

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

IN RE:
THOMAS NAPPA
License No. 026-0025792

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Docket No: NU37-0101

SPECIFICATION OF CHARGES, STIPULATION AND CONSENT ORDER

SPECIFICATION OF CHARGES

- 1) The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(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).
4. Being addicted to the use of habit-forming drugs is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(5).

5. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

6. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 578 Nottingham Drive, Georgia, Vermont 05468) is a Registered Nurse under License Number 026 – 0025792.
7. Respondent was originally licensed on August 3, 2000 and Respondent's license has a current expiration date of March 31, 2001.
8. At all times relevant to these charges, the Respondent worked at Burlington Health and Rehabilitation Center in Burlington, Vermont.
9. While employed at the Burlington Health and Rehabilitation Center, Respondent:
- a Diverted, for personal use, twenty-six (26) vials of Morphine, one (1) vial of Demerol, and thirty (30) Vicodin tablets;
 - b Prepared doctor's orders for patients without discussion with the doctor(s) and diverted the medications for his own use.
 - c Had been to several treating physicians seeking medications, intentionally not revealing to each that the other treating physician(s) had already prescribed him the medications he sought.
10. On or about January 18, 2001, an investigator from the office of professional Regulation contacted the Respondent to discuss a complaint of unprofessional conduct.
11. Respondent admitted to the investigator that Respondent had diverted, for personal use, twenty-six (26) vials of Morphine, one (1) vial of Demerol, and thirty (30) Vicodin tablets from the Burlington Health and Rehabilitation Center in Burlington, Vermont.
12. Respondent admitted to the investigator that Respondent had prepared doctor's orders for patients without discussion with the doctor(s) and diverted the medications for his own use.
13. Respondent admitted to the investigator that Respondent had been to several treating physicians seeking medications, intentionally not revealing to each that the other treating physician(s) had already prescribed him the medications he sought.

14. Respondent admitted to the investigator that Respondent is currently addicted to narcotic(s) and/or other drugs.
15. Respondent, upon information and belief, has entered into intensive outpatient rehabilitation in Rhode Island.

Claims

- A. The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3).
- B. 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).
- C. Being addicted to the use of habit-forming drugs is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(5).
- D. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(3).

STIPULATION

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

- 1) The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
- 2) The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on

which the Board can impose disciplinary action. Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(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).
- 4) Being addicted to the use of habit-forming drugs is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(5).
- 5) Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

- 6) The Respondent (whose address is listed in the database of the Office of Professional Regulation as 578 Nottingham Drive, Georgia, Vermont 05468) is a Registered Nurse under License Number 026 – 0025792.
- 7) Respondent was originally licensed on August 3, 2000 and Respondent's license has a current expiration date of March 31, 2001.
- 8) At all times relevant to these charges, the Respondent worked at Burlington Health and Rehabilitation Center in Burlington, Vermont.
- 9) While employed at the Burlington Health and Rehabilitation Center, Respondent:
 - a) Diverted, for personal use, twenty-six (26) vials of Morphine, one (1) vial of Demerol, and thirty (30) Vicodin tablets;
 - b) Prepared doctor's orders for patients without discussion with the doctor(s) and diverted the medications for his own use.
 - c) Had been to several treating physicians seeking medications, intentionally not revealing to each that the other treating physician(s) had already prescribed him the medications he sought.

- 10) On or about January 18, 2001, an investigator from the office of professional Regulation contacted the Respondent to discuss a complaint of unprofessional conduct.
- 11) Respondent admitted to the investigator that Respondent had diverted, for personal use, twenty-six (26) vials of Morphine, one (1) vial of Demerol, and thirty (30) Vicodin tablets from the Burlington Health and Rehabilitation Center in Burlington, Vermont.
- 12) Respondent admitted to the investigator that Respondent had prepared doctor's orders for patients without discussion with the doctor(s) and diverted the medications for his own use.
- 13) Respondent admitted to the investigator that Respondent had been to several treating physicians seeking medications, intentionally not revealing to each that the other treating physician(s) had already prescribed him the medications he sought.
- 14) Respondent admitted to the investigator that Respondent is currently addicted to narcotic(s) and/or other drugs.
- 15) Respondent, upon information and belief, has entered into intensive outpatient rehabilitation in Rhode Island.

Understandings

- 16) Respondent admits the facts above and the conclusions of unprofessional conduct as set forth below in the Board's Order.
- 17) 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.
- 18) Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 19) Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. 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.

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

21) 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.

22) Respondent voluntarily waives his right to charges and a contested hearing before the Board of Nursing.

23) Respondent agrees that the Board may set forth the order below.

ORDER

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

A. By engaging in the conduct above, Respondent acted unprofessionally pursuant to, and in violation of:

(1) Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(3); 26 V.S.A. §1582(a)(3) (The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently);

(2) Board of Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7) (Diverting supplies, equipment, or drugs for personal or other unauthorized use is conduct likely to deceive, defraud or harm the public);

(3) 26 V.S.A. §1582(a)(5) (Being addicted to the use of habit-forming drugs); and

(4) 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).

- B. The Nursing Board **INDEFINITELY SUSPENDS** the Respondent's license, commencing on the date this order is entered, continuing until he demonstrates, to the satisfaction of the Board: possession of entry level qualifications; specific rehabilitation; good moral character and fitness; methods of assuring public safety, and; that reinstatement would not be detrimental to the integrity of the profession or subversive of the public interest.
- 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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 2/8/01

by: 
George C. Haegele IV
Assistant Attorney General

RESPONDENT
THOMAS NAPPA

Dated: 2/7/01

by: 
Thomas Nappa

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

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/12/01

by: Luisa Farrell
Chairperson

Date of entry: 2-14-01

STATE OF VERMONT
BOARD OF NURSING

In re: Thomas Nappa
License No. 26-25792

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Docket No. NU37-0101

SUMMARY SUSPENSION ORDER

On February 12, 2001, 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 Thomas Nappa'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: 2/12/01

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2-14-01