, prescriptions, and non-prescriptions.
- xiv. **PRIMARY PHYSICIAN/NURSE PRACTITIONER.** Within fourteen (14) calendar days from the ratification of this **AGREED SETTLEMENT PROPOSAL**, **RESPONDENT** shall select and identify a primary physician and/or nurse practitioner who holds an unrestricted license. All medical care received by **RESPONDENT** for the duration of this Order shall be furnished by the physician and/or nurse practitioner or by the referral of the primary physician and/or nurse practitioner with that exception of emergency care. In the event emergency medical care is necessary, **RESPONDENT** must verbally notify the Board within twenty-four (24) hours if the treatment included that administration of mood-altering, controlled or addictive substances and must notify the primary physician and/or nurse practitioner and the Board in writing within five (5) working days from the date **RESPONDENT** received emergency medical care including but not limited to the information provided verbally.
- xv. **COPIES OF PRESCRIPTIONS.** That **RESPONDENT** must notify the Board verbally within twenty-four (24) hours of receiving a prescription for mood-altering, controlled, or addictive substances and must send copies of any and all prescriptions for medications to the Board within five (5) working days from the date the physician and/or nurse practitioner ordered the prescription. This includes refills of previous and current prescriptions.
- xvi. **AA/NA ATTENDANCE/CALENDARS.** Respondent shall attend a minimum of three (3) AA/NA meetings per week or shall attend a minimum of three (3) meetings a week of any other structured recovery program approved

Agreed Settlement Proposal of *Mary Marcy*
Page 8 of 10

by the Board. Respondent shall submit verification of this attendance to the Board in writing monthly on a Board-approved calendar form. Said verification must have the first name, last initial and telephone number for each person verifying attendance.

- xvii. **SUPPORT GROUP SPONSOR & HOME GROUP.** Respondent shall obtain a sponsor and Home Group for the appropriate support group(s) and notify the Board in writing of the name and phone number of the sponsor and name and address of the Home Group within thirty (30) days from the date the Executive Director executes this Order. Respondent shall notify the Board in writing within five (5) days of any change in the name and phone number of the sponsor and name and address of the Home Group.
- xviii. **NOTICE OF CHANGES.** That **RESPONDENT** shall notify the Board in writing as to change of name, employment, address or telephone number. Said notification must be received in the Board's office within five (5) working days from the date of said changes.
- xix. **RELEASES.** That **RESPONDENT** shall execute any release necessary to give the Board access to records, including but not limited to medical, employment, and criminal records. Failure to execute a release shall be grounds for disciplinary action against **RESPONDENT'S** nursing license.
- xx. **SCHOOL.** In the event that **RESPONDENT** chooses to enroll in any health-related education program while the said **AGREED SETTLEMENT PROPOSAL** remains in effect, the **RESPONDENT** shall furnish a copy of the ratified **AGREED SETTLEMENT PROPOSAL** to the director of the program at the time of application. **RESPONDENT** shall furnish a copy of that ratified **AGREED SETTLEMENT PROPOSAL** to the director of any health-related education program in which the **RESPONDENT** is now enrolled or shall be enrolled for as long as the license remains restricted. Within five (5) calendar days after receiving a ratified copy of the **AGREED SETTLEMENT PROPOSAL**, the **RESPONDENT** shall furnish a copy of the **AGREED SETTLEMENT PROPOSAL** to the director of any health-related education program in which the **RESPONDENT** is currently enrolled.
- xxi. **SHOW CAUSE HEARING.** In the event the **RESPONDENT** fails to comply with the terms of this Order, the **RESPONDENT** may be directed to appear at a hearing to show cause why the license should not be revoked, or other disciplinary action imposed. At the hearing, the **RESPONDENT** has a right to:
 - a) Appear either personally or by counsel or both;
 - b) Produce witnesses or evidence in the **RESPONDENT'S** behalf;
 - c) Cross-examine witnesses; and

