

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

In re Carmen Stevenson }
License No. 026-0023749 }
Docket No. NU 36-0200 }

**FINDINGS OF FACT
CONCLUSIONS OF LAW & ORDER**

Introduction:

On Monday 14 May 2007 the Vermont state board of nursing (the "board") heard this contested case of alleged unprofessional conduct brought by the State of Vermont against Respondent Carmen Stevenson. Board members Kenneth W. Bush, Susan O. Farrell (Chairperson), Ellen W. Leff, Donarae Metcalf, DeAnn Welch and Alan Weiss participated in the hearing of this matter. Board members Laurey M. Tyo, Linda M. Y. Rice were recused and Board member William Kurtz and Sandra Norton did not participate. The Respondent did not appear. Edward G. Adrian represented the State of Vermont. Board counsel Kevin F. Leahy presided.

The State brought a specification of charges (the "Charges" dated 14 December 2006) against the Respondent alleging unprofessional conduct for, *inter alia*, violating the terms of the Board's order entered on 7 November 2001. The State also brought a request for summary suspension against the Respondent, based on these same allegations, which the Board granted in an order entered on 12 December 2006.

In the Charges filed with this Board, the State alleges in pertinent part:

1. The Respondent's license is conditioned due to an acknowledged history of substance of abuse.
2. Since at least August 2004, the Respondent has participated in New York's Professional Assistance Program, which requires random drug screens.
3. The Respondent surrendered her New York nursing license in July 2006 due to a toxicology screen, taken in May 2006, in which she tested positive for the use of cocaine.
4. The Board's 2001 order requires that the Respondent submit to random toxicology screens, and the order also requires that she remain sober and not take any illegal substances.
5. The Respondent is also responsible for notifying the Board of any employment she takes, and she is responsible for causing her employers to submit monthly reports to the Board.

6. The Respondent notified the Board that she had taken a position with Maxim Health Systems in 2005. However, the Board has not received any employer reports submitted on behalf of the Respondent since 2005. The Respondent has not informed the Board of any subsequent change in employment.

Charges at ¶¶ 3-10.

Based on these allegations, the State brings charges of unprofessional conduct against the Respondent including a charge for violating 26 V.S.A. § 1582 (3) (unable to practice competently) and 3 V.S.A. § 129a (a)(4) (failure to comply board orders). Charges at ¶¶ 12 (ii) and (iv).¹

At the hearing, the Board considered the testimony, documents and the record in this case including the Board's prior orders. The evidence taken at the hearing included:

Testimony of Anita Ristau, Executive Dir. for the Board of Nursing (regarding Respondent's failure to comply with the 2001 order requiring employer reports, notification of ongoing employment and submission of toxicology screens).

State's Ex. 1: Letter from NY Dep't of Ed. re: Carmen Stevenson, RN and professional assistance program.

State's Ex. 2: Letter, dated 31 July 2006, from VT Sec'y of State to Carmen Stevenson regarding compliance with provisions of 2001 Board order.

Respondent Carmen Stevenson did not appear to contest this matter.

The Board took official notice of the Respondent's disciplinary record and the admissions she made in the answer she filed in response to the State's Specification of Charges.

Findings of Fact &
Conclusions of Law:

1. Respondent holds a State of Vermont nursing license.
2. This Board licenses the Respondent and may impose discipline for acts of licensee unprofessional conduct. 26 V.S.A. Chapter 28; 3 V.S.A. § 129(a); and Admin. Rules for the Bd. of Nursing and the Office of Prof. Reg.
3. 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]

¹ The State originally charged the Respondent with violating 3 V.S.A. § 129a (a)(3) (violation of state or federal law governing the practice of the profession) and 3 V.S.A. § 129a (b)(2) (failure to practice competently on one or more occasions). *See Charges at ¶¶ 12 (i) and (iv).* However the Specification of Charges did not allege that the Respondent violated any law(s) governing the practice of the profession nor did the State's Charges contain allegations of practice errors committed by the Respondent. The State did not therefore go forward with these two (¶¶ 12(i) and (iv)) charges at the hearing and the Board does not consider these two charges other than to dismiss them.

has engaged in unprofessional conduct.” 3 V.S.A. § 129a (c).

4. The Respondent admits (or does not deny) the factual allegations made in State’s Charges with the exception of ¶ 4 (background information concerning Respondent’s request for reinstatement) and ¶ 10 (failure to supply employer reports).
5. The Board took official notice pursuant to 3 V.S.A. §810 of the Respondent’s records maintained by the Board and the Office of Professional Regulation and finds the allegation made in ¶ 4 to be proven by the State.
6. The Board also finds the allegation made in ¶ 10 to be proven as well based on the testimony of Ms. Ristau who confirmed Respondent’s failure to comply with the employer reporting conditions on her license.
7. The salient fact is that the Respondent has not complied with the conditions on her license in several material ways.
8. The Respondent has not supplied employer reports as mandated.
9. Also, the Respondent has not submitted to random toxicology screening as mandated.
10. The toxicology screen performed in May 2006 showed a positive result for use of cocaine. From these results, the Board infers that the Respondent’s substance abuse is not in remission.
11. Based on the admissions of the Respondent in her answer dated 9 January 2007, based on the Respondent’s multiple failures to comply with the terms of her conditional license and based on the evidence of her disciplinary problems with New York State regulatory officials, the Board finds that the Respondent cannot practice nursing safely.
12. The Board further finds that the Respondent’s violations of the 2001 Order conditioning her license constitutes unprofessional conduct in violation of 3 V.S.A. §129a(a)(4).
13. The Board also finds that it would be unsafe, under current circumstances, to allow the Respondent to hold a nursing license as there is no assurance that she can adhere to license conditions put in place to protect the public.
14. In light of the findings made by the Board, we rule as follows:
 - A. Pursuant to 26 V.S.A. § 1582, the Board finds the Respondent is unable to practice nursing. The Respondent’s failure to abide by Board orders coupled with the positive toxicology screen while already on conditions for a substance abuse, leads the Board to infer that the Respondent is habitually intemperate or addicted to the use of substances.
 - B. As more fully explained above, the Respondent’s behavior constitutes unprofessional conduct in violation of 3 V.S.A. §129a (4) (violating and failure to comply with Board order).

