

~~SS 4 004~~ 2000-183
NW P/R

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

Bradford

IN RE:)
SHARON MILLER)
License No. 026-0021203)

Docket No: NU 65-0600

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Sharon Miller, R.N., who stipulate and agree as follows:

Board Authority

- 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 129a, and 26 V.S.A. §§1574 and 1582.
- 2) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 3) Having a mental, emotional or physical disability, the nature of which interferes with the ability to practice nursing competently is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(6).
- 4) Being unable to practice the profession of nursing competently by reason of any cause is unprofessional conduct and is a basis on which the Board can impose disciplinary action: 26 V.S.A. §1582(a)(3).

Facts

- 5) The Respondent (whose address is listed in the database of the Office of Professional Regulation as HC 82, Box 780, Bradford Vermont 05023) is licensed as a Registered Nurse under License Number 026 – 0021203.
- 6) Respondent's license was originally issued on July 8, 1993 and it currently expires on March 31, 2001.

- 7) The Respondent was employed at the Northeastern Vermont Regional Hospital at all times relevant.
- 8) Respondent represents that she is not currently employed in the nursing profession and that she does not intend to return to the nursing profession at any future time.
- 9) Respondent admits the following:
 - a) Respondent is prescribed medications, including but not limited to drugs and narcotics, for her medical condition(s) and the medical condition(s) cause her to not competently perform the duties of a licensed Registered Nurse; and
 - b) Respondent is dependant on the prescription drugs to function, including but not limited to opioids and other habit forming drugs, which she has been, and currently is still having prescribed to her for her medical condition(s).

Charges

- A. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- B. Having a mental, emotional or physical disability, the nature of which interferes with the ability to practice nursing competently is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(6).
- C. Being unable to practice the profession of nursing competently by reason of any cause is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(3).

Understandings

- D. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- E. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- F. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- G. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- H. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

- I. Respondent agrees not to pursue her appeal of the summary suspension hearing in the matter of In Re: Sharon Miller, R.N., Docket No.: NU65-0600 and Respondent specifically requests to have the same dismissed with prejudice.

Consent Order

- J. Based on the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent:
 - (a) Has a mental, emotional or physical disability, the nature of which interferes with the ability to practice nursing competently is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(6);
 - (b) Is unable to practice the profession of nursing competently by reason of any cause is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(3);
 - (c) Is in violation of the provisions of state statutes or rules governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3).

- K. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

- (1) The Respondent's license is **INDEFINITELY SUSPENDED**.

- L. If the Respondent petitions the Board to reinstate her license, in the petition the Respondent must demonstrate, to the satisfaction of the Board, that:

- (a) The Respondent poses no danger to the public or the practice of nursing and she will safely and competently perform the duties of a licensed registered nurse; and
- (b) She meets any applicable requirements for license renewal and license reinstatement.

- M. Should Respondent's license become active, Respondent's license shall be **CONDITIONED upon the conditions to be determined at that time.**

- N. 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)(8).

- O. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

**BY: SHARON MILLER
RESPONDENT**

Date: 10/27/00

Sharon Miller
Sharon Miller

APPROVED TO FORM:

Date: 10/27/00 by Respondent's attorney: Mark Klarich

**AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL**

Date: 10/30/00

George C. Haegle IV
George C. Haegle IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: November 13, 2000

Lisa O. Farrell
Chairperson

Dated entered: 11-14-00

STATE OF VERMONT
BOARD OF NURSINGIn re: Sharon Miller
License No. 26-21-203}
}
}

Docket No. NU65-0600

SUMMARY SUSPENSION ORDER

On August 14, 2000, 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 Sharon Miller'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
ChairDated: August 14, 2000

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/17/00

2000-183

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

IN RE:
SHARON MILLER
License No. 026-0021203

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Docket No: NU 65-0600

REQUEST FOR SUMMARY SUSPENSION

NOW COMES the State of Vermont and requests the summary suspension of the nursing license of the Respondent, Sharon Miller, on the basis of the following:

