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

IN RE: MARY KIM SCHOBER License No. 026.0014785	)))	Docket No. M2012-63

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Mary Kim Schober, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1595; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Mary Kim Schober (the "Respondent") of Burlington, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0014785. This license was originally issued on or about April 20, 2007 and expired on or about March 31, 2009.

3. By way of history, on or about April 26, 2009, pursuant to a Finding of Fact, Conclusions of Law and Order, the Respondent's license to practice as a nurse was indefinitely suspended. This discipline was due in part because the Respondent failed to comply with a Board Order requiring drug and alcohol screening. Attachment A.

4. On or about May 3, 2012, in a letter, the Respondent requested that she would like her license to be on an Inactive-conditioned status. The Respondent seeks a change in her suspended license status in order to enable her to pursue other employment that is currently not obtainable due to her name being on the Office of Inspector General (the "OIG") Exclusion List. (A person or entity on the OIG Exclusion List is excluded in part from providing services to beneficiaries of federal health care programs.) Respondent states she is uninterested in working as a Registered Nurse at this time.

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Office of
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National Life Building
Second Floor North
Montpelier, VT
05620-3602

Understandings

5. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.

6. 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.

7. 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.

8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

10. 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.

11. 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.

12. 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 changes Respondent's license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. If, in the future, Respondent requests reinstatement of her nursing ~~assistant~~ license, her license will be **CONDITIONED** by the Board pursuant to whatever terms the Board finds reasonable at the time of Respondent's request for reinstatement

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).

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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: 5/7/12

By: _____
S. Lauren Hibbert
State Prosecuting Attorney

MARY KIM SCHOBER
RESPONDENT

Dated: 5/4/12

By: Mary Kim Schober
Mary Kim Schober

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5/14/12

By: Jeanene Carr
Chairperson

Date of Entry: 5/14/12

STATE OF VERMONT

Prosecuting Attorney
Office of
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National Life Building
Second Floor North
Montpelier, VT
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VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

In re	Mary Kim Schober	}
License No.	026-0014785	}
Docket No.	NU 61-0202	}

FINDINGS OF FACT
CONCLUSIONS OF LAW & ORDER

On Monday 13 October 2008, the Vermont Board of Nursing (Board) heard this contested case of alleged unprofessional conduct. The State of Vermont brought a Specification of Charges ("Charges") against Respondent Mary Kim Schober. Board members Kenneth W. Bush, Jeanine Carr, Donarae Metcalf, Sandra J. Norton, Linda M. Y. Rice (Chairperson), Deborah Robinson, Alan H. Weiss and William White were present and participated in the hearing. Board member Ellen Leff recused herself from the proceedings.

The Respondent appeared on her own behalf. Edward G. Adrian represented the State of Vermont. Board counsel Kevin F. Leahy presided.

Summary:

This matter arises out of allegations of unprofessional conduct related to Respondent's alleged failure to abide by the terms of a conditioned license. The State charged that the Respondent engaged in unprofessional conduct in violation of 3 V.S.A. § 129a (a)(4). After a review of the full evidentiary record, the Board found that the Respondent engaged in unprofessional conduct in violation of 3 V.S.A. §129a(a)(4) by violating Board ordered licensure conditions.

In light of the Board's findings of fact and conclusions of law, it voted to suspend the Respondent's license to protect public safety

Findings of Fact &
Conclusions of Law:

1. The held a Board issued State of Vermont registered nursing license.

2. The Board licenses the Respondent and may exercise its disciplinary authority if the Board finds that the State has proven allegations of licensee unprofessional conduct. 26 V.S.A. Chapter 28; 3 V.S.A. § 129(a); the Admin. Rules for the Bd. of Nursing and the Admin. Rules for the Office of Prof. Reg.

Attachment A

3. The Respondent admits, or does not deny, many of the factual allegations set forth in the Amended Specification of Charges filed by the State of Vermont on 17 September 2008.

4. The primary factual allegation s contained in the State's Charges are that the Respondent was:

(a) The Board suspended the Respondent's license on 27 March 2002 for diversion of controlled substances for her place of employment.

(b) Respondent's license was conditioned pursuant to a stipulated consent order (the "Order") approved by the Board on 17 March 2005. On or about March 16, 2007, the Board modified the Order relative to supervision and employment.

(c) The conditions require random drug and alcohol screens.

(d) The State alleges that participation in the random drug and alcohol screening process requires the Respondent to call in to the specimen selection system on a daily basis.

(e) The Respondent failed to participate in the random specimen program by not calling into the screening services multiple times. Sometimes Respondent missed a single day, other times, she missed several days and at one point, she went ten consecutive days without calling into the program.

