

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

IN RE:	)	
ELIZABETH WOLF	)	Docket No. NU33-0197
License No. 026-0019713	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Elizabeth Wolf, who stipulate and agree as follows:

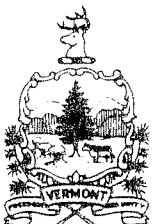
Board Authority

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 Respondent 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Elizabeth Wolf, is licensed as a registered nurse holding license number 026-0019713, issued by the State of Vermont. This license was originally issued on or about August 29, 1990 and is currently set to expire March 31, 2009.
3. The Respondent's license is currently conditioned pursuant to a Stipulation and Consent Order ("Order 2") entered by the Board on or about September 2, 2003. Attachment A. The Respondent's license had previously been Conditioned pursuant to a Stipulation and Consent Order entered by the Board ("Order 1") on or about October 6, 1998 after the Board summarily suspended the Respondent's license on April 14, 1997 based on the Respondent's substance abuse problems. Attachment A. Order 2 reinstated the Respondent's license after it was suspended on or about September 23, 1999 for violating the conditions imposed by Order 1. Attachment A.
4. Paragraph A(14) of the Order requires the Respondent to submit to random drug and alcohol screens. Participation in the random drug and alcohol screening process requires the Respondent to call in to the specimen selection system, FirstLab, on a daily basis.

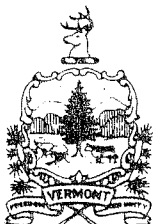
STATE OF VERMONT



Prosecuting Attorney
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9 Baldwin Street
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05609-1107

5. Based on a review of the Board's records, the Respondent has failed to participate in the random specimen program as follows:
 - a. Between June 1, 2007 and July 11, 2007, the Respondent failed to call the FirstLab system on approximately twenty-three (23) days.
 - b. On or about July 16, 2007, Respondent advised the Board that she had been hospitalized in July of 2007 for depression, but would resume her daily call-ins. On or about July 22, 2007, the Respondent was selected to provide a specimen. The Respondent failed to call the FirstLab system on that day and did not provide a specimen.
 - c. Between approximately August 13, 2007 and September 17, 2007, the Respondent failed to call the FirstLab system for that entire time period.
 - d. On or about September 29, 2007, the Respondent was selected to provide a specimen. The Respondent failed to call the FirstLab system on that day and did not provide a specimen.
 - e. In October of 2007, the Respondent failed to call the FirstLab system on approximately thirteen (13) days.
 - f. Between November 14, 2007 and January 1, 2008, the Respondent failed to call the FirstLab system on approximately twenty-four (24) days.
 - g. Between January 2, 2008 and February 20, 2008, the Respondent failed to call the FirstLab system on approximately thirty-five (35) days.
6. Paragraph A(3) of the Order requires that the Respondent enter into and continue individual drug abuse counseling with a treating professional until such time that her treating professional notifies the Board that counseling is no longer necessary. Paragraph A(5) of the Order requires that the Respondent's treating professional send the Board monthly reports demonstrating the Respondent's satisfactory progress with her drug abuse counseling.
7. The last treating professional report received by the Board until approximately March 31, 2008, was for November 2007. In the November report, the Respondent's treating professional, Maryann Neuzil listed one of her concerns as the Respondent's "prior lack of attendance [and] recently missed appts." In the report, Ms. Neuzil listed one of the difficulties of helping the Respondent as "lack of attendance." Under the evaluation of the Respondent's progress in treatment, Ms. Neuzil noted that the Respondent was "seen 1x since August." Finally, in response to the question "Do you feel this client is able to competently practice the nursing profession?" Ms. Neuzil replied "unclear @ present."

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8. On or about March 31, 2008, the Board received the Respondent's treating professional reports for December 2007, January 2008, and February 2008. In the December 2007 report, Ms. Neuzil indicated concern over the number of appointments the Respondent missed and was unable to provide a prognosis for the Respondent at that time. In the January 2008 report, Ms. Neuzil advised that due to missed sessions, the Respondent had breached her treatment contract with Ms. Neuzil and was making arrangements to find a new treatment provider. Ms. Neuzil also noted that the Respondent had re-engaged in active treatment and gave the Respondent a "good" prognosis. In the February 2008 report, noted that the Respondent's recovery was stable and gave the Respondent a "good" prognosis.

