

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)

STIPULATION AND CONSENT ORDER

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:

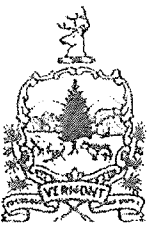
Board Authority

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.

Stipulated Facts

2. 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.
3. At all relevant times, Respondent was employed as an LPN at Community Health Centers of Rutland Region (the "Facility") in Rutland, Vermont.
4. 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.
5. Respondent was hired at the Facility on December 2014.
6. 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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7. Respondent subsequently signed for and picked-up the prescriptions under Patient's name from CVS pharmacy herself.
8. Patient did not have a prescription for Tramadol in August 2017.
9. 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.
10. Patient subsequently signed for and picked-up at least four (4) of the Methadone prescriptions under Patient's name from CVS pharmacy herself.
11. Patient did not have a prescription for Methadone between February 2018 and April 2018.
12. 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.
13. Respondent's methadone prescription was discontinued in April 2018 and Respondent entered residential substance abuse treatment in May 2018.
14. 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.
15. 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.

16. The State re-alleges and incorporates Paragraphs 2 through 15 above.
17. As an LPN, Respondent is prohibited from diverting or attempting to divert drugs, equipment, or supplies for unauthorized use.
18. Respondent diverted or attempted to divert drugs for unauthorized use as demonstrated in Paragraphs 2 through 15 above.
19. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline 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.

20. The State re-alleges and incorporates Paragraphs 2 through 15 above.
21. As an LPN, Respondent has an obligation to provide safe and acceptable patient care.
22. Paragraphs 2 through 15 above demonstrate that Respondent provided unsafe and unacceptable patient care by falsifying prescriptions under a patient's name.
23. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

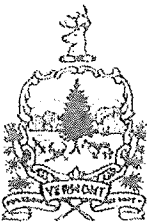
Violation Three: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

24. The State re-alleges and incorporates Paragraphs 2 through 15 above.
25. As an LPN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
26. Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public as demonstrated in Paragraphs 2 through 15 above.
27. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline 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.

28. The State re-alleges and incorporates Paragraphs 2 through 15 above.
29. 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.
30. Paragraphs 2 through 15 above demonstrate that Respondent willfully made or filed false reports or records in the practice of the profession.
31. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline 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.

32. The State re-alleges and incorporates Paragraphs 2 through 15 above.
33. 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.
34. Respondent's conduct in Paragraphs 2 through 15 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.
35. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline 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.

36. The State re-alleges and incorporates Paragraphs 2 through 15 above.
37. 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.
38. Respondent's conduct in Paragraphs 2 through 15 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.
39. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Understandings

40. Respondent admits that the facts above are true and the parties reach a full and final Stipulation pursuant to these Understandings and the Order below.
41. Respondent understands that the Nursing Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
42. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a

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fair and impartial hearing if this agreement is not accepted by the Board and proceeds to a contested hearing.

43. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
44. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
45. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
46. Respondent voluntarily waives Respondent's right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
47. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

- A. The Board of Nursing hereby **INDEFINITELY SUSPENDS** Respondent's license to practice as a Licensed Practical Nurse **from the date of entry below**. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost:
 1. Obtain an independent substance abuse evaluation report by a pre-approved licensed professional specializing in drug and alcohol abuse ("Independent Evaluator") who has verified receipt of the Default Order. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients, as well as any recommendations that would ensure Respondent is safe to practice. The evaluation must be submitted the Enforcement Unit Case Manager;
 2. Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random urine analyses:
 - a. When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager to set-up the urine analysis process and receive instructions. Once registered with the pre-approved person or entity, Respondent will have 45 days to submit a minimum of three (3) random urine analyses. The process by which Respondent learns whether she is selected to provide a sample on any given day will be governed by the policy of the pre-approved person or entity conducting the testing at that time.

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- b. The urine analyses must be collected in an observed setting; administered by a pre-approved person or entity; and analyzed by a pre-approved lab qualified to analyze samples for forensic purposes, the results of which shall be negative.
 - c. Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed positive; and
3. If recommended by an Independent Evaluator, enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations.

- B. If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms the Board finds reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, urinalysis results, the facts above, and anything else the Board deems relevant at that time.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
- C. This Stipulated 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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 04/08/2020

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

MARLEY L. PARSONS
RESPONDENT

Dated: 3-24-20

By: 
Marley L. Parsons

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APPROVED AS TO FORM ONLY:

PETER F. LANGROCK, ESQ.
ATTORNEY FOR RESPONDENT

Date:

4/2/20

By:

Peter F. Langrock, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: April 20, 2020

By:

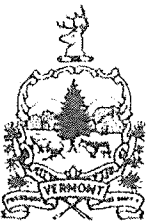
[Signature]
Chairperson

Date of Entry: _____

There being a declared state of emergency, the Director of Professional regulation finds that the Board cannot reasonably, safely, and expeditiously convene a quorum to transact business. By her signature, the Director enters the above Order on behalf of the Board.

-Act 91 (2020), Sec. 20(a) (eff. March 30, 2020).

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