

**STATE OF VERMONT
BOARD OF NURSING**

In re: Deborah C. Sheridan
License No. 026-53277

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Docket No. 2010-423(RN)

Appearances:

Petitioner, State of Vermont: Betsy Ann Wrask
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on November 8, 2010 at the National Life Building in Montpelier, Vermont. Ms. Sheridan did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Sheridan is licensed as a registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. By Order dated September 14, 2010 Ms. Sheridan's license was summarily suspended.
3. On September 22, 2010 Ms. Sheridan was sent a Notice of Charges in this matter by certified mail to her last known address. A copy of the Specification of Charges is attached to this Default Order.
4. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
5. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
6. Stamps on the envelope indicate the notice of charges was unclaimed.
7. Ms. Sheridan has not filed an answer to the charges.
8. On October 20, 2010 notice of the Default Hearing scheduled for this date was mailed to Ms. Sheridan at that same address by certified mail. The file shows no return on this mailing.
9. Ms. Sheridan has still not answered the charges.
10. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Sheridan to be in Default. The allegations contained in the State's Specification of Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Sheridan has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the State's presentation. Because Ms. Sheridan has failed to answer the charges, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Sheridan has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Sheridan's license is hereby **Suspended Indefinitely** effective as of the date of the hearing. Should Ms. Sheridan apply for reinstatement, the Board at that time will determine whether any conditions can permit her to resume practice while protecting public health and safety.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2, Montpelier, VT 05620-3402 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

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

Vermont Board of Nursing

By:

Ellen Leff
Ellen Leff, R.N., Chair

Date: November 8, 2010

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 11/9/10

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

IN RE:

DEBORAH C. SHERIDAN

License No. 026.0053277

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Docket No. 2010-423

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Deborah C. Sheridan, 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.

Statement of Facts

2. Deborah C. Sheridan (the "Respondent") of Brookfield, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0053277. This license was originally issued on or about July 8, 2009 and is currently set to expire on or about March 31, 2011. Respondent has also been licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009302. Respondent's LPN license was originally issued on or about August 17, 2007 and expired on or about January 31, 2010.

Statement of Facts re: Respondent's Nursing Applications

3. On or about July 10, 2007 in her LPN Application for Licensure by Examination, Respondent answered "No" to the question, "Are you currently addicted to, or in any way dependent on, the use of alcohol or habit-forming drugs?"
4. Moreover, in this same LPN Application, Respondent answered "No" to the question, "Are you currently participating in a supervised program or professional assistance program which monitors you in order to assure that you are not engaging in the use of alcohol or controlled substances?"

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Office of Professional Regulation

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5. On or about April 28, 2009 in her RN Application for Licensure by Examination, Respondent answered "No" to the question, "Are you currently addicted to or in any way dependent on, the use of alcohol or habit-forming drugs?"
6. Moreover, in this same RN application, Respondent answered "No" to the question, "Are you currently participating in a supervised program or professional assistance program which monitors you in order to assure that you are not engaging in the use of alcohol or controlled substances?"
7. However, pursuant to Respondent's authorization for release of records with Dr. James Stone of Treatment Associates, upon the request of State Investigator Jocelyn Stohl, it was revealed that Respondent has been in substance abuse treatment since on or about July 8, 2005 to present, due to opiate addiction. Records reveal that in or around July 2005, this doctor prescribed Respondent Subutex.
8. Moreover, these records indicate that from on or about April 30, 2007 through on or about July 26, 2010, Respondent had been seeing Dr. Stone for treatment on an approximately monthly basis and was being treated with and prescribed each month either Subutex or Suboxone, which treat opiate addiction.
9. These records indicate that Respondent has, in fact, been addicted to and/or dependent on opiates from in or around July 2005 through present and was participating in a program designed to assure she was not engaging in the use of controlled substances.

Statement of Facts re: Facility Complaint

10. At all times relevant, Respondent was employed per diem as a Registered Nurse at Berlin Health and Rehabilitation Center (the "Facility"), located in Barre, Vermont.
11. On or about July 23, 2010 in a report to Chief Investigator Amy Carlson, Facility Administrator M.B. reported that two narcotic books at the Facility had gone missing.
12. An investigation by State Investigator Jocelyn Stohl regarding Respondent was then opened, the details of which are enumerated in part below.
13. On or about July 16, 2010, Respondent was present at the Facility but off-duty. Respondent advised the Facility she had come in to catch up on charting. On this date, the Facility's narcotic book was found to be missing.
14. Thereafter, the Facility created a new narcotic book as a replacement.
15. On or about July 23, 2010 when Respondent was on-duty, the second, replacement narcotic book was also found to be missing.

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16. On or about July 23, 2010, Respondent received a Final Written Warning and was suspended from the Facility because Respondent was in charge of the second narcotic book at that time and was responsible for its security.
17. On or about July 26, 2010, the Facility found the second narcotic book, which had evidence of tampering in that the binding was partially broken, in an apparent unsuccessful attempt to remove pages. A review of the book indicates that four (4) patients with histories of forgetfulness, dementia, and/or memory issues had discrepancies in their medication counts from on or about July 23, 2010, as follows:
- a. Ritalin 5mg: one (1) missing;
 - b. Ritalin 10mg: two (2) missing;
 - c. Amphetamine 5mg: three (3) missing;
 - d. Morphine Sulfate: appeared diluted and approximately 5ml missing; and
 - e. Tramadol HCL 50mg: one (1) missing.
18. On or about July 27, 2010 in an in-person interview with Investigator Stohl, Respondent arrived with alcohol on her breath, but denied having been drinking. When asked whether Respondent had alcohol in her vehicle, she first denied it, but then subsequently admitted and showed Investigator Stohl alcohol she had in her vehicle.
19. In this same interview, Respondent advised the only medications she was taking were vitamins. However, Respondent was then shown the prescription profile of her record of medications, which included several prescriptions, including Suboxone.
20. In this same interview, when asked by Investigator Stohl whether she stole the Facility's two narcotic books, Respondent denied such and asserted that she suspected that two other Facility nurses had taken these books.
21. However, Respondent subsequently admitted to Investigator Stohl that she did, in fact, steal both narcotic books from the Facility.
22. In this interview, Respondent admitted that on or about July 16, 2010 when she was off-duty but came into the Facility, she was aware that Nurse L.J. would be away from the narcotic book for at least ½ hour, so Respondent threw this narcotic book in the Facility's dumpster. Respondent advised she took this action because on the day prior, she had made a medication error when she gave a patient two (2) tablets Tramadol instead of the patient's ordered one (1) tablet Tramadol.
23. In this interview, Respondent admitted that on or about July 23, 2010 when she was on-duty but on a break, she took the second, replacement narcotic book and threw it under the dumpster. Respondent advised she took this action because on that date, she had made a medication error when she gave Patient P.P. two (2) doses of Ritalin 10mg, instead of P.P.'s ordered two (2) doses of Ritalin 5mg. Respondent stated she

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wanted to get rid of the narcotic book because she didn't want to get in trouble for this error.

24. In this interview, Respondent denied diverting narcotics from the Facility.
25. On or about August 2, 2010 in an interview with Investigator Stohl, Respondent's doctor, Dr. Stone, advised that he does screen Respondent for abuse of drugs, but that it would be easy for her to dodge detection as he sees Respondent infrequently at this time.
26. On or about September 13, 2010, the Board summarily suspended Respondent's license.

Charges

27. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 26 V.S.A. § 1582(a)(1) (Has made or caused to be made a false, fraudulent, or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing);
 - b. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause);
 - c. ARBN Chapter 4, Subchapter 4, Rule II(B)(1) and (2) ("Inability to practice nursing competently" includes: (1) performance of unsafe or unacceptable patient care; and (2) failure to conform to the essential standards of acceptable and prevailing nursing practice);
 - d. ARBN Chapter 4, Subchapter 4, Rule II(C) ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals, or any other type of materials);
 - e. 26 V.S.A. § 1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs);
 - f. 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 Chapter 4, Subchapter 4, Rule II(D)(3); diverting supplies, equipment, or drugs for person or other unauthorized use, pursuant to ARBN Chapter 4, Subchapter 4, Rule II(D)(4); and aiding, abetting, or assisting any person in any act in violation of this chapter or acts against the best interest of the public, pursuant to ARBN Chapter 4, Subchapter 4, Rule II(D)(10);

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- g. 3 V.S.A. § 129a(a)(1) (Fraudulent or deceptive procurement or use of a license);
- h. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records; or willfully failing to file the proper reports or records);
- i. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
- j. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Deborah C. Sheridan should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 20th day of September, 2010.

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SECRETARY OF STATE

By:



Betsy Ann Wrask
State Prosecuting Attorney

nu.sheridan.soc

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Prosecuting Attorney
Office of
Professional Regulation
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