

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

IN RE:

BRADLEY EDWARD WINSLOW

Docket No. 2009-120

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Applicant, Bradley Edward Winslow, 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, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Applicant has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Bradley Edward Winslow (the "Applicant") of Fort Ann, New York is currently licensed as a Registered Nurse in the State of New York under license number 529397. This license was originally issued on or about January 23, 2002 and is currently set to expire on or about November 30, 2010.
3. On or about September 17, 2008 in a Board Application by Endorsement, the Applicant applied for licensure as a Registered Nurse by endorsement. In the application, Applicant answered "YES" to the question, "Have you been convicted of a crime other than a minor traffic violation?"
4. On or about January 6, 2009 in a letter to the Board, the Applicant provided a copy of his Statement of Conviction from the State of New York's Warren County Court showing that on or about October 16, 2006, Applicant pleaded guilty to Criminal Sale of a Controlled Substance in the Third Degree (a felony); and that on or about January 3, 2007, Applicant was sentenced to a determinate state prison term of 1 ½ years with recommendation for shock incarceration, and two years post-release supervision. In his letter, Applicant stated that this conviction was a result of Applicant giving a former coworker an empty waste vial of liquid 10mg/ml Morphine.

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5. Applicant has approximately ten months left of parole supervision.
6. Included with Applicant's letter was a statement from his parole officer, Megan Hickey, dated December 16, 2008, stating that Applicant's compliance with his parole has been satisfactory. Moreover, Ms. Hickey stated that Applicant's four (4) drugs screens have been negative.
7. Also included with Applicant's letter was a statement from Stephanie Richels, LMSW, of Glen Falls Hospital Center for Recovery dated September 26, 2008, stating that after two (2) negative drug screens, speaking with collateral contacts, and a Comprehensive Psychosocial Evaluation, it was determined that Applicant did not meet the criteria for treatment.

Charges

8. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Applicant has committed unprofessional conduct in violation of:
 - a. 3 V.S.A. § 129a(a)(10) (Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession); and
 - b. 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).

Understandings

9. Applicant admits the facts above are true and that the conditions below are necessary to protect the public.
10. Applicant 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. Applicant specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
12. Applicant has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Applicant is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.

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14. Applicant 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.
15. Applicant voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
16. Applicant agrees that the Order set forth below may be entered by the Board.

ORDER

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

- A. The Board of Nursing hereby **GRANTS** the Applicant's application for his registered nursing license. Once issued, the Applicant's registered nursing license will be **CONDITIONED FOR A MINIMUM OF ONE (1) YEAR** commencing with the date of entry of this Stipulation and Consent Order. The conditions will be as follows:

- (1) License to be labeled "Conditioned."

Any license issued to the Applicant by this Board shall be labeled "Conditioned."

- (2) Length of Time Conditions Imposed.

The conditions shall remain in place until the Applicant has completed all conditions ordered. Applicant shall be subject to the conditions until Applicant completes a **minimum of one (1) year** of registered nursing practice in which the Applicant works at least forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Applicant shall be prohibited from working more than forty (40) hours per week.

- (3) Notification to Employers/Nursing School.

Applicant shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Applicant practices as a registered nurse and inform them of Applicant's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered nursing employment, Applicant shall cause Applicant's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event the Applicant is attending a nursing program, Applicant shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

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(4) Reports from Employers/Program Directors.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing practice and **monthly** thereafter, Applicant shall cause every registered nursing employer for which the Applicant has worked during the month to submit to the Board an evaluation of Applicant's work performance and attendance during that month. This report shall be in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance and attendance.

In the event the Applicant is attending a nursing program, Applicant shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead. All Program Director reports shall indicate satisfactory performance and attendance.

(5) Compliance with Requirements of the Division of Parole.

Applicant shall comply with all requirements of the New York Division of Parole, or any similar agency in any other state; this includes all court-ordered requirements. This includes, for purposes of illustration, probation conditions, furlough conditions, parole conditions, and the like. Any violation of any condition imposed by the Division of Parole is a violation of this Order and grounds for further discipline.

(6) Notification to Parole Officer(s).

Within ten (10) days of the date of entry of this Stipulation and Consent Order or within ten (10) days of any new parole officer assignment, Applicant shall provide a copy of this Stipulation and Consent Order to his parole officer and cause his parole officer to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the parole officer's ability to comply with the conditions of the Consent Order.

(7) Reports from Parole Officer(s).

Within one (1) month of the date of entry of this Stipulation and Consent Order and **monthly** thereafter for the period the Applicant is under parole conditions, Applicant shall authorize and cause his parole officer to submit to the Board evidence of compliance with all requirements of the New York Division of Parole. These reports shall be submitted in writing and on the parole officer's professional letterhead.

Applicant shall authorize his parole officer to provide all information requested by the Board, either orally or in writing, at any time during the period this Consent Order is in effect.

In addition, the Applicant shall cause his parole officer to submit to the Board the results of any urine screens administered to the Applicant during the month.

(8) Release.

Applicant shall provide the Board with a release to permit the Board, investigators, and prosecuting attorney to obtain information from the New York Division of Parole about compliance with any requirements of the Division of Parole.

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(9) Types of Employment Prohibited.

Applicant shall not work in a supervisory role. Applicant shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider during the effective period of this Consent Order.

(10) Out of State Practice.

Before any out-of-state nursing practice can be credited toward the fulfillment of these terms and conditions, Applicant shall first obtain approval from the Board prior to Applicant practicing nursing outside the State of Vermont. If Applicant fails to receive such approval before practicing nursing outside the State of Vermont, none of the time spent practicing nursing out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state nursing practice so long as the Applicant can still comply with the provisions of this Consent Order.

(11) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Applicant shall notify the Board, in writing, of his current place of employment, personal address, and telephone number. Applicant shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(12) Notification to Other States.

In the event that the Applicant is licensed in nursing in any other state(s), he must inform the nursing licensing board of the state(s) in which the Applicant is licensed of the conditional status of his Vermont registered nursing license within thirty (30) days of the date of entry of this Order. If the Applicant fails to provide such notification, it will be considered a violation of this Order.

(13) License Renewal.

If the Applicant's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a registered nurse, the Applicant must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(14) Costs.

The Applicant shall bear all costs of complying with this Consent Order.

(15) Violation of this Order.

If the Applicant violates the terms of this Order in any respect, the Board, after giving the Applicant notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Applicant during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

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(16) Completion of Conditional License Period.

After the conditional license period, the Applicant may petition the Board to remove any and all conditions on his license. The Applicant must present proof that he has fully complied with the terms of this Order.

- B. Notwithstanding any provision above, the Applicant must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- 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 Applicant's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated:

5/21/09

STATE OF VERMONT
SECRETARY OF STATE

By:

[Signature]
Edward G. Adrian
State Prosecuting Attorney

BRADLEY EDWARD WINSLOW
APPLICANT

Dated:

5/17/09

By:

Bradley E. Winslow
Bradley Edward Winslow

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated:

6/8/09

By:

[Signature]
Chairperson

Date of Entry:

6/10/09

app.nu.winslow.stip

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