

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



In re: LORI PARSONS
License No. 026.0021220

}
} Docket No. 2020-20 (RN)
}

SUMMARY SUSPENSION ORDER

Participating Board Members:

Deborah Swartz, RN,
Jennifer Laurent, APRN
Luana Tredwell, LPN
Wendy Thurston, RN
Douglas Sutton, RN
Virginia Hudson, RN
Krystal Bernier, LPN
Daniel Coane, Public Member

Appearances:

Prosecuting the case: Jennifer B. Colin, Esq.
Respondent: was present and was not represented

Presiding Officer:

George K. Belcher

Exhibits:

State Exhibit 2: Report of blood alcohol test 1/29/20

**Summary Suspension Order
FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Board of Nursing on a Request for a Summary Suspension. The hearing was held on March 9, 2020, at the Office of Professional Regulation in Montpelier, Vermont.

Findings of Fact

Based on a review of the pleadings and the file, and on the evidence presented to the

Board at the hearing, the Board finds as follows:

1. Respondent is licensed as a Registered Nurse in the State of Vermont. The Respondent's license is set to expire on March 31, 2021. The Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. 3 V.S.A. § 814(c) permits the Board to summarily suspend a license if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order.
2. The prosecutor has filed a "Request for Summary Suspension." A copy of the Request is attached to this Decision and Order. The Respondent was sent a notice of the hearing on March 2, 2020 to the address on file with the Office of Professional Regulation. In addition the Respondent was served with the Request for Summary Suspension and appeared with no objections to notice.
3. The Respondent was employed as a Visiting Nurse at the Orleans/Essex Visiting Nurse and Hospice Association in early January of 2020. On January 29, 2020 the Respondent visited the home of Patient 1 in Barton, Vermont. As she was ending her visit, a second nurse from the same agency ("C.C.") appeared to attend the patient. When nurse C.C. asked the Respondent why she was there, it became clear that the Respondent had not updated her computer to notice that she was not assigned to visit this patient. During this interaction between the Respondent and Nurse C.C., Nurse C.C. noticed the Respondent smelled strongly of alcohol, with her hands trembling, and was unable to explain her presence at the home of Patient 1. Nurse C.C. was under the impression that the Respondent had conducted her patient visit while impaired with alcohol. Nurse C.C. reported the incident to her employer.
4. The Respondent was directed by the Human Resources officer to return to the home facility. While there, the Respondent was directed to take a blood alcohol test which she did at the North Country Hospital Emergency Room. The blood sample was taken within two hours of the initial contact between the Respondent and Nurse C.C.
5. The blood alcohol test showed a blood alcohol level of .067% BAC.
6. The Respondent has a history of alcohol usage and was enrolled in residential treatment in New Hampshire in August of 2018 and is involved in Alcoholics Anonymous.
7. Investigator Denis Menard made an unannounced visit to the Respondent on February 14, 2020 at her home between 9 and 10 AM. While sitting approximately 6 feet from her during the interview the investigator could smell alcohol on her breath.
8. The Respondent denied that she had consumed any alcohol after 12 midnight on the evening of January 28, 2020 and that she had not consumed any alcohol on January 29, 2020.
9. The evidence is clear that the Respondent was impaired by alcohol consumption on January 29, 2020 while treating her patient in the course of her nursing duties.

Conclusions of Law

1. The evidence established that the Respondent violated: 26 VSA Sec. 1582(a)(3) [Engaging in conduct of a character likely to harm the public]; 3 VSA Sec. 129a(b)(2)

[Failure to conform to the essential standards of acceptable and prevailing practice]; 3 VSA Sec. 129a(b)(1) [Performance of unsafe or unacceptable patient or client care]; and 3 VSA Sec. 129a(a)(15) [failing to exercise independent judgment necessary to avoid actions repugnant to the profession]. The evidence presented show facts which imperatively require emergency action for the public health, safety, and welfare. Specifically, summary suspension is necessary to prevent patient harm, and to protect the public.

2. Our Findings of Fact and Conclusions of Law in this Summary Suspension hearing are for purposes of deciding whether *at this time* there is an imperative need to take emergency action. 3 V.S.A. § 814(c). Our Findings of Fact and Conclusions of Law herein are for purposes of this Order only.
3. The Prosecutor's Request for a Summary Suspension is supported by the evidence presented. For purposes of this Summary Suspension Hearing, the Findings of Fact above do support Summary Suspension of Respondent's license. There is an imperative need to take emergency action. 3 V.S.A. § 814(c).
4. Vermont law requires that unprofessional charges be filed promptly with Respondent being afforded a prompt hearing. At any merits hearing in this matter, the prosecutor will bear the burden of proving unprofessional conduct. Our Findings and Conclusions in this matter will not absolve the prosecution or Respondent from producing or challenging relevant evidence at a merits hearing. The Findings of Fact and Conclusions of Law at a contested hearing will be based exclusively on the evidence admitted at that hearing.

Order

The Request for Summary Suspension is **Granted**. Respondent's license is **Summarily Suspended** pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined. 3 V.S.A. § 814(c).

Vermont Board of Nursing

By: 
Jennifer Laurent, APRN, Acting Chair

Date: March 12 2020

DATE OF ENTRY: _____

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

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

IN RE:)
Lori A. Parsons) Docket No. 2020- 20
License No. 026.0021220)

REQUEST FOR SUMMARY SUSPENSION

NOW COMES the State of Vermont and hereby requests summary suspension of the license of Respondent Lori A. Parsons as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or 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); 3 V.S.A. §129a; 3 V.S.A. §814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation ("OPR").
2. The Board of Nursing is authorized by 3 V.S.A. §814 to summarily suspend the license of a registered nurse when it finds the public health, safety, or welfare imperatively requires emergency action.