Charges

9. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
- a. 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
 - b. 3 V.S.A. § 129a(a)(4) (failing to comply with an order of the board or violating any term or condition of a license restricted by the board).

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 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.
12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
14. 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.
15. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

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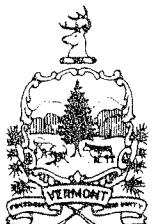
16. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

- A. The Board of Nursing hereby **INDEFINITELY SUSPENDS** the Respondent's license to practice nursing. Before applying for reinstatement, the Respondent at a minimum must obtain (1) documentation from the Respondent's current primary care physician indicating that in the practitioner's opinion, the Respondent is capable of safely resuming the practice of nursing and does not present a risk to the safety, health, or welfare of her potential patients; (2) documentation from the Respondent's psychiatrist indicating that in the practitioner's opinion, the Respondent is capable of safely resuming the practice of nursing and does not present a risk to the safety, health, or welfare of her potential patients; (3) documentation from the Respondent's mental health counselor indicating that in the practitioner's opinion, the Respondent is capable of safely resuming the practice of nursing and does not present a risk to the safety, health, or welfare of her potential patients; and (4) an independent mental health evaluation from a practitioner approved in advance by the Board.
- B. The Board may continue this period of suspension indefinitely until it is satisfied that the Respondent is capable of safely resuming the practice of nursing without compromising the safety, health, or welfare of her potential patients.
- C. Upon the recommendations of the Respondent's primary care physician, psychiatrist, and mental health counselor, as well as the independent mental health practitioner, and upon an application by Respondent for license reinstatement, the Board or its designee will determine whether it is appropriate to reinstate the Respondent's license, which may be conditioned and limited pursuant to the Laws of the State of Vermont and the Rules of this Board.
- D. 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).
- E. 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.

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AGREED TO:

Dated:

6/20/08

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

ELIZABETH WOLF
RESPONDENT

Dated: 6/18/08

By: *Elizabeth Wolf*
Elizabeth Wolf

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7-14-08

By: *Shirley Wolf*
Chairperson

Date of Entry: 7/16/08

nu.wolf.stip

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05609-1107

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

IN RE:

ELIZABETH SULLIVAN WOLF)

License No: 026-0019713)

Docket No. NU 33-0197

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Elizabeth Sullivan Wolf, who stipulate and agree as follows:

Board Authority

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §§129 and 129a, and 26 V.S.A. §§1574 and 1582.
2. Having a mental, emotional or physical disability, the nature of which interferes with the ability to practice nursing competently is unprofessional conduct and is a basis upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(6).
3. Being unable to practice the profession of nursing competently by reason of any cause is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(3).

Facts

4. At all times relevant to these charges, the Respondent (whose address is

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Prosecuting Attorney
Office of
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Montpelier, VT 05602

listed in the database of the Office of Professional Regulation as 248 Quarry Hill Rd. #77, So. Burlington, VT 05403) was a Registered Nurse holding license number 026-0019713.

5. Respondent's license was originally issued on August 29, 1990 and Respondent's license is currently suspended due to a Board Order entered on April 14, 1997. The discipline was based on substance abuse problems.

6. The Respondent petitioned the Board in 1998 for reinstatement of her license, which was granted by Stipulation and Consent Order entered on October 6, 1998, which reinstated her license with multiple conditions on Respondent's ability to practice nursing. (Attached as Exhibit A)

7. Modifications to those conditions were granted by Stipulation and Consent Order entered on December 15, 1998, however, the majority of conditions remained on her license. (Attached as Exhibit B)

8. Respondent was charged with violating the above conditions by the State in its Specification of Charges dated July 2, 1999. (Attached as Exhibit C)

9. Respondent did not respond to the charges and the Board entered a Default Order on September 23, 1999 which suspended Respondent's license indefinitely. (Attached as Exhibit D)

10. In January 2000, Respondent requested that her license be reinstated.

11. The request was preliminarily denied by letter dated February 1, 2000 based on insufficient time having passed to show that the Respondent's current rehabilitation efforts have been successful and would allow

Respondent to safely return to the practice of nursing.

