

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

IN RE:

PAMELA JO PATTON
License No. 026-0029126

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)
)

Docket No. NU01-0706

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Pamela Jo Patton, R.N., who stipulate and agree as follows:

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 and; the Administrative Rules of the Board of Nursing (ARBN); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Pamela Jo Patton (the "Respondent") of East Middlebury, Vermont is a licensed registered nurse holding license number 026-0029126, issued by the State of Vermont. This license was originally issued on or about January 22, 2004 and is set to expire on March 31, 2009.

3. By way of history, the Respondent's license was summarily suspended by the Board on or about August 14, 2006 due to her use of alcohol in violation of the terms of the Board's Alternative Program in which she was enrolled. Attachment A. The Respondent's license was subsequently suspended for six (6) months and is currently conditioned for a period of three (3) years pursuant to a Stipulation and Consent Order (the Order) entered by the Board on or about December 12, 2006. Attachment A.

4. On or about April 19, 2007, the Respondent contacted Elizabeth Hansen of the Vermont State Board of Nursing. The Respondent informed Ms. Hansen that she had received a DUI the day before and was not contesting it.

5. Section A(11) of the Order requires that the Respondent abstain completely from the consumption or possession of alcohol. Attachment A.

6. The Respondent's license was summarily suspended by the Board on or about May 14, 2007.

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Charges

7. The above acts and circumstances, alone or in combination, constitute unprofessional conduct in violation of:

- i) 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);
- ii) 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs);
- iii) 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause, which includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials pursuant to ARBN Chapter 4, Rule IV, II, C); and
- iv) 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

- 8. 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.
- 9. 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 has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 12. 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.
- 13. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
- 14. 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:

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A. The Board of Nursing hereby **INDEFINITELY SUSPENDS** the Respondent's license to practice nursing **FOR A MINIMUM PERIOD OF EIGHTEEN (18) MONTHS**. Before applying for reinstatement, Respondent must (1) obtain an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; and (2) the results of the treatment with the drug and alcohol abuse evaluator must indicate that the Respondent does not present a risk to the safety, health or welfare of her potential patients. The Respondent's license shall not be reinstated until these prerequisites are met, regardless of whether more than eighteen (18) months have passed since the suspension went into effect. Once reinstated, Respondent's license will be **CONDITIONED FOR THREE (3) YEARS**. The conditions will be as follows:

(1) License to be labeled "Conditioned".

Any license issued to the Respondent by this Board shall be labeled "Conditioned".

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes **three (3) years** of supervised registered nursing practice in which Respondent works at least forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue substance abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due **monthly** thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Participation in Recovery Groups.

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Respondent shall participate as recommended by her treating professional, in Alcoholics Anonymous meetings and/or other recovery group(s).

(7) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(8) Abstain from Drug and Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph A.(9) for the period of time described in paragraph A.(2).

(9) Drug Use Exception.

The Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(10) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(11) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a registered nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered nursing employment, Respondent shall cause Respondent's immediate supervisor

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to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(12) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(13) Practice Under Supervision.

Respondent shall practice as a registered nurse only in a setting where Respondent has direct supervision for the entire shift by a registered nurse who is licensed and in good standing.

(14) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(15) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

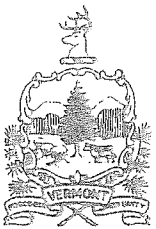
(16) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(17) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the

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conditional status of her Vermont registered nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(18) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(19) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's registered nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that her treatment provider may require her to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(20) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(21) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(22) Completion of Conditional License Period.

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After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order and that she can safely and competently perform the duties of a registered nurse.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal, and license reinstatement.

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.

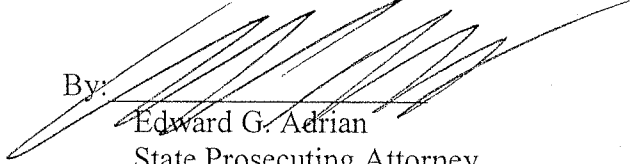
AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated:

8/3/07
7/27/07
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By:

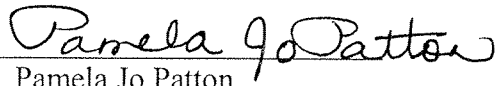

Edward G. Adrian
State Prosecuting Attorney

PAMELA J. PATTON
RESPONDENT

Dated:

7/27/07

By:

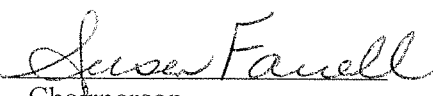

Pamela Jo Patton

APPROVED AND SO ORDERED:
VERMONT BOARD OF NURSING

Dated:

Aug. 13, 2007

By:


Chairperson

Date of Entry:

8/14/07

nu.patton.stip2

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STATE OF VERMONT
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OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:)
PAMELA JO PATTON) Docket No. NU01-0706
License No. 026-0029126)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Pamela Jo Patton, 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, 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. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Pamela Jo Patton (the "Respondent") of East Middlebury, Vermont is a licensed registered nurse holding license number 026-0029126, issued by the State of Vermont. This license was originally issued on or about January 22, 2004 and is set to expire on March 31, 2007.

