

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

IN RE:

**THEONY L. TANNER
License No. 025-0006053**

Docket No: NU75-0406

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Theony L. Tanner, 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. The Respondent, Theony L. Tanner, is licensed in the State of Vermont as a licensed practical nurse under license number 025-0006053. This license was originally issued on or about November 18, 1986 and is currently set to expire on January 31, 2008.
3. At all times relevant, the Respondent was employed as a licensed practical nurse at Mountain View Center (the "Facility") located in Rutland, Vermont.
4. In an interview conducted by State Investigator Pamela Barney on or about January 12, 2007, the Respondent advised Investigator Barney that while working at the Facility, she had wasted narcotics without a witness. The Respondent advised Investigator Barney that she had disposed of approximately ten (10) pills by flushing them down the toilet.
5. In the same interview, the Respondent further advised Investigator Barney that on one occasion the Respondent administered a pill to a patient which was prescribed to another patient.

Charges

6. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - i. 26 V.S.A. § 1582(a)(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

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- standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2);
- ii. 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); and
- iii. 3 V.S.A. § 129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

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 of the charges above the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent denies the allegations as stated above and the charges. However, she does not contest that if this matter were to go to a Merits Hearing, the Board could find that the allegations were substantiated by a preponderance of the evidence.
8. 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.
9. 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.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
12. 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.
13. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
14. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

- A. The Board of Nursing hereby **REPRIMANDS** the Respondent's nursing license.

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

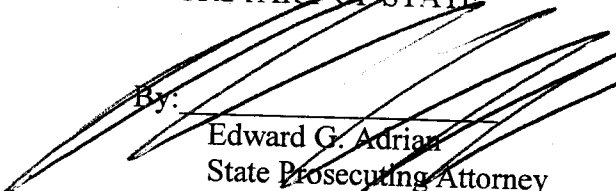
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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: 10/17/07

By: 

Edward G. Adrian
State Prosecuting Attorney

THEONY L. TANNER
RESPONDENT

Dated: 10/16/07

By: Theony L. Tanner

Theony L. Tanner

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: _____

By: Alan H. Weiss

Chairperson

Date of Entry: 11/19/07

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