Board Authority

1. The Vermont State Board of Nursing ["the Board"] has authority to summarily suspend licenses in cases requiring emergency action. 3 V.S.A. §129(a)(5).
2. The Board may order summary suspension, pending proceedings for revocation or other action, if the Board finds that public health, safety, or welfare imperatively requires emergency action, and if the Board incorporates a finding to that effect in its order. 3 V.S.A. §814(c).
3. Diverting supplies, equipment, or drugs for personal or other unauthorized use is conduct likely to deceive, defraud or harm the public and is a basis on which the Board can impose disciplinary action, including a summary suspension. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7).

Facts

4. The Respondent (whose address is listed in the database of the Office of Professional Regulation as HC 82, Box 780, Bradford Vermont 05023) is licensed as a Registered Nurse under License Number 026 – 0021203.
5. Respondent's license was originally issued on July 8, 1993 and it currently expires on March 31, 2001.
6. The Respondent was employed at the Northeastern Vermont Regional Hospital at all times relevant.
7. On or about May 12, 2000, Respondent accessed the PYXIS system for 10 mg. Morphine tubex for a patient assigned to another nurse.
8. Respondent was discovered in an empty room with the tubex by a third nurse.

9. Respondent brought the tubex to the nurse assigned to the patient and presented the tubex to the nurse with the air expelled from the tube and with 10cc of NS (saline) already drawn up.
10. Respondent offered to mix the 10cc's of saline in the tubex but the nurse declined and instead administered 2 mg. of morphine to the patient.
11. When the patient communicated they did not feel any relief the tubex was contained and delivered to a laboratory for testing.
12. The laboratory test showed the tubex contained a concentration of 4.2 mg. as opposed to the 10 mg. as expected.
13. On or about June 6, 2000 the Respondent was terminated.

Claims

14. The Respondent has recently diverted drugs for unauthorized use and that is conduct that is likely to deceive, defraud or harm the public and is also conduct sufficient to support disciplinary action, including a summary suspension. BNAR Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7); 3 V.S.A. §129a(a)(3); 3 V.S.A. §814(c).

Relief Requested

Wherefore, the State of Vermont requests that:

A. Findings be made :

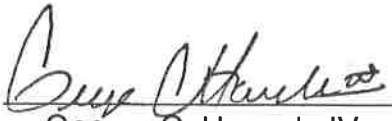
- 1) That the Respondent has recently diverted drugs for unauthorized use; and
- 2) That the public health, safety, or welfare imperatively requires emergency action.

- B. The Respondent's license, number 026-0021203, should be **SUMMARILY SUSPENDED** until unprofessional conduct charges are filed and there is a final determination on any needed disciplinary action.

Dated at Montpelier, Vermont this 10th day of August 2000.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 
George C. Haegle IV
Assistant Attorney General

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

IN RE:)
 SHARON MILLER) Docket No: NU 65-0600
 License No. 026-0021203)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Sharon Miller, RN:

Board Authority

1. The Vermont State Board of Nursing ["the Board"] has authority to issue warnings or reprimands, suspend, revoke, limit, condition current licenses, or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
3. Diverting supplies, equipment, or drugs for personal or other unauthorized use is conduct likely to deceive, defraud or harm the public and is a basis on which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7).

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13. When the patient communicated they did not feel any relief the tubex was contained and delivered to a laboratory for testing.

14. The laboratory test showed the tubex contained a concentration of 4.2 mg. as opposed to the 10 mg. as expected.

15. On or about June 6, 2000 the Respondent was terminated.

Charges

A. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).

B. The Respondent has recently diverted drugs for unauthorized use and that is conduct that is likely to deceive, defraud or harm the public and is also conduct sufficient to support disciplinary action. BNAR Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7); 3 V.S.A. §129a(a)(3); 3 V.S.A. §814(c).

Relief Requested

WHEREFORE, the license of Sharon Miller, RN, should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 11th day of September 2000.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 
George C. Haegele IV
Assistant Attorney General