

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Linda Osborne

License No: 26-9699

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Docket No. NU56-0102

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 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 Linda Osborne, of Poultney, Vermont, is a nurse holding license number 26-9699, issued by the State of Vermont. This license was originally issued on about August 1, 1972 and it is currently active.
3. Respondent was employed by or associated with Rutland Regional Medical Center, of Rutland, Vermont, from about 1989 to January 2002.
4. Respondent has, from time to time for the past three years, been medically and psychologically unfit to practice the profession, due to a severe alcohol abuse problem, including but not necessarily limited to habitual intemperance and periodic relapses after treatment.
5. The above act(s), omission(s) and/or circumstance(s), taken together, individually or in any combination, violate; 26 V.S.A. §1582(a)(5) (Is habitually intemperate or

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109 State Street
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is addicted to the use of habit forming drugs) and 3 V.S.A. §129a(a)(5) (practicing the profession while medically or psychologically unfit to do so).

WHEREFORE, the license of Linda Osborne should be revoked, suspended or otherwise disciplined.

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Linda Osborne, 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 Linda Osborne, of Poultney, Vermont, is a nurse holding license number 26-9699, issued by the State of Vermont. This license was originally issued on about August 1, 1972 and it is currently active.
3. Respondent was employed by or associated with Rutland Regional Medical Center, of Rutland, Vermont, from about 1989 to January 2002.
4. Respondent admits that she has, from time to time for the past three years, been medically and psychologically unfit to practice the profession, due to a severe alcohol abuse problem, including but not necessarily limited to habitual intemperance and periodic relapses after treatment.
5. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

6. 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.
7. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
8. 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.
9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
10. 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.
11. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
12. 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: The above act(s), omission(s) and/or circumstance(s), taken together, individually or in any combination, violate; 26 V.S.A. §1582(a)(5) (Is

habitually intemperate or is addicted to the use of habit forming drugs) and 3 V.S.A. §129a(a)(5) (practicing the profession while medically or psychologically unfit to do so).

B. The Nursing Board **SUSPENDS** the Respondent's license, commencing on the date this order is entered, until she 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 would not be detrimental to the integrity of the profession or subversive of the public interest.

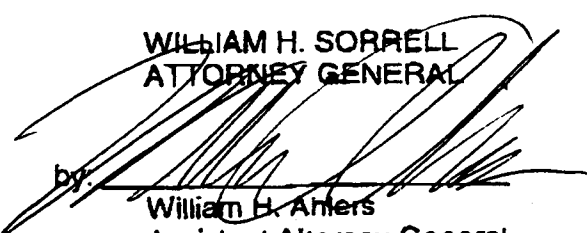
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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

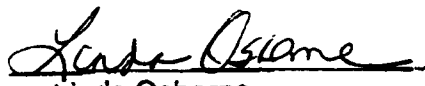
Dated: 2/12/02

by: 

William H. Ahlers
Assistant Attorney General

RESPONDENT
LINDA OSBORNE

Dated: 2/11/02

by: 

Linda Osborne

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ROBERT I. TEPPER, ESQ.
TEPPER, DARDECK & LEVINS
RESPONDENT'S ATTORNEYS

Approved as to Form:

Dated: 2/11/02 ^{2/13/02}

by: Robert I. Tepper
Robert I. Tepper, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3-11-02

by: Sandra Rice APRN, FAAP
Acting Chairperson

Date of entry: 3/12/02

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STATE OF VERMONT
BOARD OF NURSING

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SUMMARY SUSPENSION ORDER

On February 11, 2002, 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 State, 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 Linda Osborne'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: Linda Rice APRN
Linda Rice
Acting Chair

Dated: 2-12-02

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/12/02