

**STATE OF VERMONT
BOARD OF NURSING**

In re: Sarah G. Stanley
License No. 026-41682

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Docket No. 2011-501(RN)

Appearances:

Prosecuting the case: Gabriel Gilman
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on July 8, 2013 at the Office of Professional Regulation conference room at the Capitol Plaza in Montpelier, Vermont. Ms. Stanley did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Stanley was licensed as a registered nurse. Her license expired on March 31, 2013. She remains subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d) expired people, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On February 12, 2013 Ms. Stanley 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.
3. 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.
4. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. Ms. Stanley received the Specification of Charges. She filed a brief "answer" saying she disputed "all charges."
6. The prosecuting attorney filed a motion to strike her answer for non-compliance with OPR rules. The motion was granted and Ms. Stanley was told to file an amended answer no later than June 5, 2013. The notice to her warned: "If Ms. Stanley fails to file an appropriate Answer, this matter shall be set as soon as possible for Default hearing."
7. The Order was mailed to Ms. Stanley via certified mail. It was returned as "unclaimed, unable to forward."
8. Ms. Stanley did not file an amended answer.
9. On June 25, 2013 notice of today's hearing was mailed to Ms. Stanley. The file contains no further correspondence or indication that Ms. Stanley received or did not receive the notice. However, on this date Ms. Stanley contacted the prosecuting attorney with an explanation of why she had not filed an amended answer. She was aware of today's default hearing.
10. Ms. Stanley has still not answered the charges.

11. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Ms. Stanley to be in Default. The allegations contained in the 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. Stanley has received actual notice of the charges in this matter as indicated by the Board's file and the Prosecution's presentation. Because Ms. Stanley has failed to an appropriate answer the charges as ordered, the factual allegations in the Stipulation and Consent Order 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. Stanley has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Stanley's privilege to reinstate her license is hereby **Suspended Indefinitely**, effective as of the date of the hearing. Should Ms. Stanley 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, 89 Main St., Fl. 3, 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:


John Todd, APRN, Vice Chair

Date: July 8, 2013

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7-10-13

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

IN RE:

**SARAH G. STANLEY
License No. 026.0041682**

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Docket No. 2011-501

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the respondent, Sarah G. Stanley, 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. Sarah Stanley ("Respondent") of Fair Haven, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0041682. This license was originally issued on or about April 23, 2008 and expires on or about March 31, 2013.
3. At all times relevant, Respondent was employed as a Registered Nurse with Rutland Area Visiting Nurse Association and Hospice ("VNA") in Rutland, Vermont.
4. On or about August 1, 2011, Respondent removed a bottle of Percocet tablets, containing approximately 47 tablets, from patient D.W.'s residence during a home visit. Respondent told D.W.'s daughter, S.G., that she had to take the medication back to the office so someone could watch her waste them. In her nursing notes for the visit, Respondent documented that she wasted the Percocet in the home using Green Z with the patient's wife and step-daughter present.
5. On or about August 2, 2011, at approximately 8:40 AM, Respondent told two other employees of the VNA, N.H., RN and T.B., that she had to remove Percocet from D.W.'s residence because there was a daughter in the home who was a "pill

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head." Respondent stated she couldn't waste the medication in the home because she didn't have any Green Z.

6. Later in the day on August 2, the VNA was notified that D.W. had passed away and Respondent went to the death visit. Respondent returned to the VNA with Haldol and Ativan that was prescribed to D.W. Respondent told N.H., RN, W.D., RN, and N.M., RN that she couldn't waste the medication in the residence because she used the last of her Green Z to waste the Percocet the day before.
7. D.W.'s daughter, C.L. was present during the death visit on August 2, 2011. On or about August 22, 2011, in an interview with Investigator Greg Kelly of the Office of Professional Regulation, C.L. stated that Respondent told her she needed to remove any heavy duty medication from the residence.
8. On or about August 15, 2011, in an interview with Investigator Kelly, Respondent initially insisted she wasted the Percocet in D.W.'s residence. Later in the interview, Respondent stated she did not believe she took the Percocet out of the residence and stated, "In some manner or form, I wasted it." When asked if it was possible that she took the Percocet from D.W.'s home, Respondent stated, "Anything's possible."
9. The essential standards of acceptable and prevailing nursing practice call for complete and accurate recordkeeping concerning wasted medication.

Charges

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)(3) (Is unable to practice nursing competently by reason of any cause) which includes performing unsafe or unacceptable patient care pursuant to ARBN Rule 11.2(b)(1) and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Rule 11.2(b)(2);
- b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Rule 11.2(d)(4) and falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN Rule 11.2(d)(3);
- c. 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 reports or records or willfully failing to file the proper reports or records);

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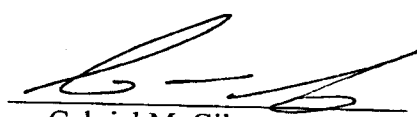
- d. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
- e. 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 Sarah Stanley, RN, should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 23rd day of January, 2013.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Gabriel M. Gilman
State Prosecuting Attorney

nu.stanley.soc

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