

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

IN RE:)
MARLEY L. PARSONS) Docket No. 2018-121
License No: 025.0062988)

VOLUNTARY INDEFINITE SUSPENSION STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and the Respondent, Marley L. Parsons, represented by Peter F. Langrock, Esq., who stipulate and agree as follows:

1. To moot summary suspension proceedings under 3 V.S.A. § 814(c) in the matter captioned above, the State and Respondent request that license no. 025.0062988 be voluntarily suspended, for an indefinite period, pending adjudication on the merits.
2. Proceedings on the merits shall be promptly instituted and determined.
3. Respondent understands that this agreement is a matter of public record and that this suspension pending adjudication on the merits may be reported to other licensing authorities as provided in 3 V.S.A. 129(a)(6).

ORDER

The Board of Nursing hereby suspends license no. 025.0062988 pending adjudication on the merits of the matter captioned above.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 12/6/18

By: Elizabeth A. St. James
Elizabeth A. St. James
State Prosecuting Attorney

MARLEY L. PARSONS
RESPONDENT

Dated: 12/3/18

By: Marley L. Parsons
Marley L. Parsons

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

APPROVED AS TO FORM ONLY:

PETER F. LANGROCK, ESQ.
ATTORNEY FOR RESPONDENT

Dated: 12/6/18

By: 
Peter F. Langrock, Esq.

APPROVED AND SO ORDERED:

Dated: 1/4/2019

By: 
Board Chair

Date of Entry: 1.9.19

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IN RE:)
MARLEY L. PARSONS) Docket No. 2018- 121
License No. 025.0062988)

REQUEST FOR SUMMARY SUSPENSION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and petitions the Board of Nursing to summarily suspend the license of Licensed Practical Nurse Marley L. Parsons. In support of such petition, the State alleges the following:

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety, or welfare imperatively requires emergency action.

Statement of Facts

3. Marley L. Parsons ("Respondent") of Castleton, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0062988. This license was originally issued January 15, 2010, and expires on January 31, 2020.
4. At all relevant times, Respondent was employed as an LPN at Community Health Centers of Rutland Region (the "Facility") in Rutland, Vermont.
5. Respondent's LPN license was placed on drug and alcohol conditions on October 10, 2011, under Vermont Board of Nursing Docket No. 2011-233, after Respondent diverted controlled substances from The Pines at Rutland.
6. Respondent was hired at the Facility on December 2014.
7. In August of 2017, Respondent called CVS pharmacy to request medication refills of Tramadol under her partner's mother's name, a patient of the Facility ("Patient"), while working at the Facility.

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8. Respondent subsequently signed for and picked-up the prescriptions under Patient's name from CVS pharmacy herself.
9. Patient did not have a prescription for Tramadol in August 2017.
10. Between February 2018 and April 2018, Respondent initiated prescription refills for Methadone HCL under Patient's name approximately five (5) times while working at the Facility.
11. Patient subsequently signed for and picked-up at least four (4) of the Methadone prescriptions under Patient's name from CVS pharmacy herself.
12. Patient did not have a prescription for Methadone between February 2018 and April 2018.
13. During the relevant time period, in addition to being employed at the Facility, Respondent also received Methadone treatment from a Facility provider for her own substance abuse issues.
14. Respondent's methadone prescription was discontinued in April 2018 and Respondent entered residential substance abuse treatment in May 2018.
15. Respondent has not submitted a monthly treating professional report since January 2018, as required under her Stipulation and Consent Order in Docket No. 2011-233.
16. Respondent has not participated in drug screenings since May 2018, as required under her Stipulation and Consent Order in Docket No. 2011-233.

Violation One: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

17. The State re-alleges and incorporates Paragraphs 3 through 16 above.
18. As an LPN, Respondent is prohibited from diverting or attempting to divert drugs, equipment, or supplies for unauthorized use.
19. Respondent diverted or attempted to divert drugs for unauthorized use as demonstrated in Paragraphs 3 through 16 above.
20. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(2).

Violation Two: 3 V.S.A §129a(b)(1) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer

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has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care.

21. The State re-alleges and incorporates Paragraphs 3 through 16 above.
22. As an LPN, Respondent has an obligation to provide safe and acceptable patient care.
23. Paragraphs 3 through 16 above demonstrate that Respondent provided unsafe and unacceptable patient care by falsifying prescriptions under a patient's name.
24. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

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

25. The State re-alleges and incorporates Paragraphs 3 through 16 above.
26. As an LPN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
27. Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public as demonstrated in Paragraphs 3 through 16 above.
28. 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 26 V.S.A. §1582(a)(3).

Violation Four: 3 V.S.A. §129a(a)(7) Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records.

29. The State re-alleges and incorporates Paragraphs 3 through 16 above.
30. As an LPN, Respondent shall not willfully make or file false reports or records in the practice of the profession, willfully impede or obstruct the proper making or filing of reports or records, or willfully fail to file the proper reports or records.
31. Paragraphs 3 through 16 above demonstrate that Respondent willfully made or filed false reports or records in the practice of the profession.
32. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(7).

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Violation Five: 3 V.S.A. §129a(a)(4) Failing to comply with an order of the board or violating any term or condition of a license restricted by the board.

- 33. The State re-alleges and incorporates Paragraphs 3 through 16 above.
- 34. As an LPN, Respondent is required to comply with any order of the board and shall not violate any term or condition of a license restricted by the board.
- 35. Respondent's conduct in Paragraphs 3 through 16 demonstrate Respondent's failure to comply with an order of the board and violation of the terms and conditions of her license restricted by the board.
- 36. 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(a)(4).

Violation Six: 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.

- 37. The State re-alleges and incorporates Paragraphs 3 through 16 above.
- 38. As an LPN, 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.
- 39. Respondent's conduct in Paragraphs 3 through 16 above demonstrate Respondent's failure to exercise her own professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
- 40. 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(a)(15).

Relief Requested

- 41. Respondent is currently licensed and able to practice. Members of the public, patients, and potential patients have no way of learning of Respondent's dangerous behavior and will remain unprotected pending suspension of Respondent's license. The facts as set out above establish that in order to protect the public health, safety, or welfare of the people of the State of Vermont, emergency action is imperative.

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WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's licensed practical nursing license, number 025.0062988, be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 15th day of November, 2018.

STATE OF VERMONT
SECRETARY OF STATE

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