

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

IN RE:	)	
CHERYL RUZZO	)	Docket Nos. 2011-405,
	)	2012-115
License No. 026.0026643	)	

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by State Prosecuting Attorney Gabriel M. Gilman, and makes the following Charges against the Respondent, Cheryl Ruzzo, RN:

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. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Facts re: Docket No. 2012-115

2. Cheryl Ruzzo (the "Respondent") of Springfield, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0026643. This license was originally issued on or about August 20, 2001 and expires on or about March 31, 2013.
3. On or about October 23, 2012, in Vermont Superior Court, Windsor Division, under docket number 940-8-12 Wrcr, Respondent pled guilty to the felony Prescription Fraud, a violation of 18 V.S.A. §4223(a)(1)).
4. The circumstances leading to Respondent being charged with the above mentioned felony are as follows:
 - a. On or about November 6, 2011, Respondent called the Rite-Aid Pharmacy (the "Pharmacy") in Springfield, Vermont claiming to be a particular physician in an attempt to fill prescriptions for J.R., Respondent's daughter. Respondent attempted to call in prescriptions for Vicodin, with a count of 224 pills, and Ambien, with a count of 30 pills. The pharmacist who took the call the physician's DEA number. Respondent stated that she did not have the number on her and would call back.. The pharmacist never received another call about the prescriptions, and no patient arrived to pick them up.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

- b. The pharmacist checked the Vermont controlled prescription database and saw that the same kind of prescriptions had been filled for J.R. several times at the Pharmacy under the physician's name.
- c. On or about November 7, 2011, the physician confirmed with the pharmacist that she did not call in prescriptions on November 6 for Vicodin and Ambien for J.R. The physician had not prescribed pain medication for J.R. since 2007.
- d. Sgt. Simmons, of the Springfield Police Department, spoke with a second pharmacist employed at the Pharmacy. The second pharmacist had filled many prescriptions for the Respondent's family, including Respondent, her husband, and their three children.
- e. On or about November 8, 2011, in an interview with Sgt. Simmons of the Springfield Police Department, the physician confirmed that she had not seen Respondent since December 1, 2008 and had not ordered any pain medications for her. The physician again confirmed that she had prescribed pain medication for J.R. in 2007, but none since that time. The physician had never prescribed Ambien for J.R..
- f. On or about May 8, 2012, in an interview with Detective Patrick Call of the Springfield Police Department, Respondent admitted to calling in prescriptions for Vicodin and Ambien to the Pharmacy claiming to be a nurse or doctor. Respondent stated that she used the names of her husband and children to call in prescriptions because she was calling in so frequently.
- g. In the May 8, 2012 interview, Respondent stated she was prescribed Vicodin ten years prior. Over time, she became increasingly dependent upon Vicodin and began shortening the time between doses to avoid withdrawal symptoms. Respondent stated near the end of her time using Vicodin, she was taking between two to three hundred (200-300) pills per week. Respondent stated that her increased use eventually became necessary to allay a worsening addiction.

Facts re: Docket No. 2011-405

- 5. Between April 2010 and April 2011, Respondent was employed as a visiting nurse for Bayada Nurses ("the Agency"), South Burlington.
- 6. Agency policy required patient sign-off as a documentation integrity measure. Respondent herself entered signatures appearing to be those of clients on multiple Nurse's Notes recorded during her tenure with the Agency. This occurred at least ten times.
- 7. There is no evidence that Respondent falsified the substantive clinical notes atop the signatures she entered for others; rather, in anticipation of an audit, Respondent

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

entered the signatures below bona fide Nurse's Notes in an effort to appear to have met internal recordkeeping criteria she had not in fact met.

Statement of General Facts

8. Throughout the investigation of the above matters, Respondent personally and through her attorney has been forthright about her serious opiate addiction and related conduct. Respondent has acknowledged to police and to investigators from the Office of Professional Regulation that she in fact obtained prescription narcotics and benzodiazepines through fraudulent representations to pharmacies. Respondent also has acknowledged that, concurrent to her worsening narcotic dependence and a complex work situation at the Agency, she entered client signatures beneath otherwise-legitimate Nurse's Notes.
9. Following her encounter with police in November 2011, Respondent voluntarily withdrew from nursing practice and entered an inpatient rehabilitation program.
10. Pursuant to her sentence in docket number 940-8-12 Wrcr, Respondent is, at this writing, supervised by the Department of Probation and subject to probation conditions that prohibit her from possessing controlled substances.
11. Through her attorney, Respondent has acknowledged that she must focus on recovery and successful completion of probation supervision before endeavoring to return to nursing. Respondent has participated conscientiously in treatment and supervision programs, and her progress to date has been good.

Violations

12. 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:
 - a. 3 V.S.A. § 129a(a)(10) (Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession);
 - b. 26 V.S.A. § 1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs);
 - c. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performance of unsafe or unacceptable patient care pursuant to ARBN Rule 11.2(b)(1) and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Rule 11.2(b)(2); and

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

- d. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN Rule 11.2(d)(3).

Understandings

1. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent does not dispute that the State could prove these charges by a preponderance of the evidence if this matter went to a hearing and agrees that the conditions below are necessary to protect the public.
2. 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.
3. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
4. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
5. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
6. 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.
7. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
8. 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 **WARNS** and **INDEFINITELY SUSPENDS** Respondent's license to practice nursing. Within forty-five (45) days of requesting reinstatement, Respondent must: (1) enroll in a randomized urinalysis program at the Board's direction and provide evidence satisfactory to the Board that she has given three consecutive, clean screens, in the absence of suspicious circumstances including missed or dilute screens, and (2) obtain an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

Board and who has verified receipt of this Order, the results of which must indicate to the Board's satisfaction that the Respondent does not present a risk to the safety, health or welfare of his potential patients.

- B. At such time as Respondent has met the prerequisites set out in Section A, above, Respondent may petition the Board for conditional reinstatement of her license, and a hearing on the subject will be set. At such hearing, it shall be Respondent's burden to demonstrate that there exist a set of license conditions under which Respondent may make a safe, graduated return to nursing practice, without jeopardy to the public health, safety, or welfare. Respondent shall grant releases for treatment records upon request and shall allow the State unrestricted communication with her treatment providers so long as that communication is relevant to her fitness to practice. Upon evidence taken at the reinstatement hearing, the Board may grant, deny, or grant in part Respondent's request, as the circumstances and treatment progress then obtaining may dictate.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- D. 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).
- E. 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: 5/13/13

By: [Signature]
Gabriel M. Gilman
State Prosecuting Attorney

CHERYL RUZZO
RESPONDENT

Dated: 5/10/13

By: [Signature]
Cheryl Ruzzo

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: May 13, 2013

By: [Signature]
Michael Hanley, Esq.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
85620-3602

APPROVED AND SO ORDERED:

Dated: 5/10/13

Date of Entry: 5/13/13

VERMONT BOARD OF NURSING

By: Janine Carr
Chairperson

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602