

**STATE OF VERMONT
BOARD OF NURSING**

In re: Rebecca Williams
License No. 026-21624

}
}
}

Docket No. 2014-111(RN)

Appearances:

Prosecutor: Annika Green
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on September 8, 2014 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont. Ms. Williams did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Williams is licensed as a registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. Ms. Williams's license was summarily suspended on May 12, 2014.
2. On May 12, 2014 Ms. Williams was sent a Notice of Charges in this matter by certified mail to her last known address. A copy of the Specification of Charges is attached to this Default Order.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. Ms. Williams signed the return receipt. She received the notice of charges.
6. Ms. Williams did not file an Answer to the charges.
7. On July 21, 2014 notice of the Default Hearing scheduled for this date was mailed to Ms. Williams at that same address by certified mail. The notice was returned "Return to Sender – Unclaimed – Unable to Forward."
8. Ms. Williams has still not answered the charges.
9. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Ms. Williams to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d), and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Williams has received actual notice of the charges in this matter as indicated by the Board's file and the Prosecution's presentation. Because Ms. Williams has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Williams has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Williams's license is hereby **Suspended Indefinitely**, effective as of the date of the hearing. Should Ms. Williams apply for reinstatement, the Board at that time will determine whether any conditions can permit her to resume practice while protecting public health and safety.

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, 89 Main St., Fl. 3, Montpelier, VT 05620-3402 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: Jeanine Carr
Jeanine Carr, RN, Chair

Date: September 8, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9/8/14

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

IN RE:)
REBECCA WILLIAMS) Docket No. 2014-111
License No. 026.0021624)

SPECIFICATION OF CHARGES

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; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation

Statement of Facts

2. Rebecca Williams ("Respondent") of Moretown, VT is licensed by the State of Vermont as a Registered Nurse under license number 026.0021624. This license is active and currently set to expire on or about March 31, 2015.
3. At all times relevant, Respondent was employed as a registered nurse at Woodridge Nursing Home ("Woodridge") in Berlin, VT.
4. As a result of concerns relating to the Respondent's suspected diversion of narcotic medications, T.S., Director of Nursing at Woodridge, conducted a detailed internal investigation into Respondent's administration and documentation of narcotics.
5. The Woodridge internal review of Respondent's narcotic administration showed irregularities in the timing of her narcotic administration to patients, improper documentation of narcotic medication administration and improper wasting procedures, including, but not limited to;

a. Patient R.S.

- i. On or about October 31, 2013, Respondent signed out one Hydrocodone tablet out of patient's narcotic book, yet did not document on the MAR as having given the medication to the patient;
- ii. On or about December 9, 22, and 26, 2014, Respondent signed out Hydrocodone tablet for each date, yet did not document on the MAR as having given the medication to the patient.

b. Patient V.M.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

- i. On or about September 1, 2013, Respondent signed out one Tramadol tablet from the patient's narcotic book, yet did not document on the MAR as having given the medication to the patient;
 - ii. On or about September 15, 2013, Respondent signed out two PRN Tramadol tablets, yet did not document on the MAR as having given the medication to the patient;
 - iii. On or about October 27, 2013, Respondent signed out two PRN Tramadol tablets, yet did not document on the MAR as having given the medication to the patient.
 - c. On or about November 28, 2013, Respondent signed out one PRN Morphine tablet from Patient E.W.'s narcotic book, yet did not document on the MAR as having given the medication to E.W.
 - d. Patient T.M.
 - i. On or about November 4, 6, 7, and 10, 2013, Respondent signed out one PRN Oxycodone tablet for each date from the patient's narcotic book, yet did not document on the MAR as having given any of the medication to the patient;
 - ii. On or about November 11, 2013, at 8:50AM and again at 12:30PM, Respondent signed out one PRN Hydrocodone tablet, yet did not document on the MAR as having given the medication to the patient.
 - e. Patient J.S.C.
 - i. On or about November 11, 2013, Respondent signed out one Oxycodone tablet from the patient's narcotic book, yet did not document on the MAR as having given the medication to the patient;
 - ii. On or about December 22, 2013, Respondent signed out one Oxycodone from the patient's narcotic book, yet did not document on the MAR as having given the medication to the patient;
 - iii. On or about January 9, 2014, Respondent signed out one Oxycodone tablet from the patient's narcotic book, yet did not document on the MAR as having given the medication to the patient.
6. On or about March 27, 2014, Office of Professional Regulation Investigator Dennis Menard interviewed Respondent. During that taped interview, Respondent stated the following:

- a. After being asked by Investigator Menard if Respondent had ever taken medication from Woodridge for her own use, Respondent stated "Yes.";
- b. Respondent stated she had several medical conditions and her ongoing pain was the reason for diverting narcotics from Woodridge;
- c. When asked how she diverted narcotics, Respondent stated,
 - i. "Somebody requested something and then didn't want it, so instead of wasting it, I'd pocket it.", and
 - ii. "Like somebody requests some pain medication and they have one or two ordered, I bring two in, they only wanted one, there that's an example. Or

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

if somebody requested one and you bring it in and they change their mind.
So instead of running and wasting it, I'd take it."

