

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

IN RE:

**BARBARA A. WILLIAMS, LPN
License No. 025-0006489**

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Docket No: NU 58-0102

STIPULATION FOR SUMMARY SUSPENSION

The Respondent, Barbara A. Williams, LPN, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order solely for the purposes of the summary suspension in this matter.

Board Authority

1. The Vermont State Board of Nursing ["the Board"] has authority to summarily suspend licenses in cases requiring emergency action. 3 V.S.A. §129(a)(5).
2. The Board may order summary suspension, pending proceedings for revocation or other action, if the Board finds that public health, safety, or welfare imperatively requires emergency action, and if the Board incorporates a finding to that effect in its order. 3 V.S.A. §814(c).
3. Diverting supplies, equipment, or drugs for personal or other unauthorized use is conduct likely to deceive, defraud or harm the public and is a basis on which the Board can impose disciplinary action, including a summary suspension. Board of

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

Nursing Administrative Rules ["BNAR"] Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7).

Facts

4. The Respondent is licensed as a Licensed Practical Nurse under License Number 025-0006489.
5. Respondent's license was originally issued on November 30, 1989 and it currently expires on January 31, 2004.
6. The Respondent worked at the Dale Correctional Facility Health Center at all times relevant.
7. From October, 2001 through January, 2002, a preponderance of the evidence shows Respondent diverted approximately sixty (60) Lortab (Vicodin) tablets from blister packs that were to be wasted. Respondent replaced the medication with Robaxin (Methocarbamol) which is a muscle relaxant.
8. Respondent, when confronted by the Vermont State Police, admitted to diverting the above medication(s).
9. Respondent, further admitted, she was addicted to the medication(s) and needed treatment.

Claims

10. The Respondent has recently diverted drugs for unauthorized use and that is conduct that is likely to deceive, defraud or harm the public and is also conduct sufficient to support disciplinary action, including a summary suspension. BNAR Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7); 3 V.S.A. §129a(a)(3); 3 V.S.A. §814(c).

Relief Requested

Wherefore, the State of Vermont requests that:

A. Findings be made :

- 1) That the Respondent has recently diverted drugs for unauthorized use; and
- 2) That the public health, safety, or welfare imperatively requires emergency action.

B. The Respondent's license, number 025-0006489, should be **SUMMARILY SUSPENDED** until unprofessional conduct charges are filed and there is a final determination on any needed disciplinary action.

Understanding

- C. Respondent neither admits nor denies the facts above but agrees that the Board may accept as true the above facts and the conclusions of unprofessional conduct as set forth below in the Board's Order to resolve the pending summary suspension.
- D. 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.
- E. 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.
- F. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

- G. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- H. 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.
- I. Respondent voluntarily waives his right to summary suspension charges and a contested hearing before the Board of Nursing. However, Respondent does not waive the formal hearing subsequent to this summary suspension action.
- J. Respondent agrees that the Board may enter the order set forth below.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- K. By engaging in the conduct described above, the Board concludes that the Respondent committed unprofessional conduct in that Respondent violated:
- a) BAR Chapter 4, Rule IV (B)(4)(d); 26 V.S.A. §1582(a)(7) (diverted drugs for unauthorized use and that is conduct that is likely to deceive, defraud or harm the public); and
 - b) That the public health, safety, or welfare imperatively requires emergency action.
- L. The Nursing Board Commencing on the date this order is entered **SUMMARILY AND INDEFINITELY SUSPENDS** Respondent for his unprofessional conduct pending a formal resolution of the above matter(s).
- M. 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).

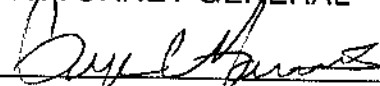
N. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT

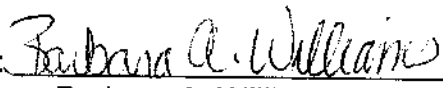
WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 2/8/02

By: 
George C. Haegele IV
Assistant Attorney General

BARBARA A. WILLIAMS
RESPONDENT

Dated: 2/7/02

By: 
Barbara A. Williams

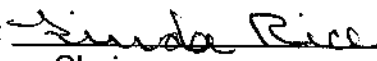
approved as to form:

By: _____
Respondent's attorney
(if applicable)

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/11/02

By: 
Chairperson

Date of Entry: 2/11/02

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