Agreed Settlement Proposal of *Mary Marcy*
Page 9 of 10

- d) Have subpoenas issued by the Board on the **RESPONDENT'S** behalf.
9. That **RESPONDENT** accepts the above penalties and acknowledges that **RESPONDENT'S** license/privilege is being granted on condition of full compliance with these terms. Failure to adhere to any of the terms of this **AGREED SETTLEMENT PROPOSAL** may result in further disciplinary action against **RESPONDENT'S** nursing license/privilege.
10. That **NON-COMPLIANCE** shall include, but is not limited to:
- a. Receipt of unfavorable/negative reports and/or documentation;
 - b. Non-receipt of reports on or before the due date;
 - c. Failure to adhere to any of the terms of this Order;
 - d. Positive drug screen;
 - e. Failure to furnish drug specimen;
 - f. Any violations of the Mississippi Nursing Practice Law; and
 - g. Any violations of the Rules and Regulations of the Board.
11. That the **RESPONDENT** does hereby fully, completely and finally release the Board of Nursing and its agents, servants or employees from any and all claims, charges, demands, damages, costs, expenses, actions and causes of action of every kind and nature which the **RESPONDENT** may now or hereafter have related to this **AGREED SETTLEMENT PROPOSAL** between the **RESPONDENT** and the Board of Nursing. The Mississippi Board of Nursing admits no liability in any way related to this **AGREED SETTLEMENT PROPOSAL**.
12. That this document is a public record and will be entered as a **FINAL ORDER** of the Board. This discipline will be reported to all federally mandated data banks and in accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996, as amended.

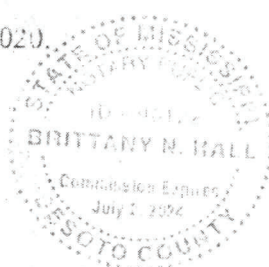
EXECUTED this the 5th day of October, 2020.

Mary Marcy
MARY MARCY

Subscribed and sworn to before me, in my presence, this the 5 day of

October, 2020.

(NOTARY SEAL)



Brittany Hall

Agreed Settlement Proposal of *Mary Marcy*
Page 10 of 10

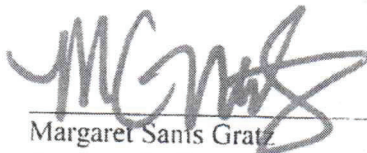
Notary Public

XX

Approved as to Form and Substance:



W. Westley Mutziger
Associate General Counsel, MSB



Margaret Sanis Gratz
Attorney for Respondent

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

IN RE:	)	Docket No. 2021- 43
MARY ANNE MARCY	)	
License No. 026.0023562	)	Docket No. 2021- 44
License No. 101.0134447		

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Mary Anne Marcy:

Board Authority

1. The Vermont State Board of Nursing (the “Board”) has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the “ARBN”); and the Rules of the Office of Professional Regulation.

Statement of Facts

1. Mary Anne Marcy (“Respondent”) of Olive Branch, Mississippi, is licensed in the State of Vermont as a Registered Nurse under license number 026.0140389. This license was first issued on September 22, 2019, and expires on March 31, 2021.
2. Respondent is also licensed in the State of Vermont as an Advanced Practice Registered Nurse under license number 101.0134447. This license was first issued on December 4, 2019, and expires on March 31, 2021.
3. Respondent is also licensed by the State of Mississippi as a Registered Nurse and Advanced Practice Registered Nurse under license number R866369.
4. On October 6, 2020, The Mississippi Board of Nursing disciplined Respondent’s licenses and privilege to practice nursing in the State of Mississippi because she is addicted to or dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbituates, amphetamine, hallucinogens, or other drugs having similar effect. *See Attachment A.*
5. The discipline imposed by the Mississippi Board of Nursing was based on several arrests and at least one conviction involving disorderly conduct or public drunkenness that occurred between 2017 and 2018.