See Charges at ¶¶ 3-6.

5. In a disciplinary hearing, the state has the burden of proof. To satisfy its evidentiary burden, it must "show by a preponderance of the evidence that [a licensee] has engaged in unprofessional conduct." 3 V.S.A. § 129a (c).

6. At the hearing, Respondent did not dispute the material factual allegations, which the State contends support a finding of unprofessional conduct.

7. The State therefore meets its statutory burden of proof. *Id.*

8. In her defense, the Respondent testified and the evidence demonstrated that she was not working as a nurse during much of the time at issue. It was Respondent's belief that the conditions did not apply when she was not engaged in licensed professional work.

9. Regardless of how the Respondent thought the license conditions applied or should have applied, the plain language of the order required the Respondent to participate in the Board's approved toxicology screening program. The facts demonstrated at the hearing were that the Respondent failed to meet the obligations of the order governing her license.

10. The State charges Respondent with violating 3 V.S.A. §129a(a)(4)(violating a term of condition of a license is unprofessional conduct).

11. The Board finds that Respondent did precisely that, violated the terms of an order

setting forth conditions on her license in violation of §129a(a)(4).

12. The violation of §129a (a)(4) constitutes unprofessional conduct, and the Board finds the unprofessional conduct demonstrates a need for a suspended license to protect the public.

13. The Respondent's license shall remain suspended pending a demonstration by the licensee that she can practice safely.

ORDER

Based on the findings of fact and conclusions of law set forth above, the Board of Nursing ORDERS the Respondent's license be SUSPENDED INDEFINITELY.

- END -

(signature page to follow)

Vermont Board of Nursing:

By: Linda Rice APRN Date: 5-22-09
Linda M. Y. Rice, APRN
Board Chairperson[1]

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 5/26/09

[1] Linda Rice chaired the deliberations and signed this order. Her service on the Board of Nursing ended subsequent to the Board's February 2009 monthly meeting. Having presided over the Board's deliberations in this case as chairperson, she therefore continued serving on this case pursuant to 3 V.S.A. §129(c) (authorizing board members continued service on pending contested cases after term expiration).

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

IN RE:	)	
MARY KIM SCHOBER	)	**Docket No. NU61-0202**
License No. 026-0014785	)	

AMENDED SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and moves the following Amended Charges against the Respondent, Mary Kim Schober, R.N.:

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. Mary Kim Schober (the "Respondent") of Burlington, Vermont is a registered nurse holding license number 026-0014785, issued by the State of Vermont. This license was originally issued on or about August 10, 1982 and is currently set to expire March 31, 2009.

3. By way of history, the Respondent's license was suspended on or about March 27, 2002 due to her diversion of regulated medication, including oxycodone, from her place of employment on repeated occasions. Attachment A. The Respondent's license is currently conditioned pursuant to a Stipulation and Consent Order (the "Order") entered by the Board on or about March 17, 2005. Attachment A. On or about March 16, 2007, the Order was modified by the Board with respect to the Supervision and Prohibited Employment provisions contained in the Order. Attachment B.

4. Paragraph A(13) of the Order requires the Respondent to submit to random drug and alcohol screens. Participation in the random drug and alcohol screening process requires the Respondent to call in to the specimen selection system, FirstLab, on a daily basis.

5. Based on a review of the Board's records, the Respondent has failed to participate in the random specimen program as follows:

a. In September of 2007, the Respondent failed to call the FirstLab system on approximately eight (8) days claiming she received a "fast busy signal" on one day.

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Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

In September of 2007, the Respondent requested to be excused from calling in on approximately five (5) days.

b. In October of 2007, the Respondent failed to call the FirstLab system on approximately two (2) days. In October of 2007, the Respondent requested to be excused from calling in on four (4) days.

c. In November of 2007, the Respondent failed to call the FirstLab system on approximately two (2) days. In November of 2007, the Respondent requested to be excused from calling in on three (3) days.

d. In December of 2007, the Respondent failed to call the FirstLab system on approximately one (1) days. In December of 2007, the Respondent requested to be excused from calling in on three (3) days and claims she received a "fast busy signal" on one day.

e. In January of 2008, the Respondent failed to call the FirstLab system on approximately one (1) day claiming that she received a "fast busy signal". In January of 2008, the Respondent requested to be excused from calling in on approximately four (4) days.

f. To date, in February of 2008, the Respondent failed to call the FirstLab system on approximately one (1) days. In February of 2008, the Respondent requested to be excused from calling in one (1) day and claims that she received a fast busy signal one day.

g. On October 29, 2007, the Respondent was selected to provide a specimen. The Respondent left a message with the Board the day before advising that she would not be able to provide a specimen as scheduled due to a "roadtrip" for work.

h. On December 27, 2007, the Respondent was selected to provide a specimen. The Respondent left a message with the Board the morning after the test was scheduled advising that she had not gone to the test due to bad weather. The Respondent was tested on December 29, 2007

6. Paragraph A(3) of the Order requires that the Respondent enter into and continue individual drug abuse counseling with a treating professional until such time that her treating professional notifies the Board that counseling is no longer necessary. Paragraph A(5) of the Order requires that the Respondent's treating professional send the Board monthly reports demonstrating the Respondent's satisfactory progress with her drug abuse counseling.

