

Jericho

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

IN RE: HOLLY JONES STRICKER)
License No. 026-0019759)

DOCKET No. NU85-0504

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by State Prosecuting Attorney, Edward G. Adrian and the Respondent, Holly Jones Stricker, R.N., who stipulate and agree as follows:

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.

Statement of Facts

2. Holly Jones Stricker (the "Respondent") of Jericho, Vermont is a registered nurse holding license number 026-0019759 issued by the State of Vermont. This license was originally issued on or about April 1, 2003 and is set to expire on March 31, 2005.
3. The Respondent's license is currently suspended pursuant to a Findings of Fact, Conclusions of Law and Order entered by the Board on August 23, 2004 which was based upon the facts below. The Respondent has recently petitioned the Board for reinstatement.
4. At all relevant times, the Respondent was practicing as a registered nurse and worked at the Fletcher Allen Medical Center (the "Hospital") located in Burlington, Vermont. The Respondent was employed on the "Shep 5" unit post-partum ward. On information and belief, the Respondent was terminated from employment on or about May 20, 2004 for diverting narcotic medications from the Hospital.
5. On or about May 25, 2004, the Respondent admitted to Investigator Jackie Cholewa that she had been diverting Oxycodone for her own use. The Respondent further admitted that she did this a couple of times a week and had done so with approximately 30 tablets.
6. The Respondent explained that she would divert the medications by offering the post-partum mothers Oxycodone for pain relief. If the mothers said no, then the Respondent would 1) chart their pain as being relatively high; 2) make the

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

appropriate notations on the flow sheet and MAR; and 3) then take the Oxycodone for her personal use.

7. In respect to one specific patient, C.S., the Respondent admitted that C.S. had not requested the Oxycodone and that on May 17, 2004, she had engaged in a course of diversion as outlined in paragraph 6 above. C.S. confirmed that she had refused Oxycodone because it makes her sick.
8. The Respondent admitted diverting Oxycodone to Investigator Cholewa, Nursing Board Executive Director Anita Ristau, Nurse Susan Martel, Nurse Jennifer Martin and Nurse Meredith McClellan.
9. Shortly after the Respondent was terminated she engaged in a course of drug rehabilitation with the Day One program, Counselor Mindy Evnin and sought advice from Dr. Donald Weinberg.

Charges

10. The above acts and circumstances, alone or in combination, violate: 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); 3 V.S.A. §§ 129a(b)(1)(failure to practice competently by any reason of any cause on a single occasion or on multiple occasions . . . performance of unsafe or unacceptable patient care); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public); Vermont Board of Nursing Administrative Rule (the "Rules") Chapter 4, Rule IV, II, B, 1; (performance of unsafe or unacceptable patient care); and Rule Chapter 4, Rule IV, II, D. 4 (diverting supplies, equipment, or drugs for personal or other unauthorized use).

Understandings

11. 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.
12. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
13. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
14. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
15. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation

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Office of
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Montpelier, VT 05602

and Consent Order.

16. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
17. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

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

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

(1) Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised nursing practice in which she works forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week. Respondent's license is additionally conditioned as follows.

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

Respondent shall enter into and continue individual drug abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the drug abuse treatment plan approved by the Board and the treating professional.

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of the entry of the order and subsequent reports are due every month thereafter.

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

(6) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the entry of this Order and of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event Respondent is attending a nursing program which has a clinical portion which involves actual patient care, she shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with its conditions during clinical experience.

(7) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(8) Administration of Medications.

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

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

The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

(9) Practice Under Supervision.

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Montpelier, VT 05602

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

(10) Participation in Recovery Group.

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

(11) Random Drug Testing.

Respondent shall submit to random drug screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(12) Abstain from Drug Use.

Respondent shall abstain completely from the consumption or possession of drugs with the exception of prescribed medications as outlined in paragraph A.(13) for the period of time described in paragraph A.(2).

(13) Drug Use Exception.

Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication, during the term of this Consent Order, for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(14) Interview with the Board or its Designee.

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

(15) Types of Employment Prohibited.

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

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registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a personal care provider during the effective period of this Consent Order.

(16) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(17) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(18) Notification to Other States.

In the event that the Respondent is licensed as a nurse in any other state(s), she must inform the nurse licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(19) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(20) Release of Information Forms.

In fulfilling the conditions of this Order which require the Respondent to authorize various persons to report information or to discuss the Respondent with the Board, the Respondent must execute a consent to disclose form which meets the requirements of 42 C.F.R. §2.31. The authorization must allow the information to also be provided to the Office of Professional Regulation investigators. Any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

(21) Costs.

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

(22) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this

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Office of
Professional Regulation
Montpelier, VT 05602

Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(23) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has full complied with the terms of this Order. The Respondent must also present proof of successful drug abuse rehabilitation and she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the public or the practice of nursing and that she can safely and competently perform the duties of an R.N.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

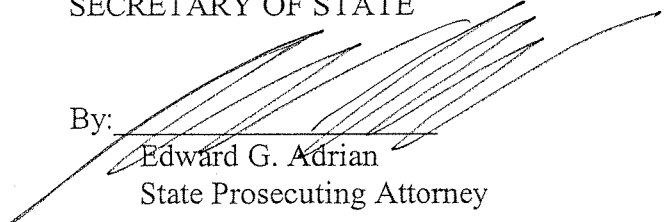
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

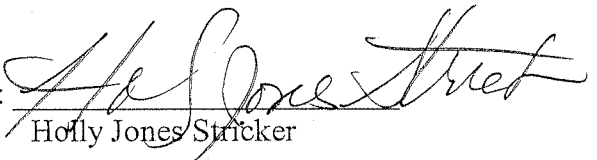
STATE OF VERMONT
SECRETARY OF STATE

Dated: 1/5/05

By: 
Edward G. Adrian
State Prosecuting Attorney

HOLLY JONES STRICKER
RESPONDENT

Dated: 1/5/05

By: 
Holly Jones Stricker

STATE OF VERMONT

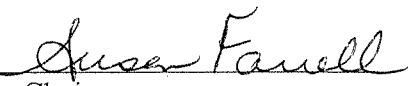


Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Jan. 10, 2005

By: 
Chairperson

Date of Entry: 1/12/05

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STATE OF VERMONT
BOARD OF NURSING

In re: Holly Jones Stricker
License No. 26-19759

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Docket No. NU85-0504

SUMMARY SUSPENSION ORDER

On June 14, 2004, this case came before the Board of Nursing for a hearing on the State's request for summary suspension.

Based upon the evidence presented at the hearing, the Board finds that there is sufficient evidence to establish to the necessary degree that the public health, safety, or welfare imperatively require emergency action against the Respondent's license.

Pursuant to 3 V.S.A. § 814(c), Respondent Holly Stricker's nursing license is SUMMARILY SUSPENDED until a hearing on charges has been held and determined, or other resolution of this case.

BOARD OF NURSING

By: Susan Farrell
Chair

Dated: June 14, 2004

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 6/16/04

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

IN RE: HOLLY JONES STRICKER) DOCKET No. NU85-0504
License No. 026-0019759)

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. Holly Jones Stricker (the "Respondent") of Jericho, Vermont is a registered nurse holding license number 026-0019759 issued by the State of Vermont. This license was originally issued on or about April 1, 2003 and is set to expire on March 31, 2005
4. At all relevant times the Respondent was practicing as a registered nurse and worked at the Fletcher Allen Medical Center (the "Hospital") located in Burlington, Vermont. The Respondent was employed on the "Shep 5" unit post-partum ward. On information and belief, the Respondent was terminated from employment on or about May 20, 2004 for diverting narcotic medications from the Hospital.
5. On or about May 25, 2004, the Respondent admitted to Investigator Jackie Cholewa that she had been diverting Oxycodone for her own use. The Respondent further admitted that she did this a couple of times a week and had done so with approximately 30 tablets.
6. The Respondent explained that she would divert the medications by offering the post-partum mothers Oxycodone for pain relief. If the mothers said no, then the Respondent would 1) chart their pain as being relatively high; 2) make the appropriate notations on the flow sheet and MAR; and 3) then take the Oxycodone for her personal use.
7. In respect to one specific patient, C.S., the Respondent admitted that C.S. had not requested the Oxycodone and that on May 17, 2004, she had engaged in a course of diversion as outlined in paragraph 6 above. C.S. confirmed that she had refused Oxycodone because it makes her sick.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

8. The Respondent admitted diverting Oxycodone to Investigator Cholewa, Nursing Board Executive Director Anita Ristau, Nurse Susan Martel, Nurse Jennifer Martin and Nurse Meredith McClellan.
9. Shortly after the Respondent was terminated she engaged in a course of drug rehabilitation with the Day One program, Counselor Mindy Evnin and sought advice from Dr. Donald Weinberg. The Respondent stated to Investigator Cholewa that she felt that attending the Brattleboro Retreat was not necessary.

Request for Relief

10. 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.
11. The above acts and circumstances, alone or in combination, violate: 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); 3 V.S.A. §§ 129a(b)(1)(failure to practice competently by any reason of any cause on a single occasion or on multiple occasions . . . performance of unsafe or unacceptable patient care); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); 26 V.S.A. § 1582(a)(5) (is addicted to the use of habit forming drugs); 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public); Vermont Board of Nursing Administrative Rule (the "Rules") Chapter 4, Rule IV, II, B, 1; (performance of unsafe or unacceptable patient care); and Rule Chapter 4, Rule IV, II, D. 4 (diverting supplies, equipment, or drugs for personal or other unauthorized use).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814, the Respondent's nursing license number 026-0019759 be summarily suspended.

DATED at Montpelier, Vermont this 3rd day of June, 2004.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Holly Stricker) Case File No. NU85-0504
License No. 26-19759)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, August 9, 2004, at 81 River Street in Montpelier, Vermont. Board members Susan Farrell, Sandra Norton, Pat Rock, Ellen Leff, Donarae Metcalf and *ad hoc* member Margaret Luce participated in the decision. Edward Adrian, Prosecuting Attorney, appeared for the State. Holly Stricker ("the Respondent") was present. Christopher Winters was the Presiding Officer.

The Respondent does not contest any of the Charges filed by the State. The parties submitted a "Stipulation of Fact and Understanding" at the start of the hearing. These are the facts and legal conclusions upon which the Board's sanction order is based.

The Respondent does not oppose any of the conditions requested by the State as appropriate to protect the public health safety and welfare. The Respondent requested a four month suspension (until October 14, 2004) and the State argued for a minimum of a six month suspension (until December 14, 2004).

Opinion and Order

A. In light of the above findings and conclusions, the Board hereby INDEFINITELY SUSPENDS the Respondent's license, effective as of the date of the hearing, for a MINIMUM OF SIX (6) MONTHS and until such time as she petitions the Board for reinstatement and can show that she is safe to return to the practice of nursing. Such return to practice will be under the conditions the Board deems appropriate to protect the public health, safety and welfare, and will most likely include three years of conditioned practice including practice under supervision, an independent evaluation by a licensed drug and alcohol abuse counselor, random urine screens, and monthly employer reports, among other conditions.

B. The Respondent provided a compelling case by taking responsibility for her actions, cooperating in all aspects of the case and is apparently actively engaged in her recovery. She also provided impressive letters of support and recommendation. However, the Board finds that a minimum of six months away from nursing practice is necessary to protect the public and to assist the Respondent in her full recovery. Four months is simply not far

enough removed from the unprofessional conduct and not far enough along in the lifelong process of recovery from addiction to allow a return to nursing practice.

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

D. This Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell, RN
Chair

Date: 8/17/04

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 8/23/04

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

IN RE: HOLLY JONES STRICKER)
License No. 026-0019759)

DOCKET No. NU85-0504

STIPULATION OF FACT AND UNDERSTANDING

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent Holly Jones Stricker, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing (the "Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a)(6); 3 V.S.A. § 814(d); 26 V.S.A. § 1582(a); the Administrative Rules of the Board of Nursing ("ABRN"); and the Office of Professional Regulation Rules.
2. The following actions constitute unprofessional conduct:
 - a. 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);
 - b. 3 V.S.A. §§ 129a(b)(1)(failure to practice competently by any reason of any cause on a single occasion or on multiple occasions . . . performance of unsafe or unacceptable patient care);
 - c. 26 V.S.A. § 1582(a)(3)(unable to practice nursing competently by reason of any cause);
 - d. 26 V.S.A. § 1582(a)(5) (addicted to the use of habit forming drugs);
 - e. 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public);
 - f. Vermont Board of Nursing Administrative Rule (the "ARBN") Chapter 4, Rule IV, II, B, 1; (performance of unsafe or unacceptable patient care);
 - g. ARBN Chapter 4, Rule IV, II, D. 4 (diverting supplies, equipment, or drugs for personal or other unauthorized use).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Statement of Facts

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8. The Respondent admitted diverting Oxycodone to Investigator Cholewa, Nursing Board Executive Director Anita Ristau, Nurse Susan Martel, Nurse Jennifer Martin and Nurse Meredith McClellan.
9. Shortly after the Respondent was terminated she engaged in a course of drug rehabilitation with the Day One program, Counselor Mindy Evnin and sought advice from Dr. Donald Weinberg. ~~The Respondent stated to Investigator Cholewa that she felt that attending the Brattleboro Retreat was not necessary.~~ 

Understanding

10. Respondent admits the facts above are true.
11. The Respondent recognizes that based on the facts admitted above, the Board has the authority to discipline her license to practice nursing.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

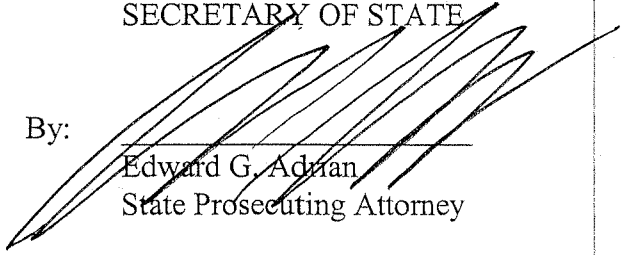
12. At this time, the Respondent does not wish to enter into a consent agreement with the State concerning the appropriate disciplinary sanction in this matter.
13. The Respondent agrees that since the facts are not disputed in this matter, she voluntarily waives her right to a hearing on the merits. Instead, the State and Respondent agreed to proceed to a sanctions hearing.
14. At the sanctions hearing, the State is free to argue for what it deems to be the appropriate sanctions. The State shall be capped at asking for a six month suspension (unless a licensed substance abuse professional recommends a longer period of suspension), followed by a three year conditioned period. Likewise, the Respondent is free to argue for what she feels are the appropriate sanctions.
15. The State and the Respondent agree to abide by the decision of the Board concerning sanctions. .
16. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation.
17. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation.
18. Respondent voluntarily waives her right to charges and a contested hearing on the merits before the Board of Nursing.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 7/23/09

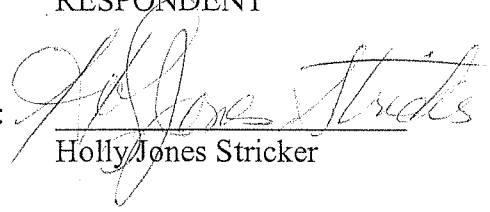
By:


Edward G. Adman
State Prosecuting Attorney

HOLLY JONES STRICKER
RESPONDENT

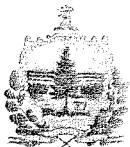
Dated: 7-20-04

By:


Holly Jones Stricker

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STATE OF VERMONT



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