3. During part of the relevant time the Respondent was practicing as a Registered Nurse for Addison County Home Health and Hospice (the "Agency") based out of Middlebury, Vermont.

4. On or about December 30, 2004 the Clinical Director of the Agency notified the Board that the Respondent had recently admitted that she had visited patients on one or more occasions while intoxicated and had taken patients' medications to "self-detox".

5. On or about December 27, 2004 the Respondent enrolled in a program at Brattleboro Retreat for substance abuse issues. On or about April, 2005 the Respondent enrolled in the Alternative Program (the "Program") with the Board. The Respondent has violated the terms of that Program.

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6. On or about June 20, 2006 the Respondent was located by Officer CJ Campbell in a vehicle, partially off the road in Ripton, Vermont. When approached by the Officer, the Respondent struggled for several minutes in trying to figure out how to put the window down. After the Respondent could not open the window, the Officer opened the door and smelled a strong odor of intoxicants. The Officer asked the Respondent what was in a cup in the vehicle's center console and the Respondent poured the contents of the cup out on the Officer's pants and boots. The Respondent bit the end of the roadside breath testing device instead of giving a sample. The Officer had to physically remove the Respondent from the vehicle, as she would not exit of her own free will and screamed incoherently when asked to exit by the Officer. The Respondent refused to supply an evidentiary breath sample when requested by the Officer at the Police Station.

7. On or about June 21, 2006 the Respondent's husband reported to her care provider that the Respondent had been drinking alcohol.

8. On or about July 3, 2006 the Respondent spoke with Administrator Elizabeth Hansen. The Respondent informed Administrator Hansen that she had been in Porter Hospital the preceding weekend for detox and admitted to consuming alcoholic beverages.

9. In a correspondence dated July 19, 2006 the Respondent stated that "I totally understand that disciplinary action by the Board may ensue and I am prepared for whatever decision you deem necessary."

10. In an interview with State Investigator Gregory Kelly conducted on or about July 31, 2006, the Respondent disclosed to Investigator Kelly that on June 20, 2006, she had purchased several small bottles of wine at a gas station. The Respondent advised Investigator Kelly that she poured two of the bottles of wine into a cup and that was what the cup in the console of her vehicle had contained (referred to in paragraph 6.). The Respondent maintained that she had not consumed any alcohol that day.

11. In the same interview with Investigator Kelly, the Respondent advised Investigator Kelly that she had consumed alcoholic beverages in June 2006. The Respondent advised that she had consumed alcohol on June 27, 2006 and then went to Porter Hospital.

12. The Respondent's license was summarily suspended by the Board on August 14, 2006.

Charges

13. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- i) 3 V.S.A. § 129a(a) (3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- ii) 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause);

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- iii) Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("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);
- iv) 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs); and
- v) 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

Understandings

- 14. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
- 15. 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.
- 16. 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.
- 17. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 18. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 19. 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.
- 20. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
- 21. 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 **SUSPENDS THE RESPONDENT'S LICENSE** for a minimum period of **SIX (6) MONTHS**. This period of suspension shall be retroactive to August 14, 2006. Before applying for reinstatement, Respondent must obtain (1) an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; and (2) the results of the treatment with the drug and alcohol abuse evaluator must indicate that the Respondent does not present a risk to the safety, health or welfare of her potential patients. The Respondent's license shall not be

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reinstated until these prerequisites are met, regardless of whether more than six (6) months have passed since the suspension went into effect. Once reinstated, the Respondent's license will be **CONDITIONED FOR THREE (3) YEARS** and limited pursuant to the Laws of the State of Vermont and the Rules of this Board. The conditions will be as follows:

(1) Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised registered nursing in which she works forty (40) hours every two (2) weeks as a registered nurse: Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue substance abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional.

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due **monthly** thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a registered nurse and inform them of Respondent's conditional license status.

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Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(7) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(8) Practice Under Supervision.

Respondent shall practice only in a registered nurse setting where Respondent has direct supervision for the entire shift by a licensed registered nurse who is in good standing with the Board.

(9) Participation in Recovery Groups.

Respondent shall participate as recommended by her treating professional, in Alcoholics Anonymous meetings and/or other recovery group(s).

(10) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(11) Abstain from Drug and Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph A.(12) for the period of time described in paragraph A.(2).

(12) Drug Use Exception.

The Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the

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Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(13) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(14) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a personal care provider during the effective period of this Consent Order.

(15) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(16) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(17) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont registered nursing license within thirty (30) days of the

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date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(18) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(19) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's registered nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that her treatment provider may require her to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(20) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(21) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(22) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully

STATE OF VERMONT



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complied with the terms of this Order. The Respondent must also present proof of successful substance abuse rehabilitation and she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the public or the practice of nursing and that she can safely and competently perform the duties of a licensed registered nurse.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

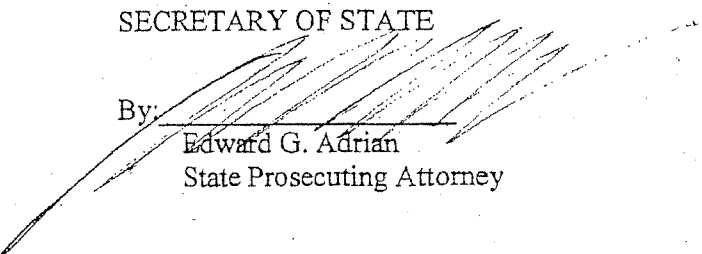
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 11/30/06

By: 

Edward G. Adrian
State Prosecuting Attorney

PAMELA JO PATTON
RESPONDENT

Dated: 11/24/06

By: Pamela Jo Patton

Pamela Jo Patton

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 11-28-06

By: W B

William B. Miller, Esq.