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12. The Respondent, by letter dated February 7, 2000, requested a hearing before the Board to review its preliminary decision.
13. The Board denied the Respondent's reinstatement due to there being an insufficient track record for the Board to be assured that the Respondent was ready to safely return to nursing.
14. The Board ordered that the Respondent would not be able to apply for reinstatement until a minimum of six months had passed from the date of entry of the Order, April 4, 2000.
15. Respondent, by letter dated May 25, 2003, requested that her nursing license be reviewed for reinstatement.
16. Respondent's treating medical doctor submitted a letter dated May 23, 2003, setting forth that in his professional opinion that the Board should consider reinstating the Respondent. (Attached as Exhibit E)
17. Respondent has recently had an independent evaluation performed by a licensed Drug and Alcohol Counselor approved by the Board.
18. While Respondent is competent and qualified to return to the practice of nursing, Respondent still requires monitoring regarding her mental health issues and her recent drug addiction.
19. The Respondent agrees that the conditions below are necessary for her to return to the practice.

Understandings

- A. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.

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B. 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.

C. 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.

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

E. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

F. 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.

G. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

H. Respondent 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:

I. Respondent admits that she requires the following conditions to protect the public.

J. Based on the above Stipulation and the Findings and Conclusions of this

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Board, it is **ORDERED** that **CONDITIONS** shall be imposed on any license to practice nursing issued to Respondent and the conditions shall remain **FOR A MINIMUM PERIOD OF THREE (3) YEARS** from the date of entry of this Order. The conditions are as follows:

(1) License to be labeled "Conditioned".

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

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty-eight (48) hours per week.

(3) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the treatment plan approved by the Board and the treating professional.

If the Board (1) does not approve the treating professional presented to the Board for approval or (2) does not approve the treatment plan presented to

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the Board for review and approval, Respondent must submit another treating professional and/or treatment plan for the Board's approval prior to the next regularly scheduled monthly meeting of the Board. If Respondent fails to comply with this paragraph or the Board should again reject the proposed treating professional or treatment plan, Respondent shall be deemed to have violated this Consent Order.

(4) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Abstain from Drug Use.

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Montpelier, VT 05602

Respondent shall abstain completely from the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph (7) for the period of time described in paragraph (J).

(7) Drug Use Exception.

Respondent shall not take controlled substances unless necessary.

Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication, during the term of this Consent Order, for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

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Montpelier, VT 05602

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(8) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(9) Administration of Medications.

Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after she has worked as nurse for twelve (12) weeks or at least 40 hours work every two weeks (or the part time equivalent) after the entry date of this Order.

In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from her treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

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(10) Types of Employment Prohibited.

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

(11) Prohibited Duties.

Respondent shall be prohibited from being a Charge Nurse during the effective period of the Consent Order. Respondent shall be prohibited from working the night shift during the effective period of the Consent Order.

Respondent shall not work more than forty-eight (48) hours per week.

(12) Out of State Practice/Residence.

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

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing

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Office of
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employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number. Respondent shall provide a copy of this Consent Order to all employers, current and future, and shall inform them of the conditional status of her license.

(14) Random Drug Testing.

Respondent shall submit to random drug screening at the request of the Board. Respondent shall designate a person, who has been approved by the Board, to administer the random drug screens. All testing shall be done on an unannounced basis and shall be analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting.

(15) License Renewal.

If the Respondent'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 nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(16) Release of Information Forms.

In fulfilling the conditions of this Order which require the Respondent to authorize various persons to report information or to discuss the Respondent with the Board, the Respondent must execute a consent to disclose form which meets the requirements of 42 C.F.R. §2.31. The authorization must

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allow the information to also be provided to the Office of Professional Regulation investigators. Any revocation by The Respondent of such a consent to disclosure during the term of this Order shall be considered a violation of this Order.

(17) Costs.