7. The Board has not received monthly reports from the Respondent's treating professional since April 2007. The Respondent has not participated in drug abuse counseling since at least May 2007, based on the recommendations of her treating professional.

Charges

8. 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); and

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ii. 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).

Relief Requested

WHEREFORE, the license of Mary Kim Schober should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 17th day of September, 2008.

STATE OF VERMONT
SECRETARY OF STATE

By: _____
Edward G. Adrian
State Prosecuting Attorney

nu.schober2.soc

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

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

IN RE:	)	
MARY KIM SCHOBER	)	Docket No. NU 61-0202
License No. 026-0014785	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Angela B. Stanski, and the Respondent, Mary Kim Schober, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing ("the Board") has jurisdiction to investigate complaints of unprofessional conduct and discipline nurses pursuant to 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

Facts

2. The Respondent, Mary Kim Schober, is licensed in the State of Vermont as a Registered Nurse under license number 026-0014785.

3. The Respondent's license has been suspended since March 27, 2002 pursuant to the Specification of Charges, Stipulation and Consent Order entered by the Board of Nursing. The Respondent's license was disciplined by the Board due to the Respondent having diverted from her place of employment on repeated occasions, without authorization, regulated medication(s), which included oxycodone. The Respondent has recently requested that the Board consider her for license reinstatement.

4. On August 3, 2004, the Board received an independent evaluation of the Respondent from Luanne Sberna, LCMHC, LADC. Ms. Sberna advises in her report that the Respondent successfully completed a voluntary intensive outpatient substance abuse treatment program, Day One; including aftercare. During treatment her urine screens were negative for any substances. Ms. Sberna states that the Respondent currently participates in AA groups and works on recovery with an AA sponsor, in addition to biweekly outpatient counseling. The Respondent also participated in SMART Recovery self help groups in the past. Ms. Sberna believes that the Respondent is committed to recovery and self-improvement and she

STATE OF VERMONT
Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

ATTACHMENT A

recommends that the Respondent's license be reinstated.

Charges

5. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

i. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause). Any cause includes, but is not limited to, use of drugs, narcotics, chemicals or any other type of materials pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(C); and

ii. 26 V.S.A. §1582(a)(5) (Being habitually intemperate or addicted to the use of habit-forming substances); and

iii. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public). Conduct of a character likely to deceive, defraud or harm the public includes diverting supplies, equipment, or drugs for personal or unauthorized use pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(D)(4); and

iv. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

6. Respondent admits the facts above are true and agrees that the conditions below are necessary to protect the public.

7. 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.

8. 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.

9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

11. 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.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

12. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

13. 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 **CONDITIONS** the Respondent's license to practice nursing for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Issuance 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 nursing practice in which she works forty (40) hours every two (2) weeks as a 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. Respondent's license is additionally conditioned as follows.

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

Respondent shall enter into and continue individual drug 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 drug 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

STATE OF VERMONT

Prosecuting Attorney
Office of
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Montpelier, VT 05602

the commencement of the conditions and subsequent reports are due every month 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 during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the commencement of nursing employment and of any subsequent 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 Respondent is attending a nursing program which has a clinical portion which involves actual patient care, he shall provide a copy of the Stipulation and Consent Order to the Program Director. 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 its conditions during clinical experience.

(7) Reports from Employers.

Within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer 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 her 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) Administration of Medications.

Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after she has worked as nurse for twelve (12) weeks for at least 40 hours work every two weeks (or the part time equivalent) after the entry date of this Order.

In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from his treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement

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Montpelier, VT 05602

of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

(9) Practice Under Supervision.

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

(10) Participation in Recovery Group.

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

(11) Abstain from Drug Use.

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

(12) Drug Use Exception.

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.

(13) 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. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

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Office of
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[illegible], VT 05602

(14) Interview with the Board or its Designee.

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

(15) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse, with the exception of supervising LNAs and other unlicensed assistive persons. 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.

(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 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.