APPROVED AND SO ORDERED:
VERMONT BOARD OF NURSING

Dated: 12-11-06

By: Linda Rice

Chairperson (acting)

Date of Entry: 12/12/06

nu.patton2.stip

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

IN RE:)
PAMELA JO PATTON) Docket No. NU01-0706
License No. 026-0029126)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Pamela Jo Patton, R.N.:

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 and; the Administrative Rules of the Board of Nursing (ARBN); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Pamela Jo Patton (the "Respondent") of East Middlebury, Vermont is a licensed registered nurse holding license number 026-0029126, issued by the State of Vermont. This license was originally issued on or about January 22, 2004 and is set to expire on March 31, 2009.

3. By way of history, the Respondent's license was summarily suspended by the Board on or about August 14, 2006 due to her use of alcohol in violation of the terms of the Board's Alternative Program in which she was enrolled. Attachment A. The Respondent's license was subsequently suspended for six (6) months and is currently conditioned for a period of three (3) years pursuant to a Stipulation and Consent Order (the Order) entered by the Board on or about December 12, 2006. Attachment A.

4. On or about April 19, 2007, the Respondent contacted Elizabeth Hansen of the Vermont State Board of Nursing. The Respondent informed Ms. Hansen that she had received a DUI the day before and was not contesting it.

5. Section A(11) of the Order requires that the Respondent abstain completely from the consumption or possession of alcohol. Attachment A.

6. The Respondent's license was summarily suspended by the Board on or about May 14, 2007.

Charges

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7. The above acts and circumstances, alone or in combination, constitute unprofessional conduct in violation of:

- i) 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);
- ii) 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs);
- iii) 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause, which includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials pursuant to ARBN Chapter 4, Rule IV, II, C); and
- iv) 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Pamela Jo Patton should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 25th day of May, 2007.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.patton.soc2

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

IN RE:)
PAMELA JO PATTON) Docket No. NU01-0706
License No. 026-0029126)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Pamela Jo Patton, 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, 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. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Pamela Jo Patton (the "Respondent") of East Middlebury, Vermont is a licensed registered nurse holding license number 026-0029126, issued by the State of Vermont. This license was originally issued on or about January 22, 2004 and is set to expire on March 31, 2007.

3. During part of the relevant time the Respondent was practicing as a Registered Nurse for Addison County Home Health and Hospice (the "Agency") based out of Middlebury, Vermont.

4. On or about December 30, 2004 the Clinical Director of the Agency notified the Board that the Respondent had recently admitted that she had visited patients on one or more occasions while intoxicated and had taken patients' medications to "self-detox".

5. On or about December 27, 2004 the Respondent enrolled in a program at Brattleboro Retreat for substance abuse issues. On or about April, 2005 the Respondent enrolled in the Alternative Program (the "Program") with the Board. The Respondent has violated the terms of that Program.

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6. On or about June 20, 2006 the Respondent was located by Officer CJ Campbell in a vehicle, partially off the road in Ripton, Vermont. When approached by the Officer, the Respondent struggled for several minutes in trying to figure out how to put the window down. After the Respondent could not open the window, the Officer opened the door and smelled a strong odor of intoxicants. The Officer asked the Respondent what was in a cup in the vehicle's center console and the Respondent poured the contents of the cup out on the Officer's pants and boots. The Respondent bit the end of the roadside breath testing device instead of giving a sample. The Officer had to physically remove the Respondent from the vehicle, as she would not exit of her own free will and screamed incoherently when asked to exit by the Officer. The Respondent refused to supply an evidentiary breath sample when requested by the Officer at the Police Station.

7. On or about June 21, 2006 the Respondent's husband reported to her care provider that the Respondent had been drinking alcohol.

8. On or about July 3, 2006 the Respondent spoke with Administrator Elizabeth Hansen. The Respondent informed Administrator Hansen that she had been in Porter Hospital the preceding weekend for detox and admitted to consuming alcoholic beverages.

9. In a correspondence dated July 19, 2006 the Respondent stated that "I totally understand that disciplinary action by the Board may ensue and I am prepared for whatever decision you deem necessary."

10. In an interview with State Investigator Gregory Kelly conducted on or about July 31, 2006, the Respondent disclosed to Investigator Kelly that on June 20, 2006, she had purchased several small bottles of wine at a gas station. The Respondent advised Investigator Kelly that she poured two of the bottles of wine into a cup and that was what the cup in the console of her vehicle had contained (referred to in paragraph 6.). The Respondent maintained that she had not consumed any alcohol that day.

11. In the same interview with Investigator Kelly, the Respondent advised Investigator Kelly that she had consumed alcoholic beverages in June 2006. The Respondent advised that she had consumed alcohol on June 27, 2006 and then went to Porter Hospital.