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

(18) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent 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 Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(19) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order. The Respondent must also present proof of successful mental health and substance abuse rehabilitation and she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the public or the practice of nursing and that she can safely and competently perform the duties of a Registered Nurse.

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K. Notwithstanding any provision above, The Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

L. 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).

M. 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
SECRETARY OF STATE

Dated: 9/2/03

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

ELIZABETH SULLIVAN WOLF
RESPONDENT

Dated: 8/29/03

By: [Signature]
Elizabeth Sullivan Wolf

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: Sept. 22, 2003

By: [Signature]
Chairperson

Date of Entry: 9/23/03

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State of Vermont
Secretary of State's Office
Office of Professional Regulation
Prosecuting Attorneys

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Paralegal
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September 10, 2003

Ms. Elizabeth Wolf
248 Quarry Hill Road
Unit # 77
South Burlington, Vermont 05403

Re: Amendment to Stipulation and Consent Order

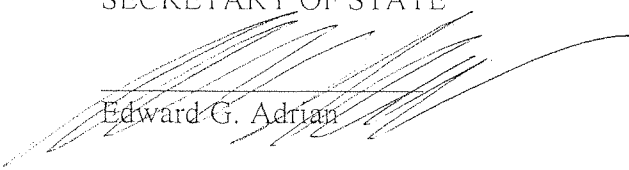
Dear Ms. Wolf:

Thank you for bringing to my attention a typographical error located within the Stipulation and Consent Order signed by you on August 29, 2003. The first paragraph under (9) Administration of Medications should read as follows:

Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after she has worked as a nurse for twelve (12) weeks ~~or of~~ at least 40 hours work every two weeks (or the part time equivalent) after the entry date of this Order.

I have included signature blocks below. Please sign and return the original of this letter to me before September 19, 2003.

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SECRETARY OF STATE

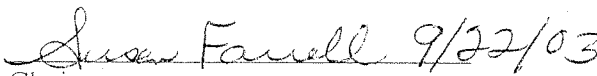

Edward G. Adrian

ELIZABETH SULLIVAN WOLF
RESPONDENT


Elizabeth Sullivan Wolf

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING


Chairperson

cc: Anita Ristau, Unit Administrator
NU032.cor.wpd

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Elizabeth Mary Sullivan)
License Number 26-19713)

Docket No: NU33-0197

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Elizabeth Mary Sullivan who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-19713.
3. By earlier stipulation and order dated 4/14/97, Respondent admitted she abused controlled drugs, specifically acetaminophen #3 with codeine. She was placed under suspension for six months with additional conditions regarding treatment.
4. Respondent has completed the suspension period and has been adhering to the conditions of that stipulation and order.
5. Respondent has petitioned for reinstatement of her license.
6. The State does not oppose that petition in light of this agreement and the terms and conditions it sets forth as agreed upon by the parties.
7. 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.

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

9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

10. 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.

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

12. Respondent 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 Nursing Board REINSTATES Respondent's license to practice nursing and CONDITIONS that license for a minimum period of three (3) years commencing with the date this order is entered by the Vermont Board of Nursing. The CONDITIONS on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years of supervised nursing

practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two(2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later.

In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer nonnarcotic medications under supervision while the prohibition on administering narcotic medications remains in place; and (2) full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the

Board or its designee of all changes of treating professional.

Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board until the treating professional notifies the Board in writing that such counseling is no longer necessary in her/his professional opinion. Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's professional

letterhead. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(7) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph C.(10) Drug Use Exception).

(8) Abstain from ~~Alcohol~~ or Drug Use.

Respondent shall ~~abstain~~ completely from the consumption of ~~alcohol~~ or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph C.(10).

(9) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship.

Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription. The Board or its designee may request at any time that the practitioner document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(8) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(9) Re-issue of License.

Within five (5) days of the date of entry of this Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labelled "conditioned".

(12) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment

of the terms and conditions of this Consent Order.

(10) Notification of Place of Employment/ Personal

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

(14) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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 Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent 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.

(15) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this

Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(16) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(17) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(18) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(19) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(20) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(21) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to

its investigators and the Attorney General's Office.

Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(22) Costs.

Respondent shall bear all costs of complying with this Consent Order.