Charges

7. The above acts and circumstances, alone or in combination, violate:
- a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause); incorporating ARBN Part 11.2(b) ("Inability to practice nursing competently" includes: (1) performance of unsafe or unacceptable patient care; and (2) failure to conform to the essential standards of acceptable and prevailing nursing practice) and ARBN Part 11.2(c) ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals, or any other type of materials);
 - b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud or harm the public);
 - c. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records; or willfully failing to file the proper reports or records);
 - d. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - e. 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).

WHEREFORE, the license of Rebecca Williams should be revoked or otherwise disciplined.

DATED at Montpelier, Vermont this 12th day of May, 2014.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

STATE OF VERMONT
SECRETARY OF STATE

By:


Annika Green
State Prosecuting Attorney

**STATE OF VERMONT
BOARD OF NURSING**

In re: Rebecca Williams
License No. 026-21624

}
}
}

Docket No. 2014-111(RN)

**DECISION ON REQUEST FOR
SUMMARY SUSPENSION ORDER**

Appearances:

Prosecuting the case: Annika Green
for Respondent: did not appear

Presiding Officer: Larry S. Novins

**Summary Suspension Order
FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Board of Nursing on a Request for a Summary Suspension. The hearing was held on May 12, 2014 at the Office of Professional Regulation Conference Room in Montpelier, Vermont. Ms. Williams did not appear. The Board has authority to summarily suspend a license pending further action, if it determines that public health, safety, or welfare imperatively requires emergency action. 3 V.S.A. § 814(c).

Findings of Fact

Based on a Review of the pleadings and the file, and on evidence presented to the Board at the hearing, the Board finds:

1. Ms. Williams is a licensed registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. 3 V.S.A. § 814(c) permits the Board to summarily suspend a license if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order.
2. The prosecutor has filed a "Request for Summary Suspension." On May 7, 2014 an Amended Specification of Charges was filed. A copy of the Amended Request is attached to this Decision and Order. The Request alleges Respondent diverted narcotic drugs for her own use.
3. The Request for Summary Suspension further alleges that the public health, safety or welfare imperatively requires emergency action.

4. Notice of this hearing was sent to Ms. Williams at her last known address via certified mailings dated May 1 and May 7, 2014.
5. The Board finds for purposes of this hearing that Ms. Williams diverted narcotic drugs for her own use for on-going pain.
6. The allegations in the Request for Summary Suspension (copy attached) have been established to the necessary degree.
7. The evidence presented does imperatively require emergency action for the public health, safety, and welfare. Specifically, summary suspension is necessary to prevent Ms. Williams from taking drugs intended for patients. If summary suspension is not ordered, the Board believes that patient harm could occur.

Conclusions of Law

Our Findings of Fact and Conclusions of Law in this Summary Suspension hearing are for purposes of deciding whether *at this time* there is an imperative need to take emergency action. 3 V.S.A. § 814(c). Our Findings of Fact and Conclusions of Law herein are for purposes of this Order only.

The Prosecutor's Request for a Summary Suspension is supported by the evidence presented. The Board concludes that the allegations in the Request for Summary Suspension have been established to the necessary degree. For purposes of this Summary Suspension Hearing, the Findings of Fact above do support Summary Suspension of Ms. Williams's license. There is an imperative need to take emergency action. 3 V.S.A. § 814(c).

Vermont law requires that unprofessional charges be filed promptly with Ms. Williams being afforded a prompt hearing. At any merits hearing in this matter, the prosecutor will bear the burden of proving unprofessional conduct. Our Findings and Conclusions in this matter will not absolve the prosecution or Ms. Williams from producing or challenging relevant evidence at a merits hearing. The Findings of Fact and Conclusions of Law at a contested hearing will be based exclusively on the evidence admitted at that hearing.

Order

The Request for Summary Suspension is **Granted**. Ms. Williams's license is summarily suspended pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined. 3 V.S.A. § 814(c).