12. The Respondent's license was summarily suspended by the Board on August 14, 2006.

Charges

13. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- i) 3 V.S.A. § 129a(a) (3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- ii) 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause);

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- iii) Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("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);
- iv) 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs); and.
- v) 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

Understandings

- 14. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
- 15. 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.
- 16. 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.
- 17. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 18. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 19. 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.
- 20. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
- 21. 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 **SUSPENDS THE RESPONDENT'S LICENSE** for a minimum period of **SIX (6) MONTHS**. This period of suspension shall be retroactive to August 14, 2006. Before applying for reinstatement, Respondent must obtain (1) an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; and (2) the results of the treatment with the drug and alcohol abuse evaluator must indicate that the Respondent does not present a risk to the safety, health or welfare of her potential patients. The Respondent's license shall not be

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reinstated until these prerequisites are met, regardless of whether more than six (6) months have passed since the suspension went into effect. Once reinstated, the Respondent's license will be **CONDITIONED FOR THREE (3) YEARS** and limited pursuant to the Laws of the State of Vermont and the Rules of this Board. The conditions will be as follows:

(1) Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised registered nursing in which she works forty (40) hours every two (2) weeks as a registered nurse: Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue substance abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional.

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due **monthly** thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a registered nurse and inform them of Respondent's conditional license status.

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Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(7) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(8) Practice Under Supervision.

Respondent shall practice only in a registered nurse setting where Respondent has direct supervision for the entire shift by a licensed registered nurse who is in good standing with the Board.

(9) Participation in Recovery Groups.

Respondent shall participate as recommended by her treating professional, in Alcoholics Anonymous meetings and/or other recovery group(s).

(10) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(11) Abstain from Drug and Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph A.(12) for the period of time described in paragraph A.(2).

(12) Drug Use Exception.

The Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the

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Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(13) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(14) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a personal care provider during the effective period of this Consent Order.

(15) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(16) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(17) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont registered nursing license within thirty (30) days of the

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date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(18) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(19) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's registered nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that her treatment provider may require her to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(20) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(21) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(22) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully

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complied with the terms of this Order. The Respondent must also present proof of successful substance abuse rehabilitation and she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the public or the practice of nursing and that she can safely and competently perform the duties of a licensed registered nurse.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 11/30/06

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

PAMELA JO PATTON
RESPONDENT

Dated: 11/24/06

By: Pamela Jo Patton
Pamela Jo Patton

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 11-28-06

By: [Signature]
William B. Miller, Esq.

APPROVED AND SO ORDERED:
VERMONT BOARD OF NURSING

Dated: 12-11-06

By: Linda Rice
Chairperson (acting)

Date of Entry: 12/12/06

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STATE OF VERMONT



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E. M. de la Cruz

In re: Pamela Jo Patton }
License No. 026-0029126 }
Docket No. NU01-0706 }

On Monday 14 May 2007, this matter came before the Vermont State Board of Nursing by petition of the State of Vermont seeking a summary suspension pursuant to 3 V.S.A. § 814(c). The hearing took place at the Secretary of State's office, Heritage Building, 81 River Street in Montpelier, Vermont.

Findings of Fact & Conclusions of Law:

1. The Respondent is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a)(3); and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a “Request for Summary Suspension” dated 8 May 2007, alleging that Respondent violated the terms of a Board entered on 12 December 2006 requiring her *inter alia* to abstain from the use of alcohol. In addition to violating the Board’s December Order the State further alleges the Respondent was charged with driving under the influence in April 2007.
3. The State argues that public health, safety or welfare imperatively requires emergency action, and the state asks this Board to suspend summarily the Respondent’s license prior to a full hearing on the merits.
4. The Board has considered the evidence related to the allegations in the State’s Request for Summary Suspension.
5. The Board finds that the State has, in its presentation of evidence, met its burden to the necessary degree of showing the need for emergency action to protect the public health, safety and welfare.
6. Pursuant to 3 V.S.A. § 814(c), the Board issues the following temporary order, which shall remain in effect until further action by this Board.

ORDER

The Board of Nursing GRANTS the State of Vermont's Request for Summary Suspension.

The Respondent's license is SUMMARILY SUSPENDED pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

- END -

Vermont Board of Nursing

By:  Dated at Montpelier: 14 May 2007
Susan O. Farrell, RN
Board Chairperson

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 5/16/07

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, 26 Terrace Street, Montpelier, Vermont 05609-1101 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.

To request a stay of the Board's decision, please refer to the attached stay instructions.

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

IN RE:)
PAMELA JO PATTON) Docket No. NU01-0706
License No. 026-0029126)

REQUEST FOR SUMMARY SUSPENSION

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 and; 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. Pamela Jo Patton (the "Respondent") of East Middlebury, Vermont is a licensed registered nurse holding license number 026-0029126, issued by the State of Vermont. This license was originally issued on or about January 22, 2004 and is set to expire on March 31, 2009.
4. By way of history, the Respondent's license was summarily suspended by the Board on or about August 14, 2006 due to her use of alcohol in violation of the terms of the Board's Alternative Program in which she was enrolled. Attachment A. The Respondent's license was subsequently suspended for six (6) months and is currently conditioned for a period of three (3) years pursuant to a Stipulation and Consent Order (the Order) entered by the Board on or about December 12, 2006. Attachment A.
5. On or about April 19, 2007, the Respondent contacted Elizabeth Hansen of the Vermont State Board of Nursing. The Respondent informed Ms. Hansen that she had received a DUI the day before and was not contesting it.
6. Section A(11) of the Order requires that the Respondent abstain completely from the consumption or possession of alcohol. Attachment A.

