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**STATE OF VERMONT
BOARD OF NURSING**

In re: Dulcie P. Taylor
License No. 025-0007880

}
} Docket No. NU 58-0203
}
}

**Decision on
Request to Set Aside Default Order**

Participating Board Members:

Susan Farrell, RN, Chair
Linda Rice, APRN, Vice Chair
Sandra Norton, LNA.
Donarae Metcalf, LPN.
Deann Welch, LPN
Ellen W. Leff, RN
Kenneth W. Bush

Appearances:

for Petitioner, State of Vermont: Edward G. Adrian
for Respondent: pro se

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on February 13, 2006 at the Central Vermont Hospital in Berlin, Vermont.

Background

The case against Ms. Taylor was commenced by the filing of a Specification of Charges dated August 1, 2005. Ms. Taylor's answer to those charges was due on August 25, 2005. On November 14, 2005 the Board of Nursing issued a Default Order after finding that Ms. Taylor had received notice of the proceedings against her and had failed to answer. The Default Order revoked Ms. Taylor's license.

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. This respondent was licensed and remains subject to the disciplinary authority of this

- Board. 26 V.S.A. §1582(a), 3 V.S.A. §§ 129 and 129a.
2. Ms. Taylor filed an answer with the Board on December 12, 2005. By letter dated December 4, 2005 Ms. Taylor explained that she learned of the proceedings against her after a telephone call to the office.
 3. Ms. Taylor then filed an appeal of the Default Order and revocation.
 4. Rather than go through an appeal, the parties agreed to permit Ms. Taylor to appear before the Board to ask that the Default Order be set aside so the underlying unprofessional charge against her could be resolved.
 5. At the hearing on February 13, 2006 Ms. Taylor arrived late. She testified that she had been in the wrong room speaking with a nursing student when the hearing began.
 6. She testified and told the Board that: she thought the hearing was to address whether she had committed unprofessional conduct as charged, not whether the Board's Default Order should be set aside. Her testimony was self-contradictory and far from credible.
 7. Ms. Taylor's explanation of why she did not file a timely answer was not credible.
 8. Ms. Taylor's explanation of how she used her father's mailing address, how her mother must have received the first class letters addressed to her without sharing them with Ms. Taylor, how Ms. Taylor cared for her father's house, but saw no correspondence from the Board was not credible.
 9. Her explanation that she had indeed filed an answer in August was incredible. She did not file an answer until after the Default Order was issued.
 10. Her explanation of how she had kept a "copy" of her claimed August answer was incredible.
 11. Ms. Taylor blamed others for her failure to file an answer in this case.
 12. Her testimony was contradicted by the documents submitted by the State and by the testimony of the docket clerk and the Nursing Board's Executive Director, both of whose testimony was credible.
 13. Ms. Taylor did not show that her failure to answer the charges against her was, in any way, excusable or justified.

Applicable Law

Ms. Taylor's request is treated as a Motion for Relief from Judgment or Order as set forth in V.R.C.P. 60(b). This rule does apply in administrative disciplinary proceedings such as this one. OPR Administrative Rule 2.4. The Board would set aside its Default Order for (1) "mistake, inadvertence, surprise or excusable neglect. V.R.C.P. 60(b)(1) or, as section (6) of that rule provides, "any other reason justifying relief from the operation of the judgement." Her request comes within the one year time limit set by the rule.

Conclusions of Law

1. Ms. Taylor has not persuaded the Board that her failure to answer should be excused as being based on "excusable neglect" or "any other reason" justifying relief from the Order. V.R.C.P. 60(b)(1) and (6).
2. We conclude that there was no mistake, inadvertence, surprise or excusable neglect

leading to the issuance of the Default Order. There is no other reason to justify setting aside the default order.

Order

The Default Order and Order of Revocation dated December 3, 2005 will not be set aside. It is the final Order of the Board in this matter.

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.

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, Chair

Dated: Feb. 23, 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/28/06

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

In re: Dulcie P. Taylor
License No. 025-0007880

} Docket No. NU58-0203
}
}

DEFAULT ORDER

The Nursing Board held a hearing on the above matter on 14 November 2005 at the Heritage Building 81 River Street, Montpelier, Vermont. The Respondent did not attend and was not represented.

