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

IN RE:	)	
Julie J. Maxfield	)	**Docket No. 2020-50**
License No. 026.0095114	)	

STIPULATED VOLUNTARY SURRENDER OF LICENSE AND ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Julie J. Maxfield, by and through her counsel, Devin McLaughlin, Esq., who hereby 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; 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 ("OPR").

Stipulated Facts

2. Julie J. Maxfield ("Respondent") of Lyme, New Hampshire is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0095114. This license was originally issued on April 1, 2015 and expired on March 31, 2017.

3. Respondent is also licensed by the State of New Hampshire as an RN under license number 069146-21 issued January 31, 2014 and expired April 30, 2018.

4. In May 2019, Respondent entered a Settlement Agreement with the State of New Hampshire Board of Nursing ("NH Board"), Docket No. 17-1-228-0554, in a case against Respondent for unprofessional conduct that occurred in New Hampshire in 2017 ("NH Settlement Agreement").

5. In the NH Settlement Agreement, Respondent stipulated that if the case proceeded to a final disciplinary hearing, the hearing counsel would prove the facts set forth in the Agreement.

6. The NH Board found that Respondent did engage in the conduct set forth in the NH Settlement Agreement, which is described in Paragraphs 7 through 17 below, and determined that the conduct constituted unprofessional conduct in New Hampshire.

7. In December 2017, Respondent was employed as an RN at Wheelock Terrace, an assisted living facility located in Hanover, New Hampshire ("Facility").

8. On December 25, 2017, the Facility Director received a report from an RN that Respondent was impaired while working at the Facility.

9. The RN who made the report received information from Facility staff that Respondent was acting oddly and had left the keys to the medication cart in a public area.

10. During Respondent's shift on December 25, 2017, Facility staff reported that they found a cup with alcohol sitting next to Respondent's soda.

11. Facility staff reported that Respondent was slurring her words, had trouble walking straight, and was acting inebriated.

12. During Respondent's shift on December 25, 2017, after receiving the above-referenced reports from Facility staff, the Facility Director contacted the Hanover Police Department ("HPD"), which dispatched two officers to the Facility.

13. The HPD Officers, the Facility Director, and the Facility Health Services Director met with Respondent at 10:45 p.m. on December 25, 2017.

14. During the meeting, Respondent's pupils were dilated, eyes were bloodshot, cheeks were red, and speech was slurred.

15. Respondent was given two options during the meeting: either submit to a drug/alcohol screen or refuse, which would be considered a voluntary termination and would be reported to the NH Board.

16. Respondent refused to submit to the drug/alcohol screen.

17. At some point after these events, Respondent voluntarily admitted herself into an inpatient 12-step program and began attending daily group meetings for alcohol addiction.

18. As the result of the findings set forth above, the NH Board suspended Respondent's license for a minimum period of three years, retroactive to December 27, 2017.

19. Respondent is eligible to request reinstatement in New Hampshire after December 27, 2020, at which time the NH Board will determine whether to reinstate Respondent and, if so, under what conditions.

20. The unprofessional conduct in Paragraphs 7 through 17 above would constitute unprofessional conduct in Vermont. Pursuant to 3 V.S.A. §129(a)(5), the Board may discipline any licensee or refuse to license any person who has had a license application denied or license revoked, suspended, limited, conditioned or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute

unprofessional conduct in this state, or has surrendered a license while under investigation for unprofessional conduct.

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

21. Paragraphs 2 through 20 above are incorporated herein.

22. As a licensed Registered Nurse, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.

23. Paragraphs 2 through 20 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public by practicing the profession while under the influence of alcohol on December 25, 2017.

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

Violation Two: 3 V.S.A. §129a(b)(2): Failure to conform to the essential standards of acceptable and prevailing practice.

25. Paragraphs 2 through 20 above are incorporated herein.

26. As a licensed Registered Nurse, Respondent must conform to essential standards of acceptable and prevailing practice, which require RN's to be sober while practicing.

27. Paragraphs 2 through 20 above demonstrate that Respondent violated the essential standards of acceptable and prevailing practice when she worked as an RN while under the influence of alcohol on December 25, 2017.

28. 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(b)(2).

Violation Three: 3 V.S.A. §129a(a)(15) Failure 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.

29. The State re-alleges and incorporates Paragraphs 2 through 20 above.

30. As a Registered Nurse, Respondent is required 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.

31. Paragraphs 2 through 20 above demonstrate that Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment was necessary to avoid action repugnant to the obligations of the profession when she worked as an RN while under the influence of alcohol on December 25, 2017.

Understandings

32. Respondent admits that the facts above are true and desires to voluntarily surrender her Vermont Registered Nurse license, as she does not plan to practice nursing in Vermont in the future. Nothing herein is intended by either party to interfere with the New Hampshire reinstatement process for Respondent. The Parties reach a full and final Stipulation pursuant to these Understandings, the Acceptance of Voluntary Surrender, and Order below.

33. Respondent understands that the Board must review and accept the terms of the Stipulated Voluntary Surrender of License. If the Board rejects any portion, the entire Stipulated Voluntary Surrender of License shall be null and void.

34. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her right to a fair and impartial hearing in the future if this agreement is not accepted by the Board.

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

36. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulated Voluntary Surrender of License.

37. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulated Voluntary Surrender of License.

38. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulated Voluntary Surrender of License.

39. Respondent agrees that the Acceptance of Voluntary Surrender and Order set forth below may be entered by the Board.

ACCEPTANCE OF 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 Vermont Registered Nurse license.

B. 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.

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).

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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 8/11/2020 By: /s/ Jennifer B. Colin
Jennifer B. Colin
Prosecuting Attorney

RESPONDENT

Dated: 7/31/2020 By: Julie Maxfield
Julie J. Maxfield

APPROVED AS TO FORM:

COUNSEL FOR RESPONDENT

By: Devin McLaughlin, Esq.
Langrock Sperry & Wool, LLP

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: September 14, 2020 By: E-SIGNED by Ellen Watson on 2020-09-14 12:45:42 EDT
Chairperson

Date of Entry: 9/14/2020