Request for Relief

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7. 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.

8. The above acts and circumstances, alone or in combination, violate:

- i. 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);
- ii. 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); and
- iii. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

WHEREFORE, the State of Vermont respectfully requests that the Respondent's license be summarily suspended, because the public health, safety or welfare imperatively requires emergency action pursuant to 3 V.S.A. § 814(c).

DATED at Montpelier, Vermont this 8th day of May, 2007.

STATE OF VERMONT
SECRETARY OF STATE

By:

Judith L. Cutler
Judith L. Cutler
State Prosecuting Attorney

nu.patton.sumsusp

STATE OF VERMONT



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

IN RE:)
PAMELA JO PATTON) Docket No. NU01-0706
License No. 026-0029126)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Pamela Jo Patton, 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, 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. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Pamela Jo Patton (the "Respondent") of East Middlebury, Vermont is a licensed registered nurse holding license number 026-0029126, issued by the State of Vermont. This license was originally issued on or about January 22, 2004 and is set to expire on March 31, 2007.
3. During part of the relevant time the Respondent was practicing as a Registered Nurse for Addison County Home Health and Hospice (the "Agency") based out of Middlebury, Vermont.
4. On or about December 30, 2004 the Clinical Director of the Agency notified the Board that the Respondent had recently admitted that she had visited patients on one or more occasions while intoxicated and had taken patients' medications to "self-detox".
5. On or about December 27, 2004 the Respondent enrolled in a program at Brattleboro Retreat for substance abuse issues. On or about April, 2005 the Respondent enrolled in the Alternative Program (the "Program") with the Board. The Respondent has violated the terms of that Program.

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Professional Regulation
9 Baldwin Street
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6. On or about June 20, 2006 the Respondent was located by Officer CJ Campbell in a vehicle, partially off the road in Ripton, Vermont. When approached by the Officer, the Respondent struggled for several minutes in trying to figure out how to put the window down. After the Respondent could not open the window, the Officer opened the door and smelled a strong odor of intoxicants. The Officer asked the Respondent what was in a cup in the vehicle's center console and the Respondent poured the contents of the cup out on the Officer's pants and boots. The Respondent bit the end of the roadside breath testing device instead of giving a sample. The Officer had to physically remove the Respondent from the vehicle, as she would not exit of her own free will and screamed incoherently when asked to exit by the Officer. The Respondent refused to supply an evidentiary breath sample when requested by the Officer at the Police Station.

7. On or about June 21, 2006 the Respondent's husband reported to her care provider that the Respondent had been drinking alcohol.

8. On or about July 3, 2006 the Respondent spoke with Administrator Elizabeth Hansen. The Respondent informed Administrator Hansen that she had been in Porter Hospital the preceding weekend for detox and admitted to consuming alcoholic beverages.

9. In a correspondence dated July 19, 2006 the Respondent stated that "I totally understand that disciplinary action by the Board may ensue and I am prepared for whatever decision you deem necessary."

10. In an interview with State Investigator Gregory Kelly conducted on or about July 31, 2006, the Respondent disclosed to Investigator Kelly that on June 20, 2006, she had purchased several small bottles of wine at a gas station. The Respondent advised Investigator Kelly that she poured two of the bottles of wine into a cup and that was what the cup in the console of her vehicle had contained (referred to in paragraph 6.). The Respondent maintained that she had not consumed any alcohol that day.

11. In the same interview with Investigator Kelly, the Respondent advised Investigator Kelly that she had consumed alcoholic beverages in June 2006. The Respondent advised that she had consumed alcohol on June 27, 2006 and then went to Porter Hospital.

12. The Respondent's license was summarily suspended by the Board on August 14, 2006.

Charges

13. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- i) 3 V.S.A. § 129a(a) (3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- ii) 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause);

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- iii) Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("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);
- iv) 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs); and.
- v) 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

Understandings

- 14. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
- 15. 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.
- 16. 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.
- 17. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 18. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 19. 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.
- 20. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
- 21. 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 **SUSPENDS THE RESPONDENT'S LICENSE** for a minimum period of **SIX (6) MONTHS**. This period of suspension shall be retroactive to August 14, 2006. Before applying for reinstatement, Respondent must obtain (1) an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; and (2) the results of the treatment with the drug and alcohol abuse evaluator must indicate that the Respondent does not present a risk to the safety, health or welfare of her potential patients. The Respondent's license shall not be

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reinstated until these prerequisites are met, regardless of whether more than six (6) months have passed since the suspension went into effect. Once reinstated, the Respondent's license will be **CONDITIONED FOR THREE (3) YEARS** and limited pursuant to the Laws of the State of Vermont and the Rules of this Board. The conditions will be as follows:

(1) Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised registered nursing in which she works forty (40) hours every two (2) weeks as a registered nurse: Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue substance abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional.

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due **monthly** thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a registered nurse and inform them of Respondent's conditional license status.