ORDER

Based on the findings of facts set forth above, the Board of Nursing therefore INDEFINITELY SUSPENDS the Respondent's license due to the Respondent's unprofessional conduct; and furthermore

The Board of Nursing shall NOT grant a petition for reinstatement from the Respondent absent a showing of rehabilitation; and

The Board of Nursing shall only consider granting future licensing privileges to the Respondent upon a finding that any necessary protective measures needed to ensure public safety are in place prior to the Respondent returning to the practice of the profession.

- END -

(signature page to follow)

Vermont Board of Nursing:

By:

Susan O. Farrell

Susan O. Farrell, RN
Board Chairperson

Date:

July 31, 2007

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/2/07

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing pursuant to 3 V.S.A.

A party aggrieved by a final decision of a Board may appeal the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of the order.

If you file an appeal, the Director of the Office of Professional Regulation assigns the case to an appellate officer. The appellate officer reviews the order based on the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, the appellate officer may take proof on that issue. *See* 3 V.S.A. §§ 129(d) and 130a.

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

In re: Carmen Stevenson }
License No. 026-0023749 }
Docket No. NU 36-0200 }

SUMMARY SUSPENSION ORDER

On Monday 11 December 2006, this matter came before the Vermont State Board of Nursing on a petition from the State prosecutor for a summary suspension pursuant to 3 V.S.A. § 814(c). The hearing took place at the Secretary of State's office, Heritage Building, 81 River Street in Montpelier, Vermont.

The Board has authority to summarily suspend a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action.

**Findings of Fact &
Conclusions of Law:**

Based on a review of the evidence presented at the hearing of this matter, the Board finds:

1. The Respondent is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a)(3), and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a "Request for Summary Suspension" (attached) dated 1 December 2006, alleging multiple violations of existing conditions on her nursing license.
3. The State argues that public health, safety or welfare imperatively requires emergency action, and the state asks this Board to suspend summarily the Respondent's license prior to a full hearing on the merits.
4. The Board has considered the evidence related to the allegations in the State's Request for Summary Suspension.
5. The Board finds the State has, in its presentation of evidence, met its burden to the necessary degree of showing the need for emergency action to protect the public health, safety and welfare.
6. Pursuant to 3 V.S.A. § 814(c), the Board issues the following temporary order, which shall remain in effect until further action by this Board.

ORDER

The Board of Nursing GRANTS the State of Vermont's Request for Summary Suspension.

The Respondent's license is SUMMARILY SUSPENDED pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

- END -

Vermont Board of Nursing

By: Laurey M Tyo Dated at Montpelier: 11 December 2006
Laurey Tyo, RN
Secretary, Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/12/06

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, 26 Terrace Street, Montpelier, Vermont 05609-1101 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.

Loy, NY

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

In re: Carmen Stevenson }
License No. 026-0021088 } Docket File No. NU36-0200

23749

**FINDINGS OF FACT
CONCLUSIONS OF LAW & ORDER**

Introduction:

On 13 February 2006, this matter came before the Vermont Board of Nursing on a petition from Carmen Stevenson. Petitioner seeks reversal of a preliminary denial of her request for a full reinstatement of her Vermont RN license without conditions. The conditions on the Petitioner's license are the result of a "Stipulation and Consent Order" entered 7 November 2001. Board members Kenneth W. Bush, Susan O. Farrell, Chairperson, Ellen Leff, Donarae Metcalf, Sandra Norton, Linda Rice, Laurey M. Tyo, DeAnn Welch and Alan Weiss participated in the hearing of this matter. Edward Adrian represented the State. The Petitioner appeared on her own behalf. Board counsel Kevin F. Leahy presided.

Findings of Fact &
Conclusions of Law:

The Petitioner initially sought to have her license reinstated without conditions. A review committee of the Board preliminarily denied the request in June 2005. This appeal followed.

A Petitioner bears the burden of proof. 3 V.S.A. § 129(e). It is therefore incumbent upon the Petitioner to demonstrate to the Board that she has met the conditions set forth in her 2001 "Stipulation and Consent Order," which is the basis for the license condition she seeks to have removed.

The Board reviewed and considered the evidence presented at the hearing by the Petitioner, which included her testimony. At the conclusion of the hearing, Board member Alan Weiss moved to uphold the review committee's decision to deny the Petitioner's request to have the conditions on her license removed. The motion was seconded and the Board voted to affirm the review committee's decision not to remove the license conditions.

The conditions on Petitioner's license shall therefore remain in place until she can satisfactorily prove, in accordance with 3 V.S.A. § 129(e) and ¶ 26 of the Stipulation and Consent Order currently governing the practice of her profession, that she has fulfilled all conditions placed on her license.

ORDER

The 23 June 2005 review committee decision to deny full reinstatement of Petitioner's license is AFFIRMED, and Petitioner's request to have her license reinstated without conditions is DENIED.

Vermont Board of Nursing:

By: Susan O. Farrell
Susan O. Farrell, RN, Chairperson

Date: 5/6/06

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 5/10/06

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 the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of the 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.

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

IN RE:)
CARMEN STEVENSON) Docket No: NU36-0200
License No. 026-0023749)

MOTION TO AMEND STATE'S REQUEST FOR SUMMARY SUSPENSION

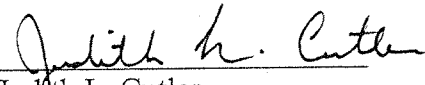
Now Comes the State of Vermont, by and through State Prosecuting Attorney, Judith L. Cutler, and moves that the State's Request For Summary Suspension in the above referenced matter be amended as follows: The Respondent's license number has been listed incorrectly in all documents pertaining to this matter up to this point. The State requests that the Respondent's license number be amended to License Number 026-0023749.

The State requests that paragraph 13(iii.) be replaced with 3 V.S.A. § 129a(a)(4) (failure to comply with an order of the board or violating any term or condition of a license restricted by the board) and that reference to 26 V.S.A § 1582(7) be stricken.

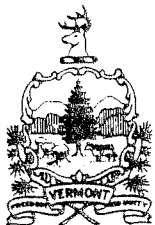
Respectfully submitted this 4th day of December, 2006.

STATE OF VERMONT
SECRETARY OF STATE

by:


Judith L. Cutler
State Prosecuting Attorney

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:)
CARMEN STEVENSON) Docket No. NU36-0200
License No. 026-0021088)

REQUEST FOR SUMMARY SUSPENSION

Board Authority

1. The Vermont Board of Nursing (the Board) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28 and; the rules of the Board and the Vermont Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety or welfare imperatively requires emergency action.

Statement of Facts

3. The Respondent, Carmen Stevenson, is licensed in the State of Vermont as a Registered Nurse under license number 026-0021088. This license was originally issued on December 15, 1997 and is currently set to expire on March 31, 2007. The Respondent has also been licensed as a registered nurse in the State of New York.
4. By way of history, the Respondent's Vermont license is currently conditioned for a period of three (3) years pursuant to a Stipulation and Consent Order (the Order) entered by the Board on or about November 7, 2001. Attachment A. The Respondent's license was conditioned due to her acknowledged substance abuse problem. Attachment A.
5. The Respondent requested full reinstatement of her license from the Board in June of 2005. However, the Board denied this request by way of a Findings of Facts, Conclusions of Law & Order entered on or about May 10, 2006. Attachment B. The Board's denial was based on the recommendation of a Committee of the Board of Nursing which preliminarily denied the Respondent's request due to poor employer reports received during the Respondent's conditioned period.
6. Since at least August of 2004, the Respondent has participated in New York's Professional Assistance Program which requires the Respondent to submit to random drug screens.
7. On or about July 10, 2006, the Respondent surrendered her New York license due to a

STATE OF VERMONT



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

positive urine screen for cocaine collected on or about May 31, 2006.

8. Section A(8) of the Order requires that the Respondent submit to random urine screens and that all drug screens administered to the Respondent shall be negative. Attachment A.

9. The Respondent failed to notify the Board of the surrender of her New York license and the positive urine screen result. Additionally, the Board has not received a urine screen from the Respondent since September of 2005.

10. Section A(16) of the Order requires the Respondent to submit employer reports on a monthly basis from any employer she has worked for that month. Attachment A. Section A(14) of the Order requires that the Respondent notify the Board in writing, within forty-eight (48) hours of any change in nursing employment. Attachment A.

11. The Respondent notified the Board of new employment at Maxim Health Systems (the Facility) on or about December 26, 2005. To date, the Respondent has failed to submit any employer reports from the Facility or to inform the Board of her current employment status.

Request for Relief

12. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.

13. The above acts and circumstances, alone or in combination, violate:

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);

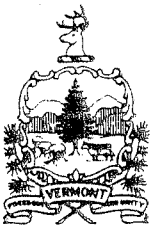
ii. 26 V.S.A. § 1582(3) (is unable to practice nursing competently by reason of any cause, which includes, but is not limited to, failing to conform to the essential standards of acceptable and prevailing nursing assistant practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2));

iii. 26 V.S.A. § 1582(7) (engages in conduct of a character likely to deceive, defraud or harm the public which includes, but is not limited to, diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Chapter 4, Rule IV(II)(D)(4)); and

iv. 3 V.S.A. § 129a(b)(2) (failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's registered nursing license be summarily suspended, pending a hearing on the merits.

STATE OF VERMONT



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

DATED at Montpelier, Vermont this 1st day of December, 2006.

STATE OF VERMONT
SECRETARY OF STATE

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

nu.stevenson.sumsusp

STATE OF VERMONT



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

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Carmen Stevenson, RN
License Number 26-21088

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Docket No: NU36-0200

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Carmen Stevenson who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. § 129 and 26 V.S.A. §§ 1574, 1582.
2. Respondent is a registered nurse licensed by the State of Vermont holding license number 26-21088. Respondent was originally licensed in Vermont December 15, 1997.
3. Respondent has acknowledged that she had a substance abuse problem.
4. On July 10, 2000, Respondent entered into a stipulation and consent order with the State of Vermont, which was accepted by the Board and entered on July 11, 2000. Respondent's license was suspended indefinitely at that time with leave to petition for reinstatement after January 10, 2001. Respondent's license was reinstated by order dated 3/12/01 subject to conditions.
5. Respondent has petitioned the Board for modification of her license conditions.
6. The parties have reached agreement on Respondent's request for modification of her license conditions, the terms of which are set forth below.

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 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 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 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 **reinstates** Respondent's license and **conditions** that license as follows

(1) Length of Time Conditions Imposed.

The conditions set forth herein shall remain in place until Respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time work of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent may administer non-narcotic and non-addictive drugs but under supervision for three (3) months from the date of entry of this order. This

condition may be removed only by Respondent petitioning the Board for its removal. Respondent may do so, but no sooner than three (3) months (during which time Respondent works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date Respondent returns to work as a nurse, whichever is later. In petitioning the Board, Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from Respondent's treating professional and employer.

The removal of the prohibition against administering some medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision, (2) removal of all restrictions.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall continue substance abuse counseling with the 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 comply with the treatment plan approved by the Board.

(5) Therapy and 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 willingness and ability to comply with the conditions related to treatment and with all other relevant terms of this Consent Order.

(6) 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 and accompanied by a cover letter on the treating professional's letterhead. The first report is due one month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(7) Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

(8) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug or alcohol screens as required by the Board or its designee. 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 except for drugs prescribed for Respondent under the care of a physician, physician's assistant, dentist, or nurse practitioner. (See paragraph (10) Drug Use Exception.)

(9) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph (10).

(10) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, physician's assistant, dentist, or nurse practitioner. Respondent shall inform the Board in writing of all 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 need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(11) Interview with the Board or its designee.

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

(12) Re-issue of License.

Upon the lifting of the suspension and imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(13) 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, the Board in its discretion may deny any credit for time spent out-of-state toward the fulfillment of the terms and conditions of this Consent Order.

(14) 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 nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(15) 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 in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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, Respondent 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 the conditions in the Consent Order during clinical experience.

(16) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms

issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(17) Practice Under Supervision.

Respondent shall practice only in a setting where she is supervised for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(19) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(20) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(21) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee and otherwise maintain qualifications to practice nursing in the State of Vermont.

(22) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. § 2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(23) Costs.

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

(24) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is

final.

(25) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(26) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that Respondent poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from Respondent's treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

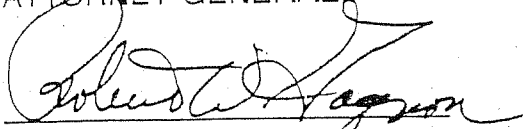
- A. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.
- B. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a)(7).
- C. 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: 10/29/01

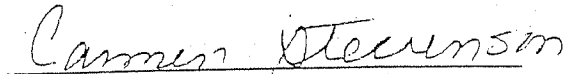
by:


Robert W. Gagnon
Senior Assistant Attorney General

CARMEN STEVENSON
RESPONDENT

Dated: 10/26/01

by:

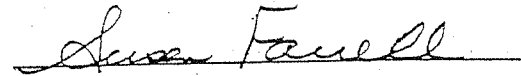

Carmen Stevenson

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Nov. 5, 2001

by:


Chairperson

Date of entry: 11/7/01

VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

In re: Carmen Stevenson }
License No. 026-0021088 }

Docket File No. NU36-0200

**FINDINGS OF FACT
CONCLUSIONS OF LAW & ORDER**

Introduction:

On 13 February 2006, this matter came before the Vermont Board of Nursing on a petition from Carmen Stevenson. Petitioner seeks reversal of a preliminary denial of her request for a full reinstatement of her Vermont RN license without conditions. The conditions on the Petitioner's license are the result of a "Stipulation and Consent Order" entered 7 November 2001. Board members Kenneth W. Bush, Susan O. Farrell, Chairperson, Ellen Leff, Donarae Metcalf, Sandra Norton, Linda Rice, Laurey M. Tyo, DeAnn Welch and Alan Weiss participated in the hearing of this matter. Edward Adrian represented the State. The Petitioner appeared on her own behalf. Board counsel Kevin F. Leahy presided.

Findings of Fact &
Conclusions of Law:

The Petitioner initially sought to have her license reinstated without conditions. A review committee of the Board preliminarily denied the request in June 2005. This appeal followed.

A Petitioner bears the burden of proof. 3 V.S.A. § 129(e). It is therefore incumbent upon the Petitioner to demonstrate to the Board that she has met the conditions set forth in her 2001 "Stipulation and Consent Order," which is the basis for the license condition she seeks to have removed.

The Board reviewed and considered the evidence presented at the hearing by the Petitioner, which included her testimony. At the conclusion of the hearing, Board member Alan Weiss moved to uphold the review committee's decision to deny the Petitioner's request to have the conditions on her license removed. The motion was seconded and the Board voted to affirm the review committee's decision not to remove the license conditions.

The conditions on Petitioner's license shall therefore remain in place until she can satisfactorily prove, in accordance with 3 V.S.A. § 129(e) and ¶ 26 of the Stipulation and Consent Order currently governing the practice of her profession, that she has fulfilled all conditions placed on her license.

Attachment B

ORDER

The 23 June 2005 review committee decision to deny full reinstatement of Petitioner's license is AFFIRMED, and Petitioner's request to have her license reinstated without conditions is DENIED.

Vermont Board of Nursing:

By: Susan O. Farrell
Susan O. Farrell, RN, Chairperson

Date: 5/6/06

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 5/10/06

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 the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of the 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.

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Carmen Stevenson, RN
License Number 26-21088

)
) Docket No: NU36-0200
)

26-23749

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Carmen Stevenson who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. § 129 and 26 V.S.A. §§ 1574, 1582.
2. Respondent is a registered nurse licensed by the State of Vermont holding license number 26-21088. Respondent was originally licensed in Vermont December 15, 1997.
3. Respondent has acknowledged that she had a substance abuse problem.
4. On July 10, 2000, Respondent entered into a stipulation and consent order with the State of Vermont, which was accepted by the Board and entered on July 11, 2000. Respondent's license was suspended indefinitely at that time with leave to petition for reinstatement after January 10, 2001. Respondent's license was reinstated by order dated 3/12/01 subject to conditions.
5. Respondent has petitioned the Board for modification of her license conditions.
6. The parties have reached agreement on Respondent's request for modification of her license conditions, the terms of which are set forth below.

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 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 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 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 **reinstates** Respondent's license and **conditions** that license as follows

(1) Length of Time Conditions Imposed.

The conditions set forth herein shall remain in place until Respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time work of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent may administer non-narcotic and non-addictive drugs but under supervision for three (3) months from the date of entry of this order. This

condition may be removed only by Respondent petitioning the Board for its removal.

Respondent may do so, but no sooner than three (3) months (during which time Respondent works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date Respondent returns to work as a nurse, whichever is later. In petitioning the Board, Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from Respondent's treating professional and employer.

The removal of the prohibition against administering some medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision, (2) removal of all restrictions.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall continue substance abuse counseling with the 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 comply with the treatment plan approved by the Board.

(5) Therapy and 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 willingness and ability to comply with the conditions related to treatment and with all other relevant terms of this Consent Order.

(6) 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 and accompanied by a cover letter on the treating professional's letterhead. The first report is due one month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(7) Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

(8) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug or alcohol screens as required by the Board or its designee. 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 except for drugs prescribed for Respondent under the care of a physician, physician's assistant, dentist, or nurse practitioner. (See paragraph (10) Drug Use Exception.)

(9) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph (10).

(10) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, physician's assistant, dentist, or nurse practitioner. Respondent shall inform the Board in writing of all 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 need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(11) Interview with the Board or its designee.

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

(12) Re-issue of License.

Upon the lifting of the suspension and imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(13) 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, the Board in its discretion may deny any credit for time spent out-of-state toward the fulfillment of the terms and conditions of this Consent Order.

(14) 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 nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(15) 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 in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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, Respondent 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 the conditions in the Consent Order during clinical experience.

(16) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms

issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(17) Practice Under Supervision.

Respondent shall practice only in a setting where she is supervised for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(19) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(20) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(21) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee and otherwise maintain qualifications to practice nursing in the State of Vermont.

(22) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. § 2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(23) Costs.

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

(24) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is

final.

(25) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(26) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that Respondent poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from Respondent's treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

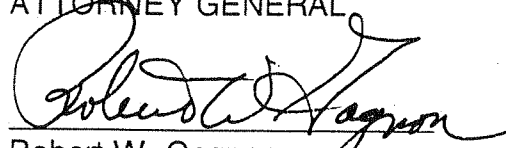
- A. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.
- B. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a)(7).
- C. 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: 10/29/01

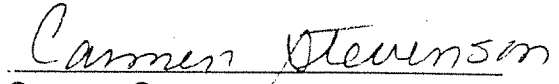
by:


Robert W. Gagnon
Senior Assistant Attorney General

CARMEN STEVENSON
RESPONDENT

Dated: 10/26/01

by:

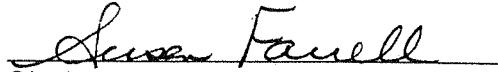

Carmen Stevenson

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Nov. 5, 2001

by:


Chairperson

Date of entry: 11/7/01

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Carmen Stevenson, RN

License Number ~~26-21088~~

)
) Docket No: NU36-0200
)

26-23749

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Carmen Stevenson who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. § 129 and 26 V.S.A. §§ 1574, 1582.
2. Respondent is a registered nurse licensed by the State of Vermont holding license number 26-21088. Respondent was originally licensed in Vermont December 15, 1997.
3. Respondent has acknowledged that she had a substance abuse problem.
4. On July 10, 2000, Respondent entered into a stipulation and consent order with the State of Vermont, which was accepted by the Board and entered on July 11, 2000. Respondent's license was suspended indefinitely at that time with leave to petition for reinstatement after January 10, 2001.
5. Respondent has petitioned the Board for reinstatement of her license. The State will not oppose that request. Respondent waives her right to a hearing on her petition for reinstatement before the Board.
6. The parties have reached agreement, which recommends reinstatement of Respondent's license on conditionals, the terms of which are set forth below.

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 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 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 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 **reinstates** Respondent's license and **conditions** that license as follows

(1) Length of Time Conditions Imposed.

The conditions set forth herein shall remain in place until Respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time work of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months from the date of entry

of this order. This condition may be removed only by Respondent petitioning the Board for its removal. Respondent may do so, but no sooner than three (3) months (during which time Respondent works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date Respondent returns to work as a nurse, whichever is later. In petitioning the Board, Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from Respondent's treating professional and employer.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer nonnarcotic medications under supervision while the prohibition on administering narcotic medications remains in place; and (2) full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall continue substance abuse counseling with the 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 comply with the treatment plan approved by the Board.

(5) Therapy and 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 willingness and ability to comply with the conditions related to treatment and with all other relevant terms of this Consent Order.

(6) 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 and accompanied by a cover letter on the treating professional's letterhead. The first report is due one month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(7) Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

(8) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug or alcohol screens as required by the Board or its designee. 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 except for drugs prescribed for Respondent under the care of a physician, physician's assistant, dentist, or nurse practitioner.

(See paragraph (10) Drug Use Exception.)

(9) Abstain from Alcohol or Drug Use.

Respondent shall abstain completely from the consumption of alcohol or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph (10).

(10) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, physician's assistant, dentist, or nurse practitioner. Respondent shall inform the Board in writing of all 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 need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(11) Interview with the Board or its designee.

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

(12) Re-issue of License.

Upon the lifting of the suspension and imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(13) 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, the Board in its discretion may deny any credit for time spent out-of-state toward the fulfillment of the terms and

conditions of this Consent Order.

(14) 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 nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(15) 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 in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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, Respondent 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 the conditions in the Consent Order during clinical experience.

(16) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance

and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(17) Practice Under Supervision.

Respondent shall practice only in a setting where she is supervised for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(18) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(19) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(20) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(21) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee and otherwise maintain qualifications to practice nursing in the State of Vermont.

(22) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. § 2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(23) Costs.

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

(24) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this

Consent Order, the conditional license period shall be extended until the matter is final.

(25) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(26) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that Respondent poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from Respondent's treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

- A. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.
- B. 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)(7).
- C. 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: 2/27/01

by:

Robert W. Gagnon
Robert W. Gagnon
Senior Assistant Attorney General

CARMEN STEVENSON
RESPONDENT

Dated: 2/23/001

by:

Carmen Stevenson
Carmen Stevenson

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3.12.01

by:

Susan Fanel
Chairperson

Date of entry: 3-16-01

/

In Re:)
)
Carmen Stevenson) Docket No. NU36-0200
)
License No. 26-21088)
Corrected License #26-23749)

STIPULATION AND CONSENT ORDER

STIPULATION

The State of Vermont, through Attorney General William H. Sorrell, and Respondent Carmen Stevenson, stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129 and 26 V.S.A. §§ 1574 and 1582.
2. Respondent is a registered nurse licensed by the State of Vermont holding license no. 26-21088.(corrected License #26-23749)
3. Respondent worked as a staff nurse at the Southwestern Vermont Health Care of Vermont of Bennington, Vermont.
4. Respondent has been cited to appear in the Bennington District Court and answer to criminal charges involving controlled substances, bearing docket no. 459-4-00 Bncr. Respondent and the State of Vermont have agreed to resolve those charges in accordance with the terms of a plea agreement, which is attached hereto as Exhibit A.
5. On April 4, 2000, Respondent agreed not to contest a summary suspension of her nursing license, and she waived the filing of formal charges until the criminal charges against her were resolved.

6. On or about March 8, 2000, respondent entered substance abuse counseling with Charles Gurney, LICSW, CADC, MAC of Southwestern Vermont Health Care. Respondent has also been attending the AA/NA self-help program on a thrice-weekly basis. Charles Gurney has diagnosed Respondent as having a substance abuse problem and possible addiction.

7. Respondent admits that on or about January 15, 2000 she diverted for her own use a controlled substance, to wit Demerol, from the Southwestern Vermont Health Care pyxis.

8. Respondent admits that she has a substance abuse problem, and that the above-described conduct is unprofessional conduct under 26 V.S.A. §1582(3)(a)(5) and 3 V.S.A. § 129a(5) and (10).

9. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

10. Respondent agrees that, within 30 days of execution by the Nursing Board of this stipulation and order, respondent shall submit to the Board for approval (a) the name, address, and professional qualifications of the treating professional from whom Respondent intends to continue her substance abuse counselling and (b) a copy of a treatment plan developed with the said treating professional.

11. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion thereof, the entire Stipulation and Consent Order shall be null and void.

12. Respondent and the Nursing Board have read and reviewed this entire document and agree that it contains the entire agreement between the parties.

13. Respondent was not under the influence of any drugs or alcohol at the time she signed this Stipulation and Consent Order. Respondent affirms that she voluntarily enters into this

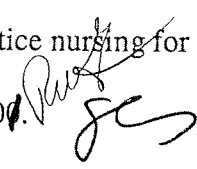
agreement after consulting with legal counsel Stephen L. Saltonstall, Esq. and that she has not been coerced by anyone into signing this Stipulation and Consent Order. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

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

ORDER

Based on the above stipulation, the Board orders and adjudges as follows:

A. By engaging in the conduct described in paragraphs 7-9 above, Respondent is unable to practice nursing competently as defined by Board of Nursing Rule IV.B.4 (use of drugs, narcotics, chemicals or any other materials which constitute unprofessional conduct pursuant to 26 V.S.A. § 1582(a)(3)(unable to practice nursing by reason of any cause).

B. The Nursing Board suspends Respondent's license to practice nursing for a period of six months, such suspension continuing until at least January 10, 2000. 

C. After January 10, 2000, Respondent may petition the Board to lift the suspension and reinstate her to the practice of nursing. After formal review by the Board, the Board may lift the suspension and reinstate the Respondent. Respondent, however, must present proof that demonstrates that she has complied with the terms of the stipulation and has successfully progressed in her rehabilitation, and that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and shall include proof of objective testing for both drugs and alcohol use at appropriate intervals throughout the period of suspension. 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.

D. Upon the Board's lifting the suspension it retains the right to impose the following conditions on the Respondent's nursing license for a period of at least three years:

1. Length of Time of Conditions Imposed: The conditions set forth herein shall remain in place until Respondent has completed three years of supervised nursing practice in which she works an average of at least 40 hours every two weeks in nursing. Part-time work of less than this amount shall be credited to respondent on a pro-rated basis.

2. Administration of Medications: Respondent's license is conditioned to prohibit her from administering any medications for a period of three months from the date that her license suspension is lifted. The Board of Nursing may remove this condition from Respondent's license upon petition by her to the Board no sooner than 3 months from the date of the lifting of her suspension or the date she returns to work as a nurse (during which time she works at least 40 hours every two weeks in nursing or the pro-rated equivalent thereof), whichever is later. In petitioning the Board, Respondent agrees that she must demonstrate to its satisfaction that she can safely and competently administer medications. Such proof shall include appropriate support from her treating professional and employer.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (a) permission to administer non-narcotic medications under supervision while the prohibition on administering narcotic medications remains in place; and (b) full permission to administer non-narcotic medications along with permission to administer narcotic medications only under supervision.

3. Approval of Change of Treating Professional: Respondent shall obtain prior approval from the Board of all changes of treating professional. The failure to do so may be a ground for a charge of violation of this Order.

4. Completion of Counselling and Treatment Plan: Respondent shall continue substance-abuse counselling until the treating professional shall certify in writing to the Board that such counselling is no longer necessary. Respondent shall comply with the treatment plan approved by the Board.

5. Substance Abuse Therapy and 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 same and of the treating professional's willingness to comply with the conditions related to treatment and all relevant terms of this Consent Order.

6. 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 and shall be accompanied by a cover letter on the treating professional's letterhead. The first report is due one month after the date of this Consent Order and subsequent reports are due each month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board or its designee, either orally or in writing, at any time during the period that this Consent Order remains in effect.

7. Participation in NA/AA: Respondent shall participate at least three times weekly, or as recommended by her treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

8. Random Drug Testing: Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or its designee. 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 except for drugs prescribed for her under the care of a physician, physician's assistant, dentist or nurse practitioner in accordance with the terms of paragraph D(10) of this Consent Order.

9. Abstain from Alcohol or Drug Use: Respondent shall abstain completely from the consumption of alcohol or the possession or use of any drugs with the exception of prescribed medications as outlined in paragraph D(10) herein.

10. Drug Use Exception: Respondent may take medications lawfully prescribed by or administered at the direction of a physician, physician's assistant, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within 48 hours of the establishment of, or continuation of any current, practitioner/patient relationship. (In that connection, Respondent states that she is currently taking the following prescribed medications: Imitrex 0.6 mg injectable q 12 hours prn, Welbutrin bid, and Toprol XL 100 mg. qd, all prescribed by Richard Dundas, M.D. of Bennington, Vermont, and Imodium 2 mg. prn, prescribed by Dr. Ronald Mensch of Bennington, Vermont.) Respondent shall ensure that any such treating professional informs the Board, in writing and on appropriate letterhead, of

knowledge of Respondent's ongoing treatment for substance abuse within one week of the issuance of any further prescriptions for respondent. Respondent shall inform the Board in writing of all medications prescribed hereafter, including the name of the prescribing professional, within 48 hours of receipt of same. The Board or its designee may request at any time that the professional document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon the request of the Board or its designee.

11. Interview with the Board or its Designee: Respondent shall appear in person for interviews with the Board or its designee upon reasonable request.

12. Re-issue of License: Upon the lifting of the suspension and the imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

13. Out-of-State Practice/Residence: Before any out-of-state practice or residence may be credited toward fulfillment of these terms and conditions, Respondent shall obtain prior approval from the Board for same. Otherwise, the Board may in its discretion deny any credit toward the fulfillment of the terms and conditions of this Consent Order in connection therewith.

14. Notification of Place of Nursing Employment: Within 5 days of engaging in any nursing employment pursuant to the terms and conditions of this Consent Order, Respondent shall notify the Board in writing of the name, address, and telephone number of such employer. Respondent shall notify the Board in writing of any change of such employment within 48 hours thereof, including the name, address and telephone number of any new nursing employer.

15. Notification to Nursing Employers: During the effective period of this Stipulation and Consent Order, Respondent shall provide a copy of same to all nursing employers in any current or future setting in which she practices and inform them of her conditional license status. Within

10 days of entering upon such nursing employment, Respondent shall cause her immediate supervisor to write to the Board on appropriate letterhead, acknowledging receipt of this Stipulation and Consent Order and the willingness to comply with the conditions hereof.

16. Reports from Employers: Within one month after the date of entry of this Consent Order, Respondent shall cause every nursing employer for whom she has worked during such month to submit to the Board an evaluation of Respondent's performance and attendance during such month. The reports shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the employer's letterhead. Respondent shall authorize her employer to provide all information requested by the Board or its designee, either orally or in writing, at any time during the period that the Consent Order is in effect.

17. Practice Under Supervision, Prohibited Duties, Prohibited Employment, and Prohibited Hours: During the relevant and effective period of this Consent Order, Respondent (a) shall practice nursing only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Board; (b) shall not work as a Charge Nurse, (c) shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider; and (d) may work the morning or evening shift but shall not work the night shift.

18. License Renewal: In the event that Respondent's license is scheduled to expire during the effective period of this Consent Order, she shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

19. Release of Information Forms: Respondent shall execute all release forms necessary to effectuate the terms of this Consent Order to the Board of Nursing, its investigators, and the Attorney General's office. All information disclosed to the Board shall be made available to its

investigators and to the Attorney General's office. Respondent shall execute a consent disclosure form that meets the requirements of 42 C.F.R. § 2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's office. Any revocation by the respondent of such consent to disclosure during the effective period of this Consent Order shall be considered a violation thereof.

20. Costs: Respondent shall bear the uninsured costs of her own treatment, disclosure of treatment information, and drug and alcohol testing during the period of this Consent Order.

21. Violation of the Consent Order: If Respondent violates any material term of this Consent Order, the Board, after reasonable notice to the Respondent and the opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is finally disposed of.

22. Re-evaluation of Conditions: In the event that respondent does not work in nursing within three years of the date of this Consent Order, Respondent may appear before the Board for re-evaluation of the terms and conditions hereof.

23. Completion of Conditional License Period: Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license, and after formal review by the Board, it may fully restore the Respondent's nursing license. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate to the satisfaction of the Nursing Board that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer.

Furthermore, Respondent shall demonstrate, to the Board's reasonable satisfaction, that she fully complied with all material terms of this Consent Order.

E. Notwithstanding any provision herein to the contrary, Respondent must meet all Nursing Board requirements for license renewal and reinstatement.

F. This Stipulation and Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a)(7).

G. This Stipulation and Consent Order shall remain part of respondent's licensing file and may be used for purposes or determining sanctions in any future disciplinary matter.

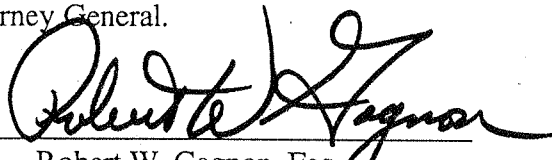
Dated at Manchester and Montpelier, Vermont this 10th day of July, 2000.

STATE OF VERMONT

William H. Sorrell, Esq.

Attorney General.

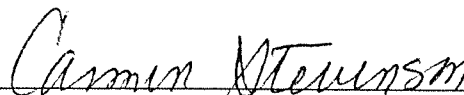
By:


Robert W. Gagnon, Esq.
Senior Assistant Attorney General.

CARMEN STEVENSON

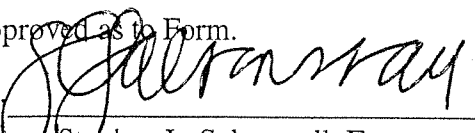
Respondent.

By:


Carmen Stevenson

Approved as to Form.

By:


Stephen L. Saltonstall, Esq.
P.O. Box 340
Manchester Village, VT 05254
(802) 362-0008
Attorney for the Respondent.

APPROVED AND SO ORDERED.
Vermont Board of Nursing.

By: Susan Farrell
Chairperson

Dated: July 10, 2000
Date of Entry: 7-11-00

State of Vermont
District Court of Vermont
NOTICE OF PLEA AGREEMENT

State of Vermont vs.

Defendant

Carmen Stevenson

Date

The State of Vermont and the Defendant named above enter into the following agreement:

Charge: <u>poss. narcotic drug*</u> <u>(misdemeanor)</u>	Charge: _____	Charge: _____
Docket Number: <u>459-4-00304</u> <u>count one</u>	Docket Number: _____	Docket Number: _____
Amended: <u>Yes</u> / No	Amended: Yes / No	Amended: Yes / No
Amended Section No: <u>54234(a)(2)</u>	Amended Section No: _____	Amended Section No: _____
Guilty / Nolo Contendre	Guilty / Nolo Contendre	Guilty / Nolo Contendre
SENTENCE: <u>* Demerol, on or about 1/15/2000.</u>	SENTENCE: _____	SENTENCE: _____
FINE \$ _____ & Surcharge \$ _____	FINE \$ _____ & Surcharge \$ _____	FINE \$ _____ & Surcharge \$ _____
(Min.) _____ Yr. _____ Mo. <u>60</u> Days	(Min.) _____ Yr. _____ Mo. _____ Days	(Min.) _____ Yr. _____ Mo. _____ Days
(Max.) <u>1</u> Yr. _____ Mo. _____ Days	(Max.) _____ Yr. _____ Mo. _____ Days	(Max.) _____ Yr. _____ Mo. _____ Days
Concurrent / Consecutive	Concurrent / Consecutive	Concurrent / Consecutive
Suspended with Probation: <u>Yes</u> / No	Suspended with Probation: Yes / No	Suspended with Probation: Yes / No
Credit for Time Served: <u>N/A</u>	Credit for Time Served: _____	Credit for Time Served: _____
All Suspended except _____ days/mths/yrs	All Suspended except _____ days/mths/yrs	All Suspended except _____ days/mths/yrs

TOTAL SENTENCE: 60 days to 1 year all suspended on probation Total FINE & Surcharges: \$17.50

Cases to be Dismissed by State:	Special Probation Conditions:
Docket # <u>459-4-00304</u> Charge: <u>False statement</u>	① Drug Treatment as is directed by
Docket # <u>count two</u> Charge: _____	Probation Dept.
Docket # _____ Charge: _____	② Δ to sign release of information
Docket # _____ Charge: _____	form permitting treatment
Docket # _____ Charge: _____	provider to disclose information
	to Probation Dept.
Report Date: _____ Forthwith: _____	(See Reverse for General Conditions)
PSI Ordered? Yes / No	
Defendant already on probation? Yes / No	

Other: ③ Δ to submit to drug-testing as directed by Probation Dept.
④ Δ to refrain from purchase, possession or consumption of any regulated drug unless prescribed or administered by a health professional licensed to do so.

State will not bring any further charges that are on file at this time.
This is a binding Rule 11 Agreement.

I have reviewed this agreement and understand it.

Defendant

Date

Defendant Attorney

Date

Guardian Ad Litem

Date

Prosecutor

Date

Judge

Date

STATE OF VERMONT
BOARD OF NURSING

IN RE: Carmen Stevenson, RN)
License Number 26-21088) Docket No: NU36-0200

23749
STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell,
and Respondent Carmen Stevenson who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a registered nurse licensed by the State of Vermont holding license number 26-23749.
3. Respondent worked as a staff nurse at the Southwestern Vermont Health Care of Bennington, Vermont
4. Respondent acknowledges that she has been cited to appear and answer to a criminal charge involving controlled substances.
5. Respondent does not contest at this time the State of Vermont's allegation that sufficient evidence exists to justify the Board of Nursing, pursuant to 3 V.S.A. §814, to summarily suspend her license on grounds that the public health, safety, or welfare imperatively requires emergency action. Respondent agrees that her license may be suspended indefinitely until she has petitioned for a hearing on the merits as set forth in paragraph 6, which follows.
6. Respondent agrees and waives the filing of formal charges, normally filed

after a summary suspension, until the outstanding criminal charges against her have been resolved. Respondent may petition the Board for a hearing after the criminal charges have been resolved, and thereafter the Board shall schedule a hearing within a reasonable time.

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 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 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 charges and a contested hearing before the Board of Nursing regarding her summary suspension rights and consistent with paragraph 8, above.

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 accepts the uncontested representation of the State of Vermont that sufficient evidence exists pursuant to 3 V.S.A. §814, to summarily

suspend Respondent's license on grounds that the public health, safety, or welfare imperatively requires emergency action.

B. The Nursing Board **SUSPENDS** Respondent's license to practice nursing indefinitely from the date of entry of this order. Filing of charges and hearing on those underlying charges is deferred as set forth in paragraph 6 above.

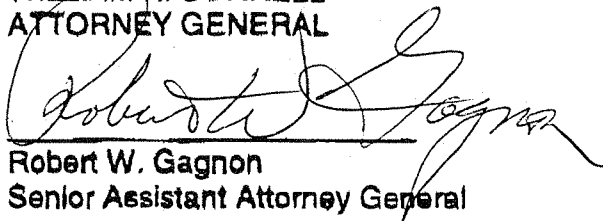
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated:

4/4/00

by:

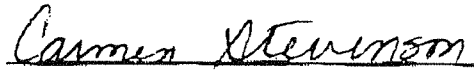

Robert W. Gagnon
Senior Assistant Attorney General

CARMEN STEVENSON
RESPONDENT

Dated:

4/4/00

by:


Carmen Stevenson

APPROVED AS TO FORM

Dated:

4/4/00

by:

STEPHEN L. SALTONSTALL

Stephen L. Saltonstall, her attorney

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated:

4-10-00

by:


Chairperson

Date of entry:

4-11-00