(18) Notification to Other States.

In the event that the Respondent is licensed as a nurse in any other state(s), she must inform the nurse licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont 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.

(19) 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 nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(20) Costs.

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

(21) Violation of this Order.

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Montpelier, VT 05602

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 full complied with the terms of this Order. The Respondent must also present proof of successful drug 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 an R.N.

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:

Dated: 2/9/05

STATE OF VERMONT
SECRETARY OF STATE

By: Angela B. Stanski
Angela B. Stanski
State Prosecuting Attorney

MARY KIM SCHOBER
RESPONDENT

Dated: 2/3/05

By: Mary Kim Schober
Mary Kim Schober

APPROVED AND SO ORDERED:

Dated: 3-14-05

VERMONT BOARD OF NURSING

By: Linda Rice
Chairperson (Acting)

Date of Entry: 3/17/05

nu.schober.stip

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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

IN RE:
MARY KIM SCHOBER
License No. 026-0014785

Docket No: NU61-0202

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Judith L. Cutler, and Respondent, Mary Kim Schober R.N., who stipulate and agree as follows:

MODIFICATION

Based on the above referenced matter, the Board of Nursing hereby modifies the Respondent's license as follows:

1) Paragraph A.(9) Practice Under Supervision.

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

shall be modified to:

A.(9) Practice Under Supervision.

When practicing in a clinical/patient care setting, Respondent shall have direct supervision for the entire shift by a registered nurse who is licensed and in good standing. The Respondent is not required to practice under supervision in a non-clinical/non-patient care setting.

2) Paragraph A.(15) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse, with the exception of supervising LNAs and other unlicensed assistive persons. 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.

shall be modified to:

A.(15) Types of Employment Prohibited.

When practicing in a clinical/patient care setting, Respondent shall not work as a supervising nurse, with the exception of supervising L.N.A.s and other unlicensed assistive personnel. 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.

STATE OF VERMONT
Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

ATTACHMENT B

3) All other conditions contained in Respondent's Stipulation and Consent Order entered into on March 17, 2005 remain **UNMODIFIED.**

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 2/27/07

By: Judith L. Cutler
Judith L. Cutler
State Prosecuting Attorney

MARY KIM SCHOBER
RESPONDENT

Dated: 2/8/07

By: Mary Kim Schober
Mary Kim Schober

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3/12/07

By: Linda Reed APRN
Chairperson

Date of Entry: 3/16/07

nu.schober.stip.mod

STATE OF VERMONT
Prosecuting Attorney
Office of
rofessional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

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

IN RE:	)	
MARY KIM SCHOBER	)	**Docket No. NU61-0202**
License No. 026-0014785	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Mary Kim Schober, R.N.:

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. Mary Kim Schober (the "Respondent") of Burlington, Vermont is a registered nurse holding license number 026-0014785, issued by the State of Vermont. This license was originally issued on or about August 10, 1982 and is currently set to expire March 31, 2009.

3. By way of history, the Respondent's license was suspended on or about March 27, 2002 due to her diversion of regulated medication, including oxycodone, from her place of employment on repeated occasions. Attachment A. The Respondent's license is currently conditioned pursuant to a Stipulation and Consent Order (the "Order") entered by the Board on or about March 17, 2005. Attachment A. On or about March 16, 2007, the Order was modified by the Board with respect to the Supervision and Prohibited Employment provisions contained in the Order. Attachment B.

4. Paragraph A(13) of the Order requires the Respondent to submit to random drug and alcohol screens. Participation in the random drug and alcohol screening process requires the Respondent to call in to the specimen selection system, FirstLab, on a daily basis.

5. Based on a review of the Board's records, the Respondent has failed to participate in the random specimen program as follows:

a. In September of 2007, the Respondent failed to call the FirstLab system on approximately ten (10) days. In September of 2007, the Respondent requested to be excused from calling in on approximately five (5) days.

STATE OF VERMONT

Prosecuting Attorney
Office of
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9 Baldwin Street
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05609-1107

b. In October of 2007, the Respondent failed to call the FirstLab system on approximately two (2) days. In October of 2007, the Respondent requested to be excused from calling in on approximately three (3) days.
c. In November of 2007, the Respondent failed to call the FirstLab system on approximately two (2) days. In November of 2007, the Respondent requested to be excused from calling in on approximately five (5) days.
d. In December of 2007, the Respondent failed to call the FirstLab system on approximately two (2) days. In December of 2007, the Respondent requested to be excused from calling in on approximately three (3) days.
e. In January of 2008, the Respondent failed to call the FirstLab system on approximately one (1) day. In January of 2008, the Respondent requested to be excused from calling in on approximately four (4) days.
f. To date, in February of 2008, the Respondent failed to call the FirstLab system on approximately one (1) days. In February of 2008, the Respondent requested to be excused from calling in on approximately three (3) days.
g. On October 29, 2007, the Respondent was selected to provide a specimen. The Respondent left a message with the Board the day before advising that she would not be able to provide a specimen as scheduled due to a "roadtrip" for work.
h. On December 27, 2007, the Respondent was selected to provide a specimen. The Respondent left a message with the Board the morning after the test was scheduled advising that she had not gone to the test due to bad weather.