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, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 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: Jeanine Carr
Jeanine Carr, RN, Chair

Date: May 12, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 5/12/14

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

IN RE:	)	
REBECCA WILLIAMS	)	Docket No. 2014-111
License No. 026.0021624	)	

AMENDED 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; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the 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. Rebecca Williams ("Respondent") of Moretown, VT is licensed by the State of Vermont as a Registered Nurse under license number 026.0021624. This license is active and currently set to expire on or about March 31, 2015.
4. At all times relevant, Respondent was employed as a registered nurse at Woodridge Nursing Home ("Woodridge") in Berlin, VT.
5. As a result of concerns relating to the Respondent's suspected diversion of narcotic medications, T.S., Director of Nursing at Woodridge, conducted a detailed internal investigation into Respondent's administration and documentation of narcotics.
6. The Woodridge internal review of Respondent's narcotic administration showed irregularities in the timing of her narcotic administration to patients, improper documentation of narcotic medication administration and improper wasting procedures, including, but not limited to;
 - a. Patient R.S.
 - i. On or about October 31, 2013, Respondent signed out one Hydrocodone tablet out of patient's narcotic book, yet did not document on the MAR as having given the medication to the patient;

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

- ii. On or about December 9, 22, and 26, 2014, Respondent signed out Hydrocodone tablet for each date, yet did not document on the MAR as having given the medication to the patient.

b. Patient V.M.

- i. On or about September 1, 2013, Respondent signed out one Tramadol tablet from the patient's narcotic book, yet did not document on the MAR as having given the medication to the patient;
- ii. On or about September 15, 2013, Respondent signed out two PRN Tramadol tablets, yet did not document on the MAR as having given the medication to the patient;
- iii. On or about October 27, 2013, Respondent signed out two PRN Tramadol tablets, yet did not document on the MAR as having given the medication to the patient.

- c. On or about November 28, 2013, Respondent signed out one PRN Morphine tablet from Patient E.W.'s narcotic book, yet did not document on the MAR as having given the medication to E.W.

d. Patient T.M.

- i. On or about November 4, 6, 7, and 10, 2013, Respondent signed out one PRN Oxycodone tablet for each date from the patient's narcotic book, yet did not document on the MAR as having given any of the medication to the patient;
- ii. On or about November 11, 2013, at 8:50AM and again at 12:30PM, Respondent signed out one PRN Hydrocodone tablet, yet did not document on the MAR as having given the medication to the patient.

e. Patient J.S.C.

- i. On or about November 11, 2013, Respondent signed out one Oxycodone tablet from the patient's narcotic book, yet did not document on the MAR as having given the medication to the patient;
- ii. On or about December 22, 2013, Respondent signed out one Oxycodone from the patient's narcotic book, yet did not document on the MAR as having given the medication to the patient;
- iii. On or about January 9, 2014, Respondent signed out one Oxycodone tablet from the patient's narcotic book, yet did not document on the MAR as having given the medication to the patient.

7. On or about March 27, 2014, Office of Professional Regulation Investigator Dennis Menard interviewed Respondent. During that taped interview, Respondent stated the following:

- a. After being asked by Investigator Menard if Respondent had ever taken medication from Woodridge for her own use, Respondent stated "Yes.";

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

- b. Respondent stated she had several medical conditions and her ongoing pain was the reason for diverting narcotics from Woodridge;
- c. When asked how she diverted narcotics, Respondent stated,
 - i. "Somebody requested something and then didn't want it, so instead of wasting it, I'd pocket it.", and
 - ii. "Like somebody requests some pain medication and they have one or two ordered, I bring two in, they only wanted one, there that's an example. Or if somebody requested one and you bring it in and they change their mind. So instead of running and wasting it, I'd take it."

Relief Requested

- 8. 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.
- 9. The above acts and circumstances, alone or in combination, violate:
 - a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause); incorporating ARBN Part 11.2(b) ("Inability to practice nursing competently" includes: (1) performance of unsafe or unacceptable patient care; and (2) failure to conform to the essential standards of acceptable and prevailing nursing practice) and ARBN Part 11.2(c) ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals, or any other type of materials);
 - b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud or harm the public);
 - c. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records; or willfully failing to file the proper reports or records);
 - d. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - e. 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).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026.0021624 be summarily suspended, pending a hearing on the merits.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

DATED at Montpelier, Vermont this 7th day of May, 2014.

STATE OF VERMONT
SECRETARY OF STATE

By: Annika Green
Annika Green
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402