

**STATE OF VERMONT
BOARD OF NURSING**

In re: Sarah L. Merrick
License No. 25-7009

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Docket No. NU62-0505

SUMMARY SUSPENSION ORDER

On August 8, 2005, 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), Respondent Sarah Merrick'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*
Chair

Dated: 8-8-05

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/8/05

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

**IN RE: SARAH MERRICK
License No. 025-0007009**

) **DOCKET No. NU62-0505**
)

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. Sarah Merrick (the "Respondent") of Littleton, New Hampshire is a licensed practical nurse holding license number 025-0007009, issued by the State of Vermont. This license was originally issued on or about October 13, 1993 and is set to expire on January 31, 2006.
4. On or about April 1, 2005 the Respondent was arrested for possession of crack cocaine after her residence was searched by police. At that time the Respondent admitted to the arresting officer that she had a drug problem.
5. On or about June 15, 2005 the Respondent admitted to Chief Investigator Michael Colgan that she was in possession of cocaine when her residence was searched. On the same date the Respondent advised Chief Colgan that she was in counseling but was not required to participate in drug screening as part of the counseling.

Request for Relief

6. 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.
7. The above acts and circumstances, alone or in combination, violate: 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); 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,

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

chemicals or any other type of materials). 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); 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 025-0007009 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 27th day of July, 2004.

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

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STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602