6. Paragraph A(3) of the Order requires that the Respondent enter into and continue individual drug abuse counseling with a treating professional until such time that her treating professional notifies the Board that counseling is no longer necessary. Paragraph A(5) of the Order requires that the Respondent's treating professional send the Board monthly reports demonstrating the Respondent's satisfactory progress with her drug abuse counseling.

7. The Board has not received monthly reports from the Respondent's treating professional since April 2007. Upon information and belief, the Respondent has not participated in drug abuse counseling since at least May 2007.

Charges

8. 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); and
ii. 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).

Relief Requested

WHEREFORE, the license of Mary Kim Schober should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

DATED at Montpelier, Vermont this 2nd day of April, 2008.

STATE OF VERMONT
SECRETARY OF STATE

By: _____
Edward G. Adrian
State Prosecuting Attorney

nu.schober.soc

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

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

IN RE:	)	
MARY KIM SCHOBER	)	Docket No. NU 61-0202
License No. 026-0014785	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Angela B. Stanski, and the Respondent, Mary Kim Schober, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing ("the Board") has jurisdiction to investigate complaints of unprofessional conduct and discipline nurses pursuant to 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

Facts

2. The Respondent, Mary Kim Schober, is licensed in the State of Vermont as a Registered Nurse under license number 026-0014785.

3. The Respondent's license has been suspended since March 27, 2002 pursuant to the Specification of Charges, Stipulation and Consent Order entered by the Board of Nursing. The Respondent's license was disciplined by the Board due to the Respondent having diverted from her place of employment on repeated occasions, without authorization, regulated medication(s), which included oxycodone. The Respondent has recently requested that the Board consider her for license reinstatement.

4. On August 3, 2004, the Board received an independent evaluation of the Respondent from Luanne Sberna, LCMHC, LADC. Ms. Sberna advises in her report that the Respondent successfully completed a voluntary intensive outpatient substance abuse treatment program, Day One, including aftercare. During treatment her urine screens were negative for any substances. Ms. Sberna states that the Respondent currently participates in AA groups and works on recovery with an AA sponsor, in addition to biweekly outpatient counseling. The Respondent also participated in SMART Recovery self help groups in the past. Ms. Sberna believes that the Respondent is committed to recovery and self-improvement and she

STATE OF VERMONT
Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

ATTACHMENT A

recommends that the Respondent's license be reinstated.

Charges

5. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

i. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause). Any cause includes, but is not limited to, use of drugs, narcotics, chemicals or any other type of materials pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(C); and

ii. 26 V.S.A. §1582(a)(5) (Being habitually intemperate or addicted to the use of habit-forming substances); and

iii. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public). Conduct of a character likely to deceive, defraud or harm the public includes diverting supplies, equipment, or drugs for personal or unauthorized use pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(D)(4); and

iv. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

6. Respondent admits the facts above are true and agrees that the conditions below are necessary to protect the public.

7. 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.

8. 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.

9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

11. 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.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

12. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

13. 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 **CONDITIONS** the Respondent's license to practice nursing for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Issuance 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 nursing practice in which she works forty (40) hours every two (2) weeks as a 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. Respondent's license is additionally conditioned as follows.

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

Respondent shall enter into and continue individual drug 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 drug 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

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

the commencement of the conditions and subsequent reports are due every month 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 during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the commencement of nursing employment and of any subsequent 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 Respondent is attending a nursing program which has a clinical portion which involves actual patient care, he shall provide a copy of the Stipulation and Consent Order to the Program Director. 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 its conditions during clinical experience.

(7) Reports from Employers.

Within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer 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 her 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) Administration of Medications.

Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after she has worked as nurse for twelve (12) weeks for at least 40 hours work every two weeks (or the part time equivalent) after the entry date of this Order.

In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from his treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

(9) Practice Under Supervision.

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

(10) Participation in Recovery Group.

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

(11) Abstain from Drug Use.

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

(12) Drug Use Exception.

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.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

(13) 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. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(14) Interview with the Board or its Designee.

