

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

IN RE:

BARBARA WILLIAMS

License No. 025-0006489

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Docket No: NU 19-0803

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through the State Prosecuting Attorney, Edward G. Adrian, and Respondent, Barbara Williams, L.P.N., 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, 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.
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. Being habitually intemperate or addicted to the use of habit-forming drugs is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(5).
4. 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).
5. Conduct of a character likely to deceive, defraud or harm the public includes diverting supplies, equipment, or drugs for personal or unauthorized use. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(D)(4).
6. 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).
7. Inability to practice nursing competently includes performance of unsafe or unacceptable patient care and failure to conform to the essential standards of

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Prosecuting Attorney
Office of
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Montpelier, VT 05602

acceptable and prevailing nursing practice. ARBN Chapter 4, Rule IV(II)(B)(1) and (2).

8. 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. ARBN Chapter 4, Rule IV(II)(C).

Facts

9. The Respondent is a Licensed Practical Nurse holding License Number 025-0006489.

10. Respondent's license was originally issued on November 30, 1989. Respondent's license is currently suspended.

11. On or about August 18, 2003, Respondent was "sitting" for N.B., a hospice patient, at N.B.'s personal residence.

12. On or about August 18, 2003, Respondent diverted for Respondent's personal use eleven (11) Oxycodone tablets which had been prescribed for N.B.

13. On or about August 25, 2003, Respondent admitted to State Investigator Ron West that Respondent had diverted the 11 Oxycodone tablets which had been prescribed for N.B.

14. By way of history, Respondent's license has been suspended since on or about February 11, 2002 for diverting drugs from the Correctional Facility in Waterbury.

Charges

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

- i. 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); and
- ii. 26 V.S.A. §1582(a)(5) (Being habitually intemperate or addicted to the use of habit-forming substances); and
- iii. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public). Conduct of a character likely to deceive, defraud or harm the public includes diverting supplies, equipment, or drugs for personal or unauthorized use pursuant to ARBN Chapter 4, Rule IV(II)(D)(4); and
- iv. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause). Inability to practice competently includes performance of unsafe or unacceptable patient care and failure 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)(1) and (2). 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 pursuant to ARBN Chapter 4, Rule IV(II)(C).

Understandings

16. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
17. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
18. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
19. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
20. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
21. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
22. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

CONSENT ORDER

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

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

- i. 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); and
- ii. 26 V.S.A. §1582(a)(5) (Being habitually intemperate or addicted to the use of habit-forming substances); and
- iii. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public). Conduct of a character likely to deceive, defraud or harm the public includes diverting supplies, equipment, or drugs for personal or unauthorized use pursuant to ARBN Chapter 4, Rule IV(II)(D)(4); and

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iv. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause). Inability to practice competently includes performance of unsafe or unacceptable patient care and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2). 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 pursuant to ARBN Chapter 4, Rule IV(II)(C).

B. The Board hereby **REVOKES** the Respondent's license to practice nursing. If the Respondent wishes to resume the practice of nursing at some point in the future, she may apply to the Board for reinstatement of her license. If the Respondent is reinstated, her license will be conditioned by the Board.

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 in determining sanctions in future disciplinary matters.

AGREED TO:

BY: BARBARA WILLIAMS
RESPONDENT

Date: 12/11/03

Barbara Williams
Barbara Williams

AND BY:

STATE OF VERMONT
SECRETARY OF STATE

Date: 12/17/03

Edward G. Adrian
State Prosecuting Attorney

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 1-12-04

Sinda Rice APPRO
Chairperson (Acting)

Dated entered: 1/16/04

nu.williams.stip

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