Findings of Fact

1. Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, the Administrative Rules of the Board of Nursing and the Rules of the Office of Professional Regulation.
2. The state prosecuting attorney filed charges against the Respondent on 1 August 2005.
3. The Respondent was sent notice of the charges against her by certified mail to the Respondent's last known address. The notice of charges contained instructions detailing the Respondent's legal obligation to answer the charges and explaining the consequences of failure file a timely answer. The Respondent was sent a notice of the default hearing by first class and certified mail on 2 November 2005. The certified letter was returned on 7 November 2005.
4. The Respondent did not answer the charges against her within the time permitted by Office of Professional Regulation Rule 3.3 or at any time thereafter.
5. Upon hearing the State's presentation and taking notice of its own file, the Board found the Respondent to be in default. The allegations contained in the State's specification of charges (copy attached) are therefore treated as proven and serve as the factual basis for the Board's order. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

The Respondent received adequate and legal notice of the charges as indicated by the

Board's file and the State's presentation of the case to the Board. Because the Respondent failed to answer the charges of unprofessional conduct, the State's factual allegations are treated as proven pursuant to Office of Professional Regulation Rule 3.4. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in unprofessional conduct as alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the Board orders the license of the Respondent to be REVOKED, effective as of the date of the hearing.

Vermont Board of Nursing:

By: Susan Farrell
Susan Farrell, RN
Chairperson

Date: 12.03.05

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/8/05

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, Drawer 09, Montpelier, Vermont 05609-1106 within 30 days of the entry of this order.

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

IN RE:)
DULCIE P. TAYLOR, L.P.N.) Docket No: NU58-0203
License No. 025-0007880)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Dulcie P. Taylor, L.P.N.:

Board Authority

- 1) The Vermont State Board of Nursing ("Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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. §§129a and 129(a); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.
- 2) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 3) Failing to comply with an order of the board or violating any term or condition restricted by the Board is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(4).
- 4) The inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
- 5) The inability to practice nursing competently includes failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter IV,(II)(B)(2).
- 6) Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(7).

Facts

VERMONT



Attorney
of
Regulation
1 Street
er, VT
1107

- 7) The Respondent, Dulcie P. Taylor, is licensed in the State of Vermont as a Licensed Practical Nurse under license number 025-0007880. This license was originally issued on March 6, 2000 and it expired on January 31, 2004.
- 8) The Respondent's license is currently conditioned pursuant to a Stipulation and Consent Order entered by the Board on March 25, 2004. This discipline was imposed due to the Respondent having abused Percocet and Oxycontin in 2003. The Stipulation and Consent Order requires, among other things, that the Respondent enter into substance abuse counseling with a treating professional approved by the Board, that the treating professional submit monthly treatment reports to the Board, and that the Respondent submit to random drug screenings (See Attachment A).
- 9) The Respondent has not provided the Board with the name of any treating professional that has been treating her for addiction. The Board also has not received any monthly treatment reports, nor has the Respondent submitted to any random drug screenings as required. As such, she is in violation of her Stipulation and Consent Order entered on March 25, 2004.
- 10) In a separate matter, while the Respondent was employed as a temporary employee by the Vermont Tax Department during the tax season in 2004, the Respondent befriended co-worker K.H. The Respondent discussed weight loss medication with K.H. and offered to speak with K.H.'s doctor regarding what K.H. might be able to do to lose weight. K.H. gave the Respondent permission to speak to K.H.'s doctor regarding weight loss medication.
- 11) At the time the Respondent spoke with K.H.'s doctor, K.H. was ill with the flu. The Respondent requested that the doctor call in a prescription to Brooks Pharmacy for Tussionex, which the doctor did.
- 12) K.H. learned that the Respondent had her doctor call in the prescription for Tussionex when K.H. called Brooks pharmacy. K.H. also learned from her doctor that the Respondent had called the doctor a second time looking for him to call in another prescription for Tussionex and an antibiotic, which he refused to do.
- 13) K.H. located the unopened bottle of Tussionex, which the Respondent had picked up, on top of K.H.'s refrigerator.
- 14) The Respondent never received authorization from K.H. to speak to K.H.'s doctor regarding K.H.'s flu symptoms, nor did the Respondent receive authorization from K.H. to request the doctor call in prescriptions to Brooks Pharmacy for Tussionex or antibiotics.

Charges

- 15) The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of:

STATE OF VERMONT



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

- (i) 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and
- (ii) 3 V.S.A. §129a(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board); and
- (iii) 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause), which includes failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter IV, (II)(B)(2); and
- (iv) 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public).

