

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

IN RE:)
RUTH H. SUTTON)
License No. 026.0065821)

Docket No. 2013-64

STIPULATED SURRENDER OF LICENSE

NOW COME the State of Vermont, by State Prosecuting Attorney Gabriel M. Gilman, and the respondent in this matter Respondent, Ruth H. Sutton, represented by Attorney Steven Saltonstall, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Ruth Sutton ("Respondent") of Buskirk, New York is licensed by the State of Vermont as a Registered Nurse under license number 026.0065821. This license was originally issued on or about April 14, 2010.
3. While employed at Southwestern Vermont Health Care (the "Facility") in Bennington, Vermont, Respondent's rate of narcotic administration consistently was multiple standard deviations higher than that of her peers. Anomalous administration persisted across a period spanning November 2011 through January 2013 and was not abated by written warnings and other administrative efforts to bring narcotic administration in line with prevailing practice. Anomalous narcotic administration and wasting practices in January 2013 led to Respondent's separation from the Facility.
4. Respondent denies diverting medications from the Facility but wishes voluntarily to surrender her nursing license in order to pursue other endeavors.

STATE OF VERMONT



Prosecuting Attorney
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89 Main Street
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Montpelier, VT
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Understandings

7. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation, the parties reach a full and final Stipulation pursuant to these Understandings and the Acceptance of Surrender and Order below.
8. Respondent does not dispute that, were this matter to proceed to a contested hearing, the State possesses evidence sufficient to prove by a preponderance of the evidence that Respondent has committed unprofessional conduct in violation of 3 V.S.A. § 129a(b)(2) by failing to conform to the essential standards of acceptable and prevailing practice respecting narcotics administration. Specifically, while there is no evidence that Respondent administered narcotics to patients in amounts in excess of prescribed dosages, the State could prove that, from November of 2011 through December of 2012 (a) Respondent's daily doses of narcotics substantially exceeded the average daily doses for nurses on the units where she worked; (b) that Respondent's employer warned her in writing on June 27, 2012 that her "controlled substance administration practice was not consistent with peers;" and (c) despite that warning, Respondent's daily doses of narcotics continued to substantially exceed the average daily doses of other nurses.
9. Respondent understands that the Nursing Board must review and accept the terms of the this agreement. If the Board rejects any portion, the entire agreement shall be null and void.
10. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement prejudice Respondent's rights to a fair and impartial hearing if this agreement is not accepted by the Board and proceeds to a contested hearing.
11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
13. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
14. Respondent voluntarily waives Respondent's right to a contested hearing before the Board of Nursing and waives any right to appeal from the Acceptance of Surrender and Order set forth below.

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15. Respondent agrees that the Acceptance of Surrender and Order set forth below may be entered by the Board.

ACCEPTANCE OF SURRENDER AND ORDER

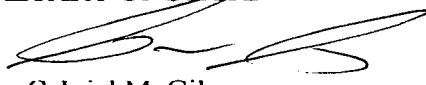
- A. The Board hereby accepts **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her nursing license.
- B. Any future application for licensure shall be subject to the requirements of ARBN 17.22.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 2/3/2014

STATE OF VERMONT
SECRETARY OF STATE

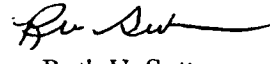
By:


Gabriel M. Gilman
State Prosecuting Attorney

RUTH H. SUTTON
RESPONDENT

Dated: 1/30/14

By:


Ruth H. Sutton

APPROVED AS TO FORM:

Dated: 2/3/14

ATTORNEY FOR RESPONDENT
STEPHEN L. SALTONSTALL, ESQ

By:

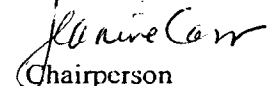

Stephen L. Saltonstall

APPROVED AND SO ORDERED:

Dated: 2/10/14

VERMONT BOARD OF NURSING

By:


Chairperson

Date of Entry: 2/11/14

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