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Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(7) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(8) Practice Under Supervision.

Respondent shall practice only in a registered nurse setting where Respondent has direct supervision for the entire shift by a licensed registered nurse who is in good standing with the Board.

(9) Participation in Recovery Groups.

Respondent shall participate as recommended by her treating professional, in Alcoholics Anonymous meetings and/or other recovery group(s).

(10) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(11) Abstain from Drug and Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph A.(12) for the period of time described in paragraph A.(2).

(12) Drug Use Exception.

The Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the

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Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(13) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(14) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a personal care provider during the effective period of this Consent Order.

(15) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(16) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(17) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont registered nursing license within thirty (30) days of the

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date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(18) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(19) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's registered nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that her treatment provider may require her to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(20) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(21) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(22) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully

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complied with the terms of this Order. The Respondent must also present proof of successful substance abuse rehabilitation and she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the public or the practice of nursing and that she can safely and competently perform the duties of a licensed registered nurse.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

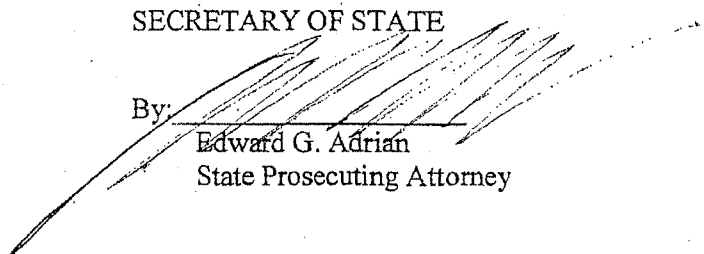
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 11/30/06

By: 

Edward G. Adrian
State Prosecuting Attorney

PAMELA JO PATTON
RESPONDENT

Dated: 11/24/06

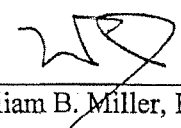
By: Pamela Jo Patton

Pamela Jo Patton

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 11-28-06

By: 

William B. Miller, Esq.

APPROVED AND SO ORDERED:
VERMONT BOARD OF NURSING

Dated: 12-11-06

By: Linda Rice

Chairperson (acting)

Date of Entry: 12/12/06

nu.patton2.stip

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

IN RE:)
PAMELA JO PATTON) DOCKET No. NU01-0706
License No. 026-0029126)

SPECIFICATION OF CHARGES

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 and; the rules of the Board and the Vermont Office of Professional Regulation.

Statement of Facts

2. Pamela Jo Patton (the "Respondent") of East Middlebury, Vermont is a licensed registered nurse holding license number 026-0029126, issued by the State of Vermont. This license was originally issued on or about January 22, 2004 and is set to expire on March 31, 2007.

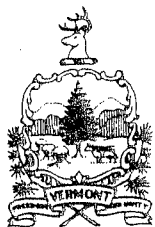
3. During part of the relevant time the Respondent was practicing as a Registered Nurse for Addison County Home Health and Hospice (the "Agency") based out of Middlebury, Vermont.

4. On or about December 30, 2004 the Clinical Director of the Agency notified the Board that the Respondent had recently admitted that she had visited patients on one or more occasions while intoxicated and had taken patients medications to "self-detox".

5. On or about December 27, 2004 the Respondent enrolled in a program at Brattleboro Retreat for substance abuse issues. On or about April, 2005 the Respondent enrolled in the Alternative Program (the "Program") with the Board. Based on the allegations below the Respondent has violated the terms of that Program.

6. On or about June 20, 2006 the Respondent was located by Officer CJ Campbell in a vehicle, partially off the road in Ripton, Vermont. When approached by the Officer the Respondent struggled for several minutes in trying to figure out how to put the window down. After the Respondent could not open the window the Officer opened the door and smelled a strong odor of intoxicants. The Officer asked the Respondent what was in a cup in the vehicle's center console and the Respondent poured the contents of the cup out on the Officer's pants and boots. The Respondent bit the end of the roadside breath testing device instead of giving a sample. The Officer had to physically remove the Respondent from the

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vehicle, as she would not exit of her own free will and screamed incoherently when asked to exit by the Officer. The Respondent refused to supply an evidentiary breath sample when requested by the Officer at the Police Station.

7. On or about June 21, 2006 the Respondent's husband reported to her care provider that the Respondent had been drinking alcohol.

8. On or about July 3, 2006 the Respondent spoke with Administrator Elizabeth Hansen. The Respondent informed Administrator Hanson that she had been in Porter Hospital the preceding weekend for detox and admitted to consuming alcoholic beverages.

9. In a correspondence dated July 19, 2006 the Respondent stated that "I totally understand that disciplinary action by the Board may ensue and I am prepared for whatever decision you deem necessary."

10. In an interview with State Investigator Gregory Kelly conducted on or about July 31, 2006, the Respondent disclosed to Investigator Kelly that on June 20, 2006, she had purchased several small bottles of wine at a gas station. The Respondent advised Investigator Kelly that she poured two of the bottles of wine into a cup and that was what the cup in the console of her vehicle had contained (referred to in paragraph 6.). The Respondent maintained that she had not consumed any alcohol that day.

11. In the same interview with Investigator Kelly, the Respondent advised Investigator Kelly that she had consumed alcoholic beverages in June 2006. The Respondent advised that she had consumed alcohol on June 27, 2006 and then went to Porter Hospital. The Respondent also stated that her drinking is "suicidal" and when she drinks, she drinks "basically to die."

Charges

12. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- i) 3 V.S.A. § 129a(a) (3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- ii) 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause);
- iii) Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("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);
- iv) 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs); and

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v) 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

Relief Requested

WHEREFORE, the license of Pamela Jo Patton should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 21st day of August, 2006.

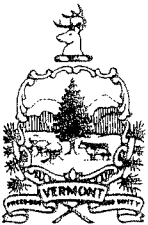
STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

nu.patton.soc

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

IN RE:)
PAMELA JO PATTON) Docket No. NU01-0706
License No. 026-0029126)

STIPULATION AND CONSENT ORDER

STIPULATION

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1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

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- iv) 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs); and.
- v) 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

Understandings

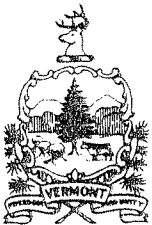
- 14. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
- 15. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
- 16. 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.
- 17. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 18. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 19. 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.
- 20. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
- 21. 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 **SUSPENDS THE RESPONDENT'S LICENSE** for a minimum period of **SIX (6) MONTHS**. This period of suspension shall be retroactive to August 14, 2006. Before applying for reinstatement, Respondent must obtain (1) an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; and (2) the results of the treatment with the drug and alcohol abuse evaluator must indicate that the Respondent does not present a risk to the safety, health or welfare of her potential patients. The Respondent's license shall not be

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reinstated until these prerequisites are met, regardless of whether more than six (6) months have passed since the suspension went into effect. Once reinstated, the Respondent's license will be **CONDITIONED FOR THREE (3) YEARS** and limited pursuant to the Laws of the State of Vermont and the Rules of this Board. The conditions will be as follows:

(1) Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised registered nursing in which she works forty (40) hours every two (2) weeks as a registered nurse: Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue substance abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional.

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

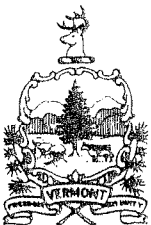
Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due **monthly** thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a registered nurse and inform them of Respondent's conditional license status.

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Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(7) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(8) Practice Under Supervision.

Respondent shall practice only in a registered nurse setting where Respondent has direct supervision for the entire shift by a licensed registered nurse who is in good standing with the Board.

(9) Participation in Recovery Groups.

Respondent shall participate as recommended by her treating professional, in Alcoholics Anonymous meetings and/or other recovery group(s).

(10) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(11) Abstain from Drug and Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph A.(12) for the period of time described in paragraph A.(2).

(12) Drug Use Exception.

The Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the

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Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(13) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(14) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a personal care provider during the effective period of this Consent Order.

(15) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

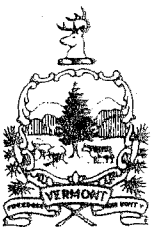
(16) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(17) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont registered nursing license within thirty (30) days of the

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date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(18) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(19) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's registered nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that her treatment provider may require her to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(20) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

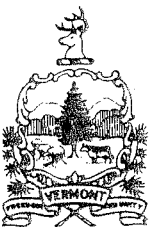
(21) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(22) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully

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complied with the terms of this Order. The Respondent must also present proof of successful substance abuse rehabilitation and she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the public or the practice of nursing and that she can safely and competently perform the duties of a licensed registered nurse.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

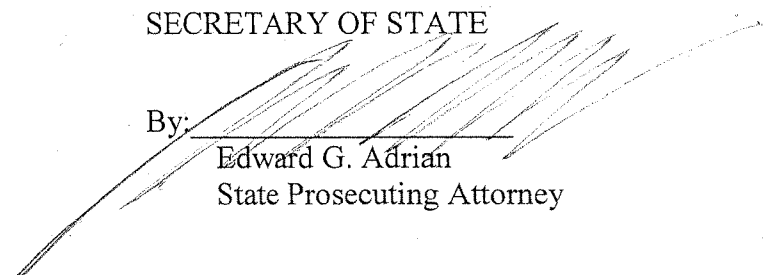
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 11/30/06

By: 

Edward G. Adrian
State Prosecuting Attorney

PAMELA JO PATTON
RESPONDENT

Dated: 11/24/06

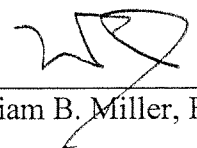
By: Pamela Jo Patton

Pamela Jo Patton

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 11-28-06

By: 

William B. Miller, Esq.

APPROVED AND SO ORDERED:
VERMONT BOARD OF NURSING

Dated: 12-11-06

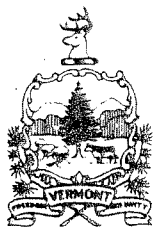
By: Linda Rice

Chairperson (acting)

Date of Entry: 12/12/06

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F. Middlebury

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

IN RE: PAMELA JO PATTON }
License No. 026-0029126 } DOCKET No. NU01-0706

Summary Suspension Order

On August 14, 2006, this matter came before the Vermont State Board of Nursing on the prosecution's Request for Summary Suspension pursuant to 3 V.S.A. § 814(c). The hearing took place at the Heritage Building, 81 River Street in Montpelier, Vermont. The Board has authority to summarily suspend a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action. The State was represented by Judith Cutler. Ms. Patton was represented by William B. Miller, Jr.

Findings of Fact & Conclusions of Law:

Based on a review of the evidence presented to the Board at the hearing on this matter, the Board finds:

1. Respondent Pamela Jo Patton is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a), and the Administrative Rules of the Office of Professional Regulation.
2. The Respondent is a licensed registered nurse holding license number 026-0029126, issued by the State of Vermont. Her license was originally issued on January 22, 2004 and is set to expire on March 31, 2007.
3. During part of the relevant time, the Respondent practiced as a Registered Nurse for Addison County Home Health and Hospice (the "Agency") based out of Middlebury, Vermont.
4. The State filed a "Request for Summary Suspension" dated July 25, 2006 alleging that, on December 30, 2004, the Respondent's employer claimed the Respondent had admitted visiting patients while intoxicated and had diverted medication. The State further alleges that the Respondent later enrolled in a substance abuse program at the Brattleboro Retreat.
5. In April, 2005 the Respondent enrolled in the Board's Alternative Program (the "Program"). However, the State alleges that the Respondent has subsequently and recently violated the terms of the Program by using intoxicants excessively.
6. The State argues that public health, safety or welfare imperatively requires emergency action, and the state asks this Board to suspend summarily the Respondent's license prior to a full hearing on the merits.

7. The Board has considered the evidence related to the allegations in the State's Request for Summary Suspension.
8. The Board finds that the State has, in its presentation of evidence, met its burden to the necessary degree of showing the need for emergency action to protect the public health, safety and welfare.
9. The public health, safety or welfare imperatively requires emergency action.
10. Pursuant to 3 V.S.A. § 814(c), the Board will issue the following temporary order which shall remain in effect until further action by the Board:

ORDER

The Board of Nursing GRANTS the State of Vermont's Request for Summary Suspension.

The Respondent's license is SUMMARILY SUSPENDED pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Vermont Board of Nursing

By: Alan H. Weiss
Alan H. Weiss, Acting Chair

Dated at Montpelier: August 14, 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/15/06

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

IN RE: PAMELA JO PATTON)
License No. 026-0029126)

DOCKET No. NU01-0706

REQUEST FOR SUMMARY SUSPENSION

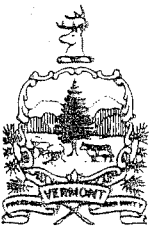
Board Authority

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 and; the rules of the Board and the Vermont 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. Pamela Jo Patton (the "Respondent") of East Middlebury, Vermont is a licensed registered nurse holding license number 026-0029126, issued by the State of Vermont. This license was originally issued on or about January 22, 2004 and is set to expire on March 31, 2007.
4. During part of the relevant time the Respondent was practicing as a Registered Nurse for Addison County Home Health and Hospice (the "Agency") based out of Middlebury, Vermont.
5. On or about December 30, 2004 the Clinical Director of the Agency notified the Board that the Respondent had recently admitted that she had visited patients on one or more occasions while intoxicated and had taken patient's medications to "self-detox".
6. On or about December 27, 2004 the Respondent enrolled in a program at Brattleboro Retreat for substance abuse issues. On or about April, 2005 the Respondent enrolled in the Alternative Program (the "Program") with the Board. Based on the allegations below the Respondent has violated the terms of that Program.
7. On or about June 20, 2006 the Respondent was located by Officer CJ Campbell in a vehicle, partially off the road in Ripton, Vermont. When approached by the Officer the Respondent struggled for several minutes in trying to figure out how to put the window down. After the Respondent could not open the window the Officer opened the door and smelled a strong odor of intoxicants. The Officer asked the Respondent what was in a cup in the vehicle's center console and the Respondent poured the contents of the cup out on the Officer's pants and boots. The Respondent bit the end

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of the roadside breath testing device instead of giving a sample. The Officer had to physically remove the Respondent from the vehicle, as she would not exit of her own free will and screamed incoherently when asked to exit by the Officer. The Respondent refused to supply an evidentiary breath sample when requested by the Officer at the Police Station.

8. On or about June 21, 2006 the Respondent's husband reported to her care provider that the Respondent had been drinking alcohol.
9. On or about July 3, 2006 the Respondent spoke with Administrator Elizabeth Hansen. The Respondent informed Administrator Hanson that she had been in Porter Hospital the preceding weekend for detox and admitted to consuming alcoholic beverages.
10. In a correspondence dated July 19, 2006 the Respondent stated that "I totally understand that disciplinary action by the Board may ensue and I am prepared for whatever decision you deem necessary."

Request for Relief

11. 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.
12. The above acts and circumstances, alone or in combination, violate: 3 V.S.A. § 129a(a) (3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); Vermont Board of Nursing Administrative Rules Chapter 4, Rule IV, II, C ("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). 26 V.S.A. § 1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs); and 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public).

WHEREFORE, the State of Vermont respectfully requests that the Board RESCIND the Alternative Program Agreement pursuant to Board of Nursing Rule Chapter 6, VI, C. And that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026-0029126 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 25th day of July, 2006.

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SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney