

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Melanie Nash) Dkt. #NU64-0301
License Number 26-25935)

STIPULATION AND CONSENT ORDER

STIPULATION

Now Comes the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Melanie Nash, who 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 and 814; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Melanie Nash, of Lyndon, Vermont, is a registered nurse holding license number 26-25935, issued by the State of Vermont. This license was originally issued on or about September 19, 2000 and it is currently active.
3. At times relevant, Respondent was employed by Newport Health Care Center of Newport, Vermont. She was so employed from about August 28, 2000 to about March 19, 2001.
4. Respondent admits that on or about February 28, 2001, she took, without authorization, a cash box from her employer, which contained items including, but not necessarily limited to: office cash, patient monies, stamps, jewelry, credit card(s) and/or check book(s). Further, Respondent returned the cash box unopened, with all contents, by leaving it in the driveway of

Edna and David Silver, respectively the director of nurses and administrator, and collectively the owners of Newport Health Care Center.

5. Respondent admits that, at times relevant, she was psychologically addicted to Robitussin D.M. (cough syrup) and, in September of 2000, she was convicted of Driving While Under the Influence.

6. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

7. 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.

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

9. 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 her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

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

11. 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.

12. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

13. 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. 26 V.S.A. §1582(a)(7) (engaging in conduct of a character likely to deceive, defraud or harm the public), and 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

2. Nursing Board Rules: Chapter 4, Rule IV, B.3 (any cause includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials), which constitutes unprofessional conduct within the meaning of, and also further violates: 26 V.S.A. §1582(a)(5) (is habitually intemperate or is addicted to the use of habit-forming drugs).

B. The Nursing Board indefinitely **SUSPENDS** Respondent's license, commencing on the date this Order is entered by the Vermont Board of Nursing, and continuing until Respondent: presents an independent evaluation report from a counselor specializing in substance abuse, and a psychiatrist, (both with prior approval by the Board or its designee) acknowledging Respondent's ability to return to work, and the Board (or its designee) agrees, in writing, and; Respondent demonstrates, to the satisfaction of the Board: possession of at least entry level qualifications; specific rehabilitation; good moral character and fitness; methods of assuring public safety; and that reinstatement will not be detrimental to the integrity of the profession or against the public

interest. Respondent's license may thereafter be, with conditions, reinstated on motion to the Board.

C. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement. Costs of compliance are the responsibility of Respondent.

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)(7).

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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 6/24/02

by: *William H. Ahlers*

William H. Ahlers
Assistant Attorney General

Approved as to Form: *Joseph C. Benning*

Joseph C. Benning
Attorney for Melanie Nash

RESPONDENT
MELANIE NASH

Dated: 6/18/02

by: *Melanie J. Nash*

Melanie Nash

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: *July 8, 2002*

by: *Lucas Farrell*

Board Chairperson

Date of Entry: *7/9/02*

RECEIVED
JUN 25 2002