(23) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(24) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(25) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all

conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

D. 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.

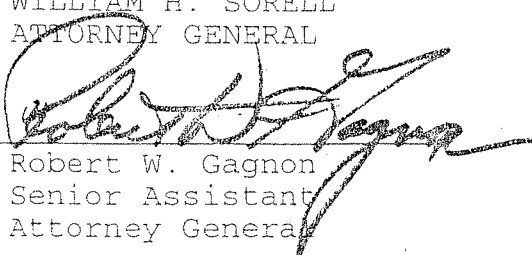
STATE OF VERMONT

WILLIAM H. SORELL
ATTORNEY GENERAL

Dated:

Sept. 11, 1995

by:


Robert W. Gagnon
Senior Assistant
Attorney General

ELIZABETH M. SULLIVAN
RESPONDENT

Dated: 9/2/98

by: Elizabeth M. Sullivan
Elizabeth M. Sullivan

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 9/30/98

by: Diane Dugiewicz
Chairperson

Date of entry: 10-6-98

EMS

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Elizabeth Mary Sullivan

License Number 26-19713

) Docket No: NU33-0197
)STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Elizabeth Mary Sullivan who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-19713.
3. By earlier stipulation and order dated 4/14/97, Respondent admitted she abused controlled drugs, specifically acetaminophen #3 with codeine. She was placed under suspension for six months with additional conditions regarding treatment.
4. Respondent has completed the suspension period and has been adhering to the conditions of that stipulation and order.
5. Respondent has petitioned for reinstatement of her license, which was granted 10/6/98. Respondent petitions for modification of that 10/6/98 order.
6. The State does not oppose that the present petition in light of this agreement and the terms and conditions it sets forth as agreed upon by the parties.

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7. 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.
8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
10. 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.
11. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.
12. Respondent 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 Nursing Board hereby **modifies its prior Order of 10/6/98** which reinstated Respondent's license to practice nursing and **CONDITIONED** that license **for a minimum period of three (3) years** commencing with the date of that order. Time in this stipulation shall be computed based upon the date of the reinstatement order or 10/6/98. The **CONDITIONS** on Respondent's license are now as follows:

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(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent's license is conditioned for a period of six (6) months to allow her to administer nonnarcotic medications under supervision and to prohibit her from administering narcotic medications. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later. In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer narcotic medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering narcotic medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary step:
(1) permission to administer narcotic medications only under supervision.

(3) Approval of Changes of Treating Professional.

EMS

Respondent shall obtain prior approval from the Board or its designee of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board until the treating professional notifies the Board in writing that such counseling is no longer necessary in her/his professional opinion. Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's professional letterhead. The first report is due commencing

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the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(7) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph A.(9) Drug Use Exception).

(8) Abstain from Drug Use.

Respondent shall abstain completely from the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph A.(9).

(9) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within



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one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription. The Board or its designee may request at any time that the practitioner document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(10) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(11) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order.

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further



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notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(13) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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 Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent 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.

(14) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, Respondent shall cause the

EMS

Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(15) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(16) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(17) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(18) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent

EMS

shall not work the night shift during the effective period of this Consent Order.

(19) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(20) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(21) Costs.

EMS

Respondent shall bear all costs of complying with this Consent Order.

(23) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(23) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(24) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school

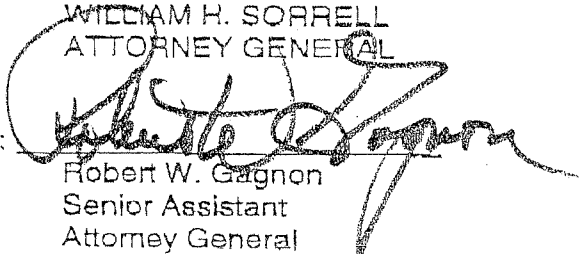
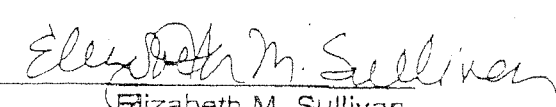
administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