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

(15) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse, with the exception of supervising LNAs and other unlicensed assistive persons. 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.

(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 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.

(18) Notification to Other States.

In the event that the Respondent is licensed as a nurse in any other state(s), she must inform the nurse licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont 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.

(19) 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 nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(20) Costs.

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

(21) Violation of this Order.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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 full complied with the terms of this Order. The Respondent must also present proof of successful drug 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 an R.N.

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: 2/9/05

By: Angela B. Stanski
Angela B. Stanski
State Prosecuting Attorney

MARY KIM SCHOBER
RESPONDENT

Dated: 2/3/05

By: Mary Kim Schober
Mary Kim Schober

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3-14-05

By: Linda Rice
Chairperson (Acting)

Date of Entry: 3/17/05

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STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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

IN RE:
MARY KIM SCHOBER
License No. 026-0014785

Docket No: NU61-0202

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Judith L. Cutler, and Respondent, Mary Kim Schober R.N., who stipulate and agree as follows:

MODIFICATION

Based on the above referenced matter, the Board of Nursing hereby modifies the Respondent's license as follows:

1) Paragraph A.(9) Practice Under Supervision.
Respondent shall practice only in a nursing setting where Respondent has direct supervision for the entire shift by a registered nurse that is licensed and in good standing.

shall be modified to:

A.(9) Practice Under Supervision.
When practicing in a clinical/patient care setting, Respondent shall have direct supervision for the entire shift by a registered nurse who is licensed and in good standing. The Respondent is not required to practice under supervision in a non-clinical/non-patient care setting.

2) Paragraph A.(15) Types of Employment Prohibited.
Respondent shall not work as a supervising nurse, with the exception of supervising LNAs and other unlicensed assistive persons. 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.

shall be modified to:

A.(15) Types of Employment Prohibited.
When practicing in a clinical/patient care setting, Respondent shall not work as a supervising nurse, with the exception of supervising L.N.A.s and other unlicensed assistive personnel. 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.

STATE OF VERMONT
Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

ATTACHMENT B

3) All other conditions contained in Respondent's Stipulation and Consent Order entered into on March 17, 2005 remain **UNMODIFIED.**

AGREED TO:

Dated: 2/27/07

STATE OF VERMONT
SECRETARY OF STATE

By: Judith L. Cutler
Judith L. Cutler
State Prosecuting Attorney

MARY KIM SCHOBER
RESPONDENT

Dated: 2/8/07

By: Mary Kim Schober
Mary Kim Schober

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3/12/07

By: Linda Rice APRN
Chairperson

Date of Entry: 3/16/07

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9 Baldwin Street
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STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:	)	
MARY KIM SCHOBER	)	Docket No: NU61-0202
License No. 026-0014785	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Judith L. Cutler, and Respondent, Mary Kim Schober R.N., who stipulate and agree as follows:

MODIFICATION

Based on the above referenced matter, the Board of Nursing hereby modifies the Respondent's license as follows:

1) Paragraph A.(9) Practice Under Supervision.

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

shall be modified to:

A.(9) Practice Under Supervision.

When practicing in a clinical/patient care setting, Respondent shall have direct supervision for the entire shift by a registered nurse who is licensed and in good standing. The Respondent is not required to practice under supervision in a non-clinical/non-patient care setting.

2) Paragraph A.(15) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse, with the exception of supervising LNAs and other unlicensed assistive persons. 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.

shall be modified to:

A.(15) Types of Employment Prohibited.

When practicing in a clinical/patient care setting, Respondent shall not work as a supervising nurse, with the exception of supervising L.N.A.s and other unlicensed assistive personnel. 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.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

3) All other conditions contained in Respondent's Stipulation and Consent Order entered into on March 17, 2005 remain **UNMODIFIED.**

AGREED TO:

Dated: 2/27/07

STATE OF VERMONT
SECRETARY OF STATE

By: Judith L. Cutler
Judith L. Cutler
State Prosecuting Attorney

MARY KIM SCHOBER
RESPONDENT

Dated: 2/8/07

By: Mary Kim Schober
Mary Kim Schober

APPROVED AND SO ORDERED:

Dated: 3/12/07

VERMONT BOARD OF NURSING

By: Linda Rice APRN
Chairperson

Date of Entry: 3/16/07

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STATE OF VERMONT

Prosecuting Attorney
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9 Baldwin Street
Montpelier, VT
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Burlington

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

IN RE:	)	
MARY KIM SCHOBER	)	Docket No. NU 61-0202
License No. 026-0014785	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Angela B. Stanski, and the Respondent, Mary Kim Schober, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing ("the Board") has jurisdiction to investigate complaints of unprofessional conduct and discipline nurses pursuant to 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

Facts

2. The Respondent, Mary Kim Schober, is licensed in the State of Vermont as a Registered Nurse under license number 026-0014785.

3. The Respondent's license has been suspended since March 27, 2002 pursuant to the Specification of Charges, Stipulation and Consent Order entered by the Board of Nursing. The Respondent's license was disciplined by the Board due to the Respondent having diverted from her place of employment on repeated occasions, without authorization, regulated medication(s), which included oxycodone. The Respondent has recently requested that the Board consider her for license reinstatement.

4. On August 3, 2004, the Board received an independent evaluation of the Respondent from Luanne Sberna, LCMHC, LADC. Ms. Sberna advises in her report that the Respondent successfully completed a voluntary intensive outpatient substance abuse treatment program, Day One, including aftercare. During treatment her urine screens were negative for any substances. Ms. Sberna states that the Respondent currently participates in AA groups and works on recovery with an AA sponsor, in addition to biweekly outpatient counseling. The Respondent also participated in SMART Recovery self help groups in the past. Ms. Sberna believes that the Respondent is committed to recovery and self-improvement and she

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

recommends that the Respondent's license be reinstated.

Charges

5. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

i. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause). Any cause includes, but is not limited to, use of drugs, narcotics, chemicals or any other type of materials pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(C); and

ii. 26 V.S.A. §1582(a)(5) (Being habitually intemperate or addicted to the use of habit-forming substances); and

iii. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public). .Conduct of a character likely to deceive, defraud or harm the public includes diverting supplies, equipment, or drugs for personal or unauthorized use pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(D)(4); and

iv. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

6. Respondent admits the facts above are true and agrees that the conditions below are necessary to protect the public.

7. 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.

8. 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.

9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

11. 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.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

12. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

13. 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 **CONDITIONS** the Respondent's license to practice nursing for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Issuance 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 nursing practice in which she works forty (40) hours every two (2) weeks as a 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. Respondent's license is additionally conditioned as follows.

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

Respondent shall enter into and continue individual drug 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 drug 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

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the commencement of the conditions and subsequent reports are due every month 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 during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the commencement of nursing employment and of any subsequent 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 Respondent is attending a nursing program which has a clinical portion which involves actual patient care, he shall provide a copy of the Stipulation and Consent Order to the Program Director. 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 its conditions during clinical experience.

(7) Reports from Employers.

Within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer 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 her 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) Administration of Medications.

Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after she has worked as nurse for twelve (12) weeks for at least 40 hours work every two weeks (or the part time equivalent) after the entry date of this Order.

In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from his treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement

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of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

(9) Practice Under Supervision.

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

(10) Participation in Recovery Group.

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

(11) Abstain from Drug Use.

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

(12) Drug Use Exception.

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.

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(13) 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. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(14) Interview with the Board or its Designee.

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

(15) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse, with the exception of supervising LNAs and other unlicensed assistive persons. 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.

(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 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.

(18) Notification to Other States.

In the event that the Respondent is licensed as a nurse in any other state(s), she must inform the nurse licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont 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.

(19) 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 nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(20) Costs.

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

(21) Violation of this Order.

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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 full complied with the terms of this Order. The Respondent must also present proof of successful drug 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 an R.N.

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: 2/9/05

By: Angela B. Stanski
Angela B. Stanski
State Prosecuting Attorney

MARY KIM SCHOBER
RESPONDENT

Dated: 2/3/05

By: Mary Kim Schober
Mary Kim Schober

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3-14-05

By: Linda Rice
Chairperson (Acting)

Date of Entry: 3/17/05

nu.schober.stip

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Prosecuting Attorney
Office of
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STATE OF VERMONT
BOARD OF NURSING

IN RE: Mary Kim Schober License No: 26-14785	)))	Docket No. NU61-0202

SPECIFICATION OF CHARGES, STIPULATION AND CONSENT ORDER

SPECIFICATION OF CHARGES

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Mary Kim Schober, of Burlington, Vermont, is a nurse holding license number 26-14785, issued by the State of Vermont.
3. At all times relevant, Respondent was employed by Fletcher Allen Health Care, of Burlington, Vermont.
4. On an occasion or repeated occasions, during about the year 2001 to February 8, 2002, while in the course of her work, Respondent diverted, without authorization, regulated medication(s). This included, upon information and belief, oxycodone.
5. On an occasion or repeated occasions, during about the year 2001 to February 8, 2002, while in the course of her work, Respondent recorded that said medication(s) were drawn in order to be administered to a patient (or patients).
6. On an occasion or repeated occasions, during about the year 2001 to February 8, 2002, Respondent ingested, without authorization, said medication(s).

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7. The above act(s), omission(s) and/or circumstance(s), taken alone, together or in any combination, violate: Nursing Board Rules: Chapter 4, Rule IV, B.4.d (diverting supplies, equipment, or drugs for personal use or other unauthorized use) and Chapter 4, Rule IV, B.4.c (falsifying or altering clinical records or making inaccurate or misleading entries), which constitutes unprofessional conduct within the meaning of, and also further violates: 26 VSA §1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public); 26 VSA §1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs), and; 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

WHEREFORE, the license of Mary Kim Schober should be revoked, suspended or otherwise disciplined.

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Mary Kim Schober, who stipulate and agree as follows:

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Mary Kim Schober, of Burlington, Vermont, is a nurse holding license number 26-14785, issued by the State of Vermont.

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3. At all times relevant, Respondent was employed by Fletcher Allen Health Care, of Burlington, Vermont.
4. Respondent admits that on repeated occasions, during about the year 2001 to February 8, 2002, while in the course of her work, she diverted, without authorization, regulated medications, which included oxycodone.
5. Respondent admits that on repeated occasions, during about the year 2001 to February 8, 2002, while in the course of her work, she recorded that said medications were drawn in order to be administered to a patients.
6. Respondent admits that on repeated occasions, during about the year 2001 to February 8, 2002, she ingested, without authorization, said medications.
7. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
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 has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. 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.

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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 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 charges and a contested hearing before the Board of Nursing.

14. Respondent agrees that the Board may set forth the order below.

ORDER

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

A. By engaging in the conduct above, Respondent acted unprofessionally pursuant to, and in violation of Nursing Board Rules: Chapter 4, Rule IV, B.4.d (diverting supplies, equipment, or drugs for personal use or other unauthorized use) and Chapter 4, Rule IV, B.4.c (falsifying or altering clinical records or making inaccurate or misleading entries), which constitutes unprofessional conduct within the meaning of, and also further violates: 26 VSA §1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public); 26 VSA §1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs), and; 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

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B. The Nursing Board indefinitely **SUSPENDS** the Respondent's license, commencing on the date this order is entered, until she demonstrates to the satisfaction of the Board: possession of at least entry level qualifications; specific

rehabilitation; good moral character and fitness; methods of assuring public safety, and; that reinstatement would not be detrimental to the integrity of the profession or subversive of the public interest.

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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 3/20/02

by: _____
William H. Ahlers
Assistant Attorney General

RESPONDENT
MARY KIM SCHOBER

Dated: 3/19/02

by: Mary Kim Schober
Mary Kim Schober

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3-25-02

by: Linda Rice APRN, FNP
Chairperson

Date of entry: 3/27/02

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STATE OF VERMONT
BOARD OF NURSING

IN RE: Mary Kim Schober License No: 26-14785	)))	Docket No. NU61-0202

REQUEST FOR SUMMARY SUSPENSION

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.

2. The Board of Nursing is authorized by 3 V.S.A. §814 to summarily suspend the license of a nurse or nursing assistant when it finds that the public health, safety, or welfare imperatively requires emergency action.

3. Respondent Mary Kim Schober, of Burlington, Vermont, is a nurse holding license number 26-14785, issued by the State of Vermont.

4. At all times relevant, Respondent was employed by Fletcher Allen Health Care, of Burlington, Vermont.

5. On an occasion or repeated occasions, during about the year 2001 to February 8, 2002, while in the course of her work, Respondent diverted, without authorization, regulated medication(s). This included, upon information and belief, oxycodone.

6. On an occasion or repeated occasions, during about the year 2001 to February 8, 2002, while in the course of her work, Respondent recorded that said medication(s) were drawn in order to be administered to a patient (or patients).

7. On an occasion or repeated occasions, during about the year 2000 to February 8, 2002, Respondent ingested, without authorization, said medication(s).

8. The above act(s), omission(s) and/or circumstance(s), taken alone, together or in any combination, violate: Nursing Board Rules: Chapter 4, Rule IV, B.4.d (diverting supplies, equipment, or drugs for personal use or other unauthorized use) and Chapter 4, Rule IV, B.4.c (falsifying or altering clinical records or making inaccurate or misleading entries), which constitutes unprofessional conduct within the meaning of, and also further violates: 26 VSA §1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public); 26 VSA §1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs), and; 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

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WHEREFORE, the license of Mary Kim Schober should be suspended.

Dated this 12th day of March, 2002 at Montpelier, Vermont.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:
William H. Ahlers
Assistant Attorney General

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