

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

IN RE:)
RAQUEL ALGER VILLARRUZ) **Docket No: NU 20-0803**
License No. 026-0027026)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent, Raquel Alger Villarruz, R.N., who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to 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. §129a ; 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing ("ARBN").

Facts

2. The Respondent is licensed in the State of Vermont as a Registered Nurse under License Number 026-0027026.
3. Respondent's license was originally issued on March 7, 2002 and Respondent's license is currently set to expire on March 31, 2005.
4. On or about July 3, 2003, the Respondent, a citizen of New Zealand, moved to the United States.
5. On or about July 23, 2003, the Respondent tested positive for Propoxyphene during a pre-employment drug screening conducted by Cross Country TravCorps, a traveling nurse agency located in Boca Raton, Florida.
6. On or about September 25, 2003, the Respondent advised State Investigator Ronald West that she had taken the Propoxyphene for a migraine headache on the day of the drug screen.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

7. On or about December 18, 2003, the Respondent advised Investigator West that she had obtained the Propoxyphene from the hospital where she worked in New Zealand. The Respondent did not have a prescription to take the Propoxyphene.

8. Propoxyphene is a controlled substance in both the United States and New Zealand.

Charges

9. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:

- 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. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause). Any cause includes, but is not limited to, use of drugs, narcotics, chemicals or any other type of materials pursuant to ARBN Chapter 4, Rule IV(II)(C).

Understandings

10. 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.

11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

12. 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.

13. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

14. Respondent agrees that the State has sufficient evidence for the Board to find that Respondent has engaged in unprofessional conduct and that the Order set forth below may be entered by the Board.

STATE OF VERMONT



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ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

A. Respondent's actions described above demonstrate grounds for discipline because Respondent violated:

- 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. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause). Any cause includes, but is not limited to, use of drugs, narcotics, chemicals or any other type of materials pursuant to ARBN Chapter 4, Rule IV(II)(C).

B. Respondent's license is hereby **SUSPENDED for a period of THREE (3) WEEKS** from the date of entry of this Stipulation and Consent Order.

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 the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated:

3/25/04

STATE OF VERMONT
SECRETARY OF STATE

By:

[Signature]
Edward G. Adrian
State Prosecuting Attorney

RAQUEL ALGER VILLARRUZ
RESPONDENT

Dated:

March 19, 2004

By:

[Signature]
Raquel Alger Villarruz

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated:

4-12-04

By:

[Signature]
Chairperson

Date of Entry:

4/14/04

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