Statement of Facts

3. Lori A. Parsons ("Respondent") of St. Johnsbury, Vermont is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0021220. This license was originally issued on July 8, 1993 and expires on March 31, 2021.
4. During the relevant time, Respondent worked as an RN for the Orleans/Essex Visiting Nurse Association and Hospice located in Newport, Vermont ("Facility").
5. On January 29, 2020, Respondent made a home visit to a patient who resided in Barton, Vermont ("Patient 1") at approximately 1:00 p.m.
6. Due to a change in scheduling that Respondent was not aware of, a second registered nurse ("C.C.") arrived at Patient 1's home between 1:00 and 2:00 p.m. to provide care to Patient 1.

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7. When C.C. arrived, she entered the patient's home and met Respondent, who indicated that she (Respondent) was just finishing her home visit with Patient 1.
8. When C.C. questioned Respondent about why Respondent was at the home for the visit, C.C. smelled the very strong odor of alcohol on Respondent's breath and noticed that Respondent's hands were trembling severely.
9. C.C. also noted that Respondent had slurred speech and was not able to articulate to C.C. why she (Respondent) was there to provide care to Patient 1 when the schedule had been changed.
10. C.C. walked out of the home and waited in her car, observing Respondent as Respondent left Patient 1's home.
11. C.C. immediately reported the incident to the Facility.
12. The Facility asked C.C. to cover Respondent's remaining nursing visits that day and contacted Respondent to request that Respondent return to the Facility.
13. Upon her return to the Facility, Respondent met with the Human Resources Director and the Nursing Supervisor who asked Respondent to submit to a blood alcohol test.
14. After an initial refusal, Respondent submitted to the blood alcohol test, which was conducted at North Country Hospital at approximately 3:15 p.m.
15. Respondent's blood tested positive for Ethyl Alcohol with a value of 67 mg/dl (.067% Blood Alcohol Content (BAC)).
16. When confronted with the blood test results, Respondent stated she had not been drinking alcohol on January 29, 2020, but that she had been drinking the night before up until 11:00 p.m. or midnight.
17. At an interview with OPR Investigator Dennis Menard, Respondent stated she has had past problems with alcohol and that she had been to rehab, most recently in August 2018, when she entered in-patient treatment for alcohol in New Hampshire.
18. Respondent informed Investigator Menard that she can drink more alcohol than most people on a daily basis, but then clarified "Nightly, I don't drink during the day."
19. Respondent also informed Investigator Menard that she continues to attend Alcoholics Anonymous and that she has a sponsor.

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Violation One: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

20. The State re-alleges and incorporates Paragraphs 3 through 19 above.
21. As a licensed Registered Nurse, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
22. Paragraphs 3 through 19 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public by practicing the profession while under the influence of alcohol, as indicated by her slurred speech, smelling strongly of alcohol, her inability to communicate about her presence at the patient's home, shaking hands and the positive results of the blood alcohol test conducted on January 29, 2020.
23. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. §1582(a)(3).

Violation Two: 3 V.S.A. §129a(b)(2): Failure to conform to the essential standards of acceptable and prevailing practice.

24. The State re-alleges and incorporates Paragraphs 3 through 19 above.
25. As a licensed Registered Nurse, Respondent must conform to essential standards of acceptable and prevailing practice, which require RN's to be sober while practicing.
26. Paragraphs 3 through 19 above demonstrate that Respondent worked as an RN while under the influence of alcohol, as indicated by the strong odor of alcohol on her breath, her slurred speech, inability to communicate about her presence at the patient's home, shaking hands and the positive results of the blood alcohol test conducted on January 29, 2020. This conduct violates the essential standards of acceptable and prevailing practice.
27. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(2).

Violation Three: 3 V.S.A. §129a(b)(1) Performance of unsafe or unacceptable patient or client care.

28. The State re-alleges and incorporates Paragraphs 3 through 19 above.
29. Vermont law requires licensed Registered Nurses to practice competently by providing safe and acceptable patient care.

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30. Paragraphs 3 through 19 above demonstrate that Respondent failed to provide safe and acceptable patient care by practicing as an RN while under the influence of alcohol, smelling strongly of alcohol, slurring her speech, with shaking hands and while unable to communicate effectively.
31. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Violation Three: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

32. The State re-alleges and incorporates Paragraphs 3 through 19 above.
33. As a licensed Registered Nurse, Respondent is required to exercise her own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
34. Paragraphs 3 through 19 above demonstrate that Respondent failed to exercise independent professional judgment by practicing as an RN while under the influence of alcohol, smelling strongly of alcohol, slurring her speech, with shaking hands and while unable to communicate effectively.
35. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because Respondent committed unprofessional conduct by failing to exercise independent professional judgment in the performance of licensed activities when that judgment was necessary to avoid action repugnant to the obligations of the profession.

Relief Requested

36. Members of the public, patients, and potential patients have no way of learning of Respondent's dangerous behavior and will remain unprotected during the pendency of these proceedings. The facts as set forth above establish that in order to protect the public health, safety, and/or welfare of the people of the State of Vermont, emergency action is imperative.

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. §814(c), Respondent's Registered Nurse license, number 026.0021220, be summarily suspended, pending hearing on the merits.

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DATED at Montpelier, Vermont this 2nd March day of February, 2020.

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SECRETARY OF STATE

By: _____

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