6. Through the Mississippi Board of Nursing disciplinary matter, Respondent obtained a substance abuse evaluation in June 2019. The evaluation recommended Respondent complete intensive outpatient treatment for alcohol abuse as well as follow the Mississippi Nurse Recovery Program protocols and requirements. *See Attachment A.*
7. Based on the Mississippi Order, it appears that Respondent was involved in the Mississippi Board of Nursing's disciplinary process from at least March 2018 through the entry of the Order.
8. Respondent was reprimanded, fined, and her licenses were placed on probation. Respondent's probation includes supervised practice, drug screens, treatment, support groups, and other restrictions on her right to practice nursing. *See Attachment A.*
9. On September 20, 2019, Respondent submitted an initial application for licensure as a Registered Nurse in the State of Vermont.
10. Within the application, Respondent answered "No" to the question, "Are you currently under INVESTIGATION or PENDING CHARGES for a professional, occupational, or professional services license, certificate, or registration in any licensing jurisdiction?"
11. This answer was false.
12. Respondent also answered "No" to the question, "Have you EVER been convicted of a crime other than a minor traffic violation?"
13. This answer was false.
14. Respondent answered "No" to the question, "Does a dependency on alcohol, drugs, or prescription medication(s) impair or limit your ability to practice this profession with reasonable skill and safety?"
15. This answer was false.
16. Respondent also answered "No" to the question, "Are you currently participating in a supervised program or professional assistance program which monitors you in order to assure that you are not engaging in the use of alcohol or controlled substances?"
17. This answer was false.
18. On November 12, 2019, Respondent submitted an initial application for licensure as an Advanced Practice Registered Nurse in the State of Vermont.
19. Within the application, Respondent answered "no" to the question, "Has Vermont or any other state, federal authority, or other jurisdiction taken any DISCIPLINARY ACTION against (e.g., warned, reprimanded, fined, restricted, conditioned, suspended, revoked) a license, certificate, or registration that you hold or have held in any profession, or occupation, or professional service."

20. This answer was false.
21. Respondent also answered “No” to the question, “Have you EVER been convicted of a crime other than a minor traffic violation?”
22. This answer was false.
23. Respondent answered “No” to the question, “Does a dependency on alcohol, drugs, or prescription medication(s) impair or limit your ability to practice this profession with reasonable skill and safety?”
24. This answer was false.
25. Respondent also answered “No” to the question, “Are you currently participating in a supervised program or professional assistance program which monitors you in order to assure that you are not engaging in the use of alcohol or controlled substances?”
26. This answer was false.

Violation One: 3 V.S.A. §129a(a)(5) Practicing the profession when medically or psychologically unfit to do so.

27. The State re-alleges and incorporates Paragraphs 2 through 26 above.
28. As a Registered Nurse and an Advanced Practice Registered Nurse, Respondent is prohibited from practicing the profession when medically or psychologically unfit to do so.
29. Paragraphs 2 through 26 above demonstrate Respondent practiced the profession when medically or psychologically unfit to do so.
30. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(3).

Violation Two: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

31. The State re-alleges and incorporates Paragraphs 2 through 26 above.
32. As a Registered Nurse and an Advanced Practice Registered Nurse, Respondent is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
33. Paragraphs 2 through 26 above demonstrate Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public.

34. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(3).

Violation Three: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

35. The State re-alleges and incorporates Paragraphs 2 through 26 above.
36. As a Registered Nurse and an Advanced Practice Registered Nurse, Respondent is required to exercise independent professional judgment in the performance of licensed activities.
37. Paragraphs 2 through 26 above demonstrate Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
38. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Violation Five: 3 V.S.A. § 129a(a)(1) Fraudulent or deceptive procurement or use of a license

39. The State re-alleges and incorporates Paragraphs 2 through 26 above.
40. As a Registered Nurse and Advanced Practice Registered Nurse, Respondent must be truthful in the application process and is prohibited from engaging in fraudulent or deceptive procurement or use of a license.
41. Paragraphs 2 through 26 above demonstrate that Respondent engaged in fraudulent or deceptive procurement or use of a license.
42. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Relief Requested

WHEREFORE, the Registered Nurse license and Advanced Practice Registered Nurse license of Mary Anne Marcy should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED this 25th day of March, 2021.

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STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Elizabeth A. St. James
Elizabeth A. St. James
State Prosecuting Attorney
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620
P: (802) 828-1218
F: (802) 828-2389
elizabeth.st.james@vermont.gov