D. 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.

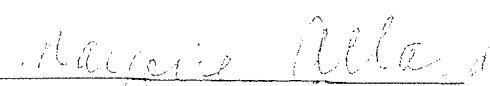
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERALDated: 12/11/98by: Robert W. Gagnon
Senior Assistant
Attorney GeneralELIZABETH M. SULLIVAN
RESPONDENTDated: 12-10-98by: 

Elizabeth M. Sullivan

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Dec 14 1998by: 

Chairperson

Date of entry: 12-15-98

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Elizabeth Mary Sullivan)
License Number 26-19713)

Docket No: NU33-0197

SPECIFICATION OF CHARGES

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and to conduct hearings pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-19713. That license has currently been allowed to lapse.
3. By earlier stipulation and order dated 4/14/97, Respondent admitted she abused controlled drugs, specifically acetaminophen #3 with codeine. She was placed under suspension for six months with additional conditions regarding treatment.
4. Respondent has petitioned for reinstatement of her license, which was granted 10/6/98. Respondent petitioned for modification of that 10/6/98 which was granted by order of December 15, 1998. Respondent again petitioned for a modification on January 29, 1999. This has not been acted upon.
5. Respondent has not notified the Board or its designee that she has changed treating professionals. Her treating professional has reported he was replaced. Respondent did this without notice to or securing prior approval of the Board. This is in violation of the terms and conditions of her license, Order 12/15/98 Paragraph A. (3).

6. Pursuant to Paragraph A. (6) of that order, Respondent was to cause reports to be submitted on a monthly basis from her treating professional. A report was received dated December 27, 1998 and one received dated April 9, 1999. These reports indicate a lack of cooperation with the treating professional in scheduling appointments and arranging for urine samples.

7. Respondent has failed to abide by the terms of Paragraph A. (7) of her conditions regarding drug testing.

8. Respondent has failed to renew her license as directed in Paragraph A. (19).

9. Respondent has failed to provide releases as requested by the Board's designee as required by paragraph A. (20).

10. By the conduct described in paragraphs 3 through 9 above, respondent has violated the express terms of the 12/15/98 Order of this Board. Additionally, respondent has thereby violated 3 V.S.A. §129a (a)(4) (violating a Board order).

WHEREFORE the nursing license of Elizabeth Mary Sullivan should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

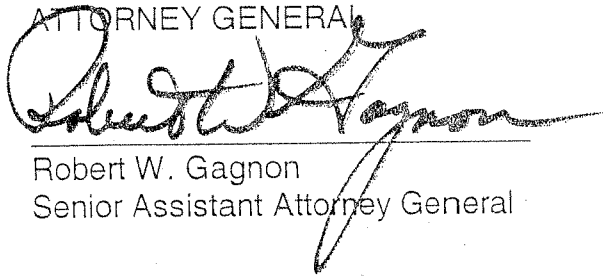
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated:

July 2, 1999

by:


Robert W. Gagnon
Senior Assistant Attorney General

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE: Elizabeth M. Sullivan)
Case File No. NU33-0197) DEFAULT ORDER
License No. 26-19713)

Introduction

The Board of Nursing held a default hearing in the above matter on September 13, 1999 at 81 River Street in Montpelier, Vermont. Board members Margaret Luce, Linda Rice, Louise Hamilton, Susan Farrell, Catherine McGee, Louise Lamphere and Raymond Phillips participated in the decision. Senior Assistant Attorney General Robert Gagnon appeared for the State. Neither the Respondent nor her attorney attended the hearing.

Upon hearing the State's presentation, the Board granted the State's Motion for Default Judgment. The allegations contained in the State's specification of charges dated July 2, 1999 (copy attached) are therefore treated as the facts on which the Board's order is based.

Conclusions of Law

The Respondent has received adequate notice of the charges against her as indicated by the Board's file and the Attorney General's presentation. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in a default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's specification of charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent, Elizabeth M. Sullivan, is hereby SUSPENDED INDEFINITELY, effective as of the date of entry of this Order, below.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell
Chair

Date: September 17, 1999

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9-23-99

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Elizabeth Mary Sullivan)
License Number 26-19713)

Docket No: NU33-0197

SPECIFICATION OF CHARGES

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and to conduct hearings pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-19713. That license has currently been allowed to lapse.
3. By earlier stipulation and order dated 4/14/97, Respondent admitted she abused controlled drugs, specifically acetaminophen #3 with codeine. She was placed under suspension for six months with additional conditions regarding treatment.
4. Respondent has petitioned for reinstatement of her license, which was granted 10/6/98. Respondent petitioned for modification of that 10/6/98 which was granted by order of December 15, 1998. Respondent again petitioned for a modification on January 29, 1999. This has not been acted upon.
5. Respondent has not notified the Board or its designee that she has changed treating professionals. Her treating professional has reported he was replaced. Respondent did this without notice to or securing prior approval of the Board. This is in violation of the terms and conditions of her license, Order 12/15/98 Paragraph A. (3).

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

6. Pursuant to Paragraph A. (6) of that order, Respondent was to cause reports to be submitted on a monthly basis from her treating professional. A report was received dated December 27, 1998 and one received dated April 9, 1999. These reports indicate a lack of cooperation with the treating professional in scheduling appointments and arranging for urine samples.

7. Respondent has failed to abide by the terms of Paragraph A. (7) of her conditions regarding drug testing.

8. Respondent has failed to renew her license as directed in Paragraph A. (19).

9. Respondent has failed to provide releases as requested by the Board's designee as required by paragraph A. (20).

10. By the conduct described in paragraphs 3 through 9 above, respondent has violated the express terms of the 12/15/98 Order of this Board. Additionally, respondent has thereby violated 3 V.S.A. §129a (a)(4)(violating a Board order).

WHEREFORE the nursing license of Elizabeth Mary Sullivan should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated:

July 2, 1999

by:

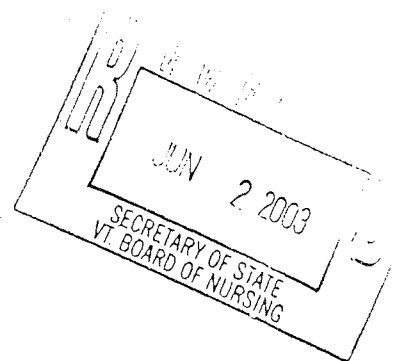
Robert W. Gagnon
Robert W. Gagnon
Senior Assistant Attorney General

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

Good HEALTH P.C.
ASSOCIATES IN ADULT MEDICINE

May 23, 2003

Anita Risteau
Vt. State Board of Nursing
81 River St.
Montpelier, VT 05605



Re: Elizabeth Wolfe

Dear Ms. Risteau:

Elizabeth Wolfe has been a patient of mine for many years. As you know, she has had trouble with narcotics in 1998 and lost her license to practice nursing. She had difficulty at that time following up on the requirements in written communication and lost her license finally in 1999.

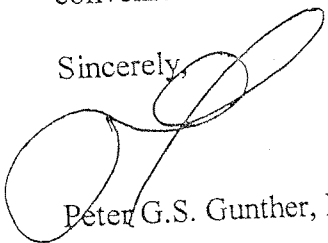
Since that time, she has done well. She has not had any history of recurrent narcotic use. She has had problems with mental health and a bipolar illness requiring hospitalization. She has been doing extraordinarily well for the last year. She is ready to take on new nursing responsibilities if the Board of Nursing would find in her behavior. She is established in a good mental health relationship with ongoing counseling and follows up regularly with her appointments here.

She clearly is ready to take on nursing responsibilities again. She is well aware of the risk of relapse, well aware of the risk of her mental health and has established good judgment and planning for that return. She understands that she should take on part-time nursing duties rather than full time, continuing in counseling and continuing with regular follow-up care.

She has developed an excellent life plan that has been well discussed and thought through. She clearly has demonstrated excellent judgment in all of those undertakings.

It is my professional opinion that the Vermont State Board of Nursing should re-institute Elizabeth Wolfe's license to practice nursing. I would be glad to discuss this further at your convenience.

Sincerely,



Peter G.S. Gunther, M.D.

/cd

cc: Elizabeth Wolfe 248 Quarry Hill Rd. #77 So. Burlington, VT 05403

ATTACHMENT E

5/1/2007

VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

In re: Elizabeth Wolf }
License No. 026-0019713 } Docket No. NU 33-0197

FINDINGS OF FACT
CONCLUSIONS OF LAW & ORDER

Introduction:

On 13 November 2006, this matter came before the Vermont Board of Nursing on a petition submitted by Elizabeth Wolf.

Petitioner seeks reversal of a preliminary denial of her request for a modification of the conditions on her Vermont RN license. The conditions on the Petitioner's license are the result of a "Stipulation and Consent Order" ("Order") entered 23 September 2003.

Board members Susan O. Farrell, Chairperson, Ellen Leff, Donarae Metcalf, Sandra Norton, Linda Rice, Laurey M. Tyo, DeAnn Welch and Alan Weiss participated in the hearing of this matter. The Petitioner appeared on her own behalf. Board counsel Kevin F. Leahy presided.

Findings of Fact &
Conclusions of Law:

The Petitioner initially sought to have her license reinstated without conditions or with modifications via a petition made on 23 August 2006. A review committee of the Board preliminarily denied the request. As stated in a letter to the Petitioner dated 12 October 2006, the review committee denied the request due to the lack of professional hours worked by the Petitioner during the time Petitioner's license has been conditioned. This appeal followed.

A Petitioner bears the burden of proof. 3 V.S.A. § 129(e). It is therefore incumbent upon the Petitioner to demonstrate to the Board that she has met the conditions set forth in the 2003 Order, which is the basis for the license conditions she seeks to have removed.

The Board reviewed and considered the evidence presented at the hearing by the Petitioner, which included her testimony. Petitioner explained the reasons why she had been unable to meet the hourly requirements set forth in the prior Order. However, it is the Board's view that further time working under conditions, particularly obtaining employer reports and taking random drug screens, is necessary before it can consider lifting the license conditions. The Order, at ¶19, requires the Petitioner to make several affirmative showings to the Board prior to having conditions removed. Without a

significant history of employer reports and random drug/alcohol screens, the Board is unable to make an informed judgment about the ultimate question of whether Petitioner can safely practice without license conditions. The Board understands that several years have elapsed since Petitioner successfully began her recovery. The passage of time, however, is but one factor the Board must consider. Meeting the other requirements of the 2003 Order are important to the Board as well.

The conditions on Petitioner's license shall therefore remain in place until Ms. Wolf can satisfactorily show, in accordance with ¶ 19 of the Order currently governing the practice of her profession, that she has fulfilled all license conditions.

ORDER

The review committee decision to deny full reinstatement of Petitioner's license is AFFIRMED, and Petitioner's request to have her license reinstated without conditions; or in the alternative to modify the 2003 Order, is DENIED.

Vermont Board of Nursing:

By: Susan O. Farrell
Susan O. Farrell, RN, Chairperson

Date: December 15, 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/19/06

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 the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of the 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.

04

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

IN RE:)
ELIZABETH SULLIVAN WOLF)
License No: 026-0019713)

Docket No. NU 33-0197

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Elizabeth Sullivan Wolf, who stipulate and agree as follows:

Board Authority

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §§129 and 129a, and 26 V.S.A. §§1574 and 1582.
2. Having a mental, emotional or physical disability, the nature of which interferes with the ability to practice nursing competently is unprofessional conduct and is a basis upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(6).
3. Being unable to practice the profession of nursing competently by reason of any cause is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(3).

Facts

4. At all times relevant to these charges, the Respondent (whose address is

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

listed in the database of the Office of Professional Regulation as 248 Quarry Hill Rd. #77, So. Burlington, VT 05403) was a Registered Nurse holding license number 026-0019713.

5. Respondent's license was originally issued on August 29, 1990 and Respondent's license is currently suspended due to a Board Order entered on April 14, 1997. The discipline was based on substance abuse problems.

6. The Respondent petitioned the Board in 1998 for reinstatement of her license, which was granted by Stipulation and Consent Order entered on October 6, 1998, which reinstated her license with multiple conditions on Respondent's ability to practice nursing. (Attached as Exhibