

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

IN RE:	)	
Elizabeth P. Reagan	)	Docket No. 2020-106
License No. 026.0141850	)	

STIPULATED VOLUNTARY SURRENDER OF LICENSE AND ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Elizabeth P. Reagan, by and through her counsel Joshua Martin, Esq., who hereby Stipulate and Agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the “Board”) has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the “ARBN”); and the Rules of the Office of Professional Regulation.

Alleged Facts

2. Elizabeth P. Reagan (“Respondent”) of Windsor, South Carolina is licensed by the State of Vermont as a Registered Nurse (“RN”) under license number 026.0141850. This license was originally issued on March 10, 2020 and expired on March 31, 2021.
3. At all relevant times, Respondent worked at Vermont Psychiatric Care Hospital (the “Facility”) as a nurse.
4. At all relevant times, Respondent was subject to the standards of acceptable care and prevailing practice, which includes, but is not limited to, not consuming alcohol before a nursing shift and being sober during a nursing shift.
5. On August 27, 2020, Facility staff observed Respondent arrive to her nursing shift late while appearing to be in an impaired state.
6. Specifically, Respondent was observed being overly affectionate with Facility staff, acting in an uproarious manner with both Facility staff and residents, appearing off-balance at times, speaking in distorted tones, and confusing the names of Facility staff, amongst other unusual behaviors.

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7. As a result of her concerning behavior and unusual interactions with Facility residents, Respondent was transferred to a non-patient care unit.
8. Ultimately, Facility staff requested Respondent to leave the Facility and she complied.
9. Despite Respondent's behavior and the concerns raised by Facility staff, Respondent drove herself from the Facility.
10. Subsequently, Respondent admitted to consuming alcohol shortly before her August 27, 2020 nursing shift.

Violation One: 3 V.S.A. § 129a(a)(5) Practicing the Profession When Medically or Psychologically Unfit to do so.

11. Paragraphs 2 through 10 above are incorporated herein.
12. As an RN, Vermont law requires Respondent to be medically and psychologically fit to practice the profession.
13. Paragraphs 3 through 10 above demonstrate that Respondent is not medically or psychologically fit to practice as an RN because she because she consumed alcohol shortly before her August 27, 2020 nursing shift and engaged in nursing duties in an impaired state.
14. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(5).

Violation Two: 3 V.S.A. § 129a(b)(1) Failure to Practice Competently by Reason of Any Cause on a Single Occasion or on Multiple Occasions May Constitute Unprofessional Conduct, Whether Actual Injury to a Client, Patient, or Customer has Occurred. Failure to practice Competently includes: (1) Performance of Unsafe or Unacceptable Patient or Client Care.

15. Paragraphs 2 through 10 above are incorporated herein.
16. As an RN, Vermont law requires Respondent to practice competently through the performance of safe and acceptable patient or client care.
17. Paragraphs 3 through 10 above demonstrate that Respondent performed unsafe and/or unacceptable patient or client care because she consumed alcohol shortly before her August 27, 2020 nursing shift and engaged in nursing duties in an impaired state.

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18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Violation Three: 3 V.S.A. § 129a(b)(2) Failure to Practice Competently by Reason of Any Cause on a Single Occasion or on Multiple Occasions May Constitute Unprofessional Conduct, Whether Actual Injury to a Client, Patient, or Customer has Occurred. Failure to practice Competently includes: (2) Failure to Conform to the Essential Standards of Acceptable and Prevailing Practice.

19. Paragraphs 2 through 10 above are incorporated herein.
20. As an RN, Vermont law requires Respondent to practice competently by conforming to the essential standards of acceptable and prevailing practice.
21. Paragraphs 3 through 10 above demonstrate that Respondent failed to conform to the essential standards of acceptable and prevailing practice because she consumed alcohol shortly before her August 27, 2020 nursing shift and engaged in nursing duties in an impaired state.
22. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(2).

Violation Four: 3 V.S.A. § 129a(a)(15) Failing to Exercise Independent Professional Judgment in the Performance of Licensed Activities When That Judgment is Necessary to Avoid Action Repugnant to the Profession.

23. Paragraphs 2 through 10 above are incorporated herein.
24. As an RN, Respondent must exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession.
25. Paragraphs 3 through 10 above demonstrate that Respondent failed to exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession because she consumed alcohol shortly before her August 27, 2020 nursing shift and engaged in nursing duties in an impaired state.
26. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

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Violation Five: 26 V.S.A. § 1582(a)(3) Engaging in Conduct of a Character Likely to Deceive, Defraud, or Harm the Public.

27. Paragraphs 2 through 10 above are incorporated herein.
28. As an RN, Vermont law prohibits Respondent from engaging in conduct of a character likely to harm the public.
29. Paragraphs 3 through 10 above demonstrate that Respondent engaged in conduct of a character likely harm the public because she consumed alcohol shortly before her August 27, 2020 nursing shift and engaged in nursing duties in an impaired state.
30. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §1582(a)(3).

Understandings

31. This Stipulation is neither an admission of liability by Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and the expense of protracted litigation, the Parties enter this full and final Stipulation pursuant to these Understandings and the Order below. Respondent does not dispute that the State may be able to prove these charges by a preponderance of the evidence if this matter proceeds to a merits hearing.
32. Respondent understands that the 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.
33. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
34. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
35. Respondent is not under the influence of any drugs or alcohol at the time of signature of this Stipulation and Consent Order.
36. 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.

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37. Respondent voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulated Voluntary Surrender of License.
38. Respondent agrees that the Acceptance of Voluntary Surrender and Order set forth below may be entered by the Board.

ACCEPTANCE OF VOLUNTARY SURRENDER AND ORDER

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

- A. The Board of Nursing hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her RN license.
- B. Any future application for licensure shall be subject to the licensing requirements of that particular profession. If a future application for licensure in the State of Vermont is approved, that license shall be **CONDITIONED** pursuant to whatever terms are found to be reasonable at the time of Respondent's application for licensure, taking into account the facts above.
- 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: 11/3/2021

By:

DocuSigned by:
Jennifer Colin
D190D9C5BA65468...
Jennifer B. Colin
Prosecuting Attorney

RESPONDENT

Dated: 11/2/2021

By:

DocuSigned by:
Elizabeth P. Reagan
9706852AA1A0468...
Elizabeth P. Reagan

STATE OF VERMONT



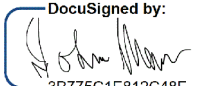
Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

APPROVED AS TO FORM:

Dated: 11/2/2021

By:

ATTORNEY FOR RESPONDENT

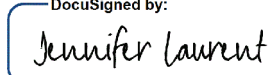
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Joshua Martin, Esq.

APPROVED AND SO ORDERED:

Dated: 11/8/2021

By:

VERMONT BOARD OF NURSING

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Board Chairperson

Date of Entry: 11/9/2021

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

IN RE:	)	
ELIZABETH P. REAGAN	)	Docket No. 2020- <u>106</u>
License No. 026.0141850	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against Registered Nurse Elizabeth P. Reagan:

Board Authority

1. The Vermont State Board of Nursing (the “Board”) has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the “ARBN”); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Elizabeth P. Reagan (“Respondent”) of Windsor, South Carolina is licensed by the State of Vermont as a Registered Nurse (“RN”) under license number 026.0141850. This license was originally issued on March 10, 2020 and expires on March 31, 2021.
3. At all relevant times, Respondent worked at Vermont Psychiatric Care Hospital (the “Facility”) as a nurse.
4. At all relevant times, Respondent was subject to the standards of acceptable care and prevailing practice, which includes, but is not limited to, not consuming alcohol before a nursing shift and being sober during a nursing shift.
5. On August 27, 2020, Facility staff observed Respondent arrive to her nursing shift late while appearing to be in an impaired state.
6. Specifically, Respondent was observed being overly affectionate with Facility staff, acting in an uproarious manner with both Facility staff and residents, appearing off-balance at times, speaking in distorted tones, and confusing the names of Facility staff, amongst other unusual behaviors.
7. As a result of her concerning behavior and unusual interactions with Facility residents, Respondent was transferred to a non-patient care unit.

8. Ultimately, Facility staff requested Respondent to leave the Facility and she complied.
9. Despite Respondent's behavior and the concerns raised by Facility staff, Respondent drove herself from the Facility.
10. Subsequently, Respondent admitted to consuming alcohol shortly before her August 27, 2020 nursing shift.

Violation One: 3 V.S.A. § 129a(a)(5) – Practicing the Profession When Medically or Psychologically Unfit to do so.

11. The State re-alleges and incorporated Paragraphs 2 through 10 above.
12. As an RN, Vermont law requires Respondent to be medically and physically fit to practice the profession.
13. Paragraphs 3 through 10 above demonstrate that Respondent is not medically or psychologically fit to practice as an RN because she admitted to consuming alcohol shortly before her August 27, 2020 nursing shift, proceeded to engage in nursing duties in a seemingly impaired state, and exhibited uproarious and unusual behavior.
14. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(5).

Violation Two: 3 V.S.A. § 129a(b)(1) – Failure to Practice Competently by Reason of Any Cause on a Single Occasion or on Multiple Occasions May Constitute Unprofessional Conduct, Whether Actual Injury to a Client, Patient, or Customer has Occurred. Failure to practice Competently includes: (1) Performance of Unsafe or Unacceptable Patient or Client Care.

15. The State re-alleges and incorporates Paragraphs 2 through 10 above.
16. As an RN, Vermont law requires Respondent to practice competently through the performance of safe and acceptable patient or client care.
17. Paragraphs 3 through 10 above demonstrate that Respondent performed unsafe and/or unacceptable patient or client care because she admitted to consuming alcohol shortly before her August 27, 2020 nursing shift and proceeded to engage in nursing duties in a seemingly impaired state.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Violation Three: 3 V.S.A. § 129a(b)(2) – Failure to Practice Competently by Reason of Any Cause on a Single Occasion or on Multiple Occasions May Constitute Unprofessional Conduct, Whether Actual Injury to a Client, Patient, or Customer has Occurred. Failure to practice Competently includes: (2) Failure to Conform to the Essential Standards of Acceptable and Prevailing Practice.

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22. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(2).

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25. Paragraphs 3 through 10 above demonstrate that Respondent failed to exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession because she admitted to consuming alcohol shortly before her August 27, 2020 nursing shift and proceeded to engage in nursing duties in a seemingly impaired state.
26. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Violation Five: 26 V.S.A. § 1582(a)(3) – Engaging in Conduct of a Character Likely to Deceive, Defraud, or Harm the Public.

27. The State re-alleges and incorporates Paragraphs 2 through 10 above.

28. As an RN, Vermont law prohibits Respondent from engaging in conduct of a character likely to harm the public.
29. Paragraphs 3 through 10 above demonstrate that Respondent engaged in conduct of a character likely harm the public because she: (i) she admitted to consuming alcohol shortly before her August 27, 2020 nursing shift; (ii) proceeded to engage in nursing duties in a seemingly impaired state; and (iii) drove away from the Facility in a seemingly impaired state.
30. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §1582(a)(3).

Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board revoke, suspend, reprimand, condition, or otherwise discipline the Registered Nurse license of Elizabeth P. Reagan.

DATED at Williston, Vermont this 6th day of November, 2020.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Benjamin E. Novogroski
Benjamin E. Novogroski
State Prosecuting Attorney
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