Relief Requested

WHEREFORE, the license of Dulcie P. Taylor should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 1st day of August 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.taylor.soc

STATE OF VERMONT



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

**STATE OF VERMONT
BOARD OF NURSING**

In re: Dulcie P. Taylor, R.N.
License No. 025-0007880

} Docket No. NU 58-0203
}

**Sanctions Decision
Following Unprofessional Conduct Finding**

Participating Board Members:

Susan Farrell, R.N., Chair
Linda Rice, R.N.
Sandra Norton, N.A.
Donarae Metcalf, L.P.N.
Elayne Clift
Deann Welch, L.P.N.
Ellen Leff, R.N.

Appearances:

for Petitioner, State of Vermont: Edward G. Adrian
for Respondent: Oreste V. Valsangiacomo, Jr.

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Board of Nursing held a hearing in the above matter on March 8, 2004 at the Central Vermont Medical Center in Berlin, Vermont.

By stipulation of the parties accepted by the Board at the hearing, unprofessional conduct is established. See, Stipulation of Facts and Understanding. The Board took testimony and heard the arguments of counsel regarding the appropriate sanctions.

The Board finds that between January and March 2003 Ms. Taylor had been abusing Percocet and Oxycontin, obtaining them from six different physicians without advising them of the other's prescriptions. In March 2003 Ms. Taylor undertook a voluntary withdrawal at home because she could not afford a medically supervised withdrawal. Since then she has engaged in counseling and out-patient treatment. She attends AA meetings two to three times per week.

Ms. Taylor suffered injuries in January of 2004 after experiencing some type of seizure like incident. She was taken via ambulance to the hospital for treatment. The exact nature of the seizure, or its cause that day have not yet been diagnosed. The day after her release from the hospital Ms. Taylor was prescribed Percocet which is one of the drugs she had abused and which led to the unprofessional conduct findings. This episode does not appear to have led to any

relapse. Ms. Taylor's therapist testified that Ms. Taylor shows no signs of having relapsed. Reports of "random" urinalysis screenings revealed no opiates present at the time of testing.

The Board finds that Ms. Taylor is in need of continued structure and support to assure her continuing recovery. The Board is satisfied that with appropriate safeguards, Ms. Taylor may return to the practice of nursing. However, the public safety requires that the respondent's license be conditioned as follows:

The Nursing Board, taking into consideration and incorporating the prior stipulation, and cognizant that Respondent's license has been suspended since May 19, 2003, hereby **REINSTATES** Respondent's license, commencing on the date of entry, and **CONDITIONS** the Respondent's license to practice for **THIRTY-SIX (36) MONTHS**. The **CONDITIONS** on Respondent's licenses are as follows:

Administration of Medications.

For the first three (3) months of work, Respondent is not permitted to administer any scheduled substances. Thereafter, for the remainder of this condition period Respondent shall administer scheduled substances only under direct supervision.

Any or all medication prohibitions may be reinstated, pursuant to a complaint, employer report and/or charges filed against Respondent during the term of this Order, at the sole discretion of the Board.

Completion of Counseling and Treatment Plan.

Respondent shall enter into and/or continue counseling with a treating professional approved by the Board or its designee until the treating professional notifies the Board in writing that such counseling is no longer necessary in her/his professional opinion and the Board agrees, in writing. Respondent shall comply with a treatment plan approved by the professional and the Board. This shall be done as soon as possible, and in any event, no later than 30 days after entry.

Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board or its designee 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 Order.

Substance Abuse Therapy and Notification to treating Professional

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

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 Order. These written reports shall be submitted monthly. A preliminary report shall accompany the treatment plan and the first report thereafter is due commencing the month after the date of entry of this Order.

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 Order is in effect.

Random Drug & Alcohol Testing

Respondent shall submit to random drug screening as required by her substance abuse professionals and at the request of the Board. Respondent shall ensure an identified contact person, approved by the Board, shall administer random drug and alcohol tests. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner.

Abstain from Drug Use

Respondent shall abstain completely from the consumption or the use or possession of any controlled substances with the exception of prescribed medications as outlined below.

Drug Use Exception.

Respondent may take prescribed 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 chemical dependency within one (1) week of entering into the practitioner/patient relationship. 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. It is not anticipated that Respondent would be prescribed scheduled medication, during the term of this Order, for a period greater than 14 days, but if so, the prior suspension may be reinstated at the sole discretion of the Board. 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.

Interview with the Board or its designee

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

Re-issue of License

Within five (5) days of the date of entry of this Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned."

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 notify the Board before beginning such practice or residence. If Respondent fails to notify the Board before, none of the time spent in out-of-state practice or residence will be credited toward the fulfillment of the terms and conditions of this Order.

Notification of Place of Employment/ Personal Address/Telephone Number

Within five (5) days of the date of entry of this Order, Respondent shall notify the Board, in writing, of her current place of nursing employment (if she is employed as a nurse), 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.

Notification to Employers/Nursing School

Respondent shall provide a copy of the Stipulation of Facts and Understanding this Sanctions Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Order or of any such subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation of Facts and Understanding and Sanctions Order and the ability to comply with the conditions in this Sanctions Order. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation of Facts and Understanding and Sanctions Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation of Facts and Understanding and Sanctions Order and ability of the program to comply with the conditions in the Order during clinical experience.

Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Order and every month thereafter, Respondent shall cause every employer for which she has been employed as a nurse during that 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. Reports must indicate, to the satisfaction of the Board, that Respondent can safely and competently administer medications.

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 Order is in effect.

Practice Under Supervision.

Respondent shall practice only in a setting where she has direct supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing, or is in good standing in all states that nurse is licensed.

Prohibited Duties.

Respondent shall not work as a Charge Nurse.

Types of Employment Prohibited.

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

Prohibited Hours of Work.

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

License Renewal.

In the event Respondent's license is scheduled to expire during the period this 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.

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 Order to the Board of Nursing, its investigators, and the Prosecuting Attorney's Office. All information disclosed to the Board shall be made available to its investigators and the Prosecuting Attorney'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 Prosecuting Attorney's Office. Any revocation by respondent of such a consent to disclosure during the term of this Order shall be considered a violation of this Order.

Costs.

Respondent shall bear all costs of complying with this Order.

Violation of the Order.

If Respondent violates the terms of this 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 Order, the conditional license period shall be extended until the matter is final.

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.

Furthermore, Respondent must demonstrate, to the Board's satisfaction, that she can safely return to unrestricted practice, that she has safely and competently administered medications and that she has fully complied with all the terms of this Order.

The Stipulation of Facts and Understanding and this Sanctions Order are matters of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

The Stipulation of Facts and Understanding and this Sanctions 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 sanctions order is a final administrative sanctions determination by the Vermont Board of Nursing.

A party aggrieved by this sanctions order of the 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, Drawer 09, Montpelier, Vermont 05609-1106 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.

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, Chair

Dated: March 25, 2004

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/29/04

Bare

**STATE OF VERMONT
BOARD OF NURSING**

In re: Dulcie P. Taylor, R.N.
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} Docket No. NU 58-0203
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Completion of Counseling and Treatment Plan.

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Respondent shall abstain completely from the consumption or the use or possession of any controlled substances with the exception of prescribed medications as outlined below.

Drug Use Exception.

Respondent may take prescribed 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 chemical dependency within one (1) week of entering into the practitioner/patient relationship. 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. It is not anticipated that Respondent would be prescribed scheduled medication, during the term of this Order, for a period greater than 14 days, but if so, the prior suspension may be reinstated at the sole discretion of the Board. 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.

Interview with the Board or its designee

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

Re-issue of License

Within five (5) days of the date of entry of this Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned."

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 notify the Board before beginning such practice or residence. If Respondent fails to notify the Board before, none of the time spent in out-of-state practice or residence will be credited toward the fulfillment of the terms and conditions of this Order.

Notification of Place of Employment/ Personal Address/Telephone Number

Within five (5) days of the date of entry of this Order, Respondent shall notify the Board, in writing, of her current place of nursing employment (if she is employed as a nurse), 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.

Notification to Employers/Nursing School

Respondent shall provide a copy of the Stipulation of Facts and Understanding this Sanctions Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Order or of any such subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation of Facts and Understanding and Sanctions Order and the ability to comply with the conditions in this Sanctions Order. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation of Facts and Understanding and Sanctions Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation of Facts and Understanding and Sanctions Order and ability of the program to comply with the conditions in the Order during clinical experience.

Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Order and every month thereafter, Respondent shall cause every employer for which she has been employed as a nurse during that 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. Reports must indicate, to the satisfaction of the Board, that Respondent can safely and competently administer medications.

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 Order is in effect.

Practice Under Supervision.

Respondent shall practice only in a setting where she has direct supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing, or is in good standing in all states that nurse is licensed.

Prohibited Duties.

Respondent shall not work as a Charge Nurse.

Types of Employment Prohibited.

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

Prohibited Hours of Work.

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

License Renewal.

In the event Respondent's license is scheduled to expire during the period this 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.

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 Order to the Board of Nursing, its investigators, and the Prosecuting Attorney's Office. All information disclosed to the Board shall be made available to its investigators and the Prosecuting Attorney'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 Prosecuting Attorney's Office. Any revocation by respondent of such a consent to disclosure during the term of this Order shall be considered a violation of this Order.

Costs.

Respondent shall bear all costs of complying with this Order.

Violation of the Order.

If Respondent violates the terms of this 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 Order, the conditional license period shall be extended until the matter is final.

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.

Furthermore, Respondent must demonstrate, to the Board's satisfaction, that she can safely return to unrestricted practice, that she has safely and competently administered medications and that she has fully complied with all the terms of this Order.

The Stipulation of Facts and Understanding and this Sanctions Order are matters of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

The Stipulation of Facts and Understanding and this Sanctions 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 sanctions order is a final administrative sanctions determination by the Vermont Board of Nursing.

A party aggrieved by this sanctions order of the 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, Drawer 09, Montpelier, Vermont 05609-1106 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.

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, Chair

Dated: March 25, 2004

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/29/04

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

IN RE:

DULCIE P. TAYLOR, L.P.N.

License No. 025-0007880

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Docket No: NU 58-0203

STIPULATION OF FACTS AND UNDERSTANDING

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Dulcie P. Taylor, who stipulate and agree as follows:

Board Authority

1. The Vermont State 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 ("ARBN"); and the Office of Professional Regulation Rules.
2. Being addicted to the use of habit-forming drugs is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(5).
3. The use of drugs, narcotics, chemicals or any other type of materials constitute a reason that a nurse is unable to practice nursing competently and is a basis on which the Board can impose disciplinary action. ARBN, Chapter 4, Rule IV (II)(C); 26 V.S.A. §1582(a)(3).

Facts

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

4. The Respondent is a Licensed Practical Nurse under License Number 025-0007880.
5. Respondent was licensed on or about March 6, 2000.
6. Respondent was recently receiving narcotic medication(s) from physicians without the knowledge of the other physicians.
7. Respondent did not advise any of the prescribing physicians that other physicians were prescribing the same medications during the relevant time period. Respondent admits that she was receiving narcotic medications from six different physicians between January 1, 2002 and April 2, 2003.
8. The medications are habit-forming drugs and included Percocet, Oxycodone, Oxycontin, Vicodin, Hydrocodene and Ultram.
9. Respondent was being treated for withdrawal symptoms due to her use of narcotics by her primary care physician.
10. By way of history, the Vermont Board of Nursing summarily suspended respondent's license on May 12, 2003 for the above conduct.

Understanding

11. Respondent admits the facts above are true.
12. The Respondent recognizes that based on the facts admitted above, the Board has the authority to discipline her license to practice nursing.
13. At this time, the Respondent does not wish to enter into a consent agreement with the State concerning the appropriate disciplinary action in this matter.

STATE OF VERMONT



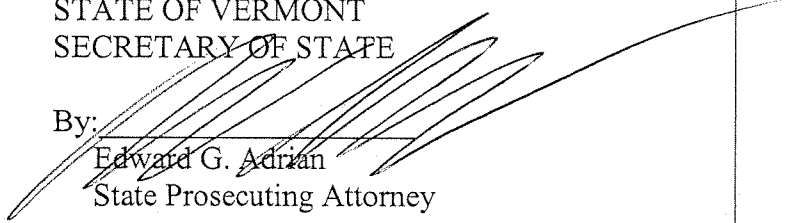
Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

14. 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.
15. At the sanctions hearing, the State is free to argue for what it deems to be the appropriate sanctions. Likewise, the Respondent is free to argue for what she feels are appropriate sanctions.
16. The State and the Respondent agreed to abide by the decision of the Board concerning sanctions.
17. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation.
18. 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.
19. Respondent voluntarily waives her right to charges and a contested hearing on the merits before the Board of Nursing.
20. These understandings and facts are only applicable to the Specification of Charges filed on May 28, 2003. These understandings and facts are not applicable to the amended charges filed on October 17, 2003. Those amended charges are contested and have been set for a merits hearing on February 9, 2004.

AGREED TO:

Dated: 1/26/04

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

DULCIE P. TAYLOR
RESPONDENT

Dated: 01/20/04

By: *Dulcie P. Taylor*
Dulcie P. Taylor

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 1/20/07

By: *Oreste V. Valsangiacomo, Jr.*
Oreste V. Valsangiacomo, Jr.

nu.taylor.stip

Ause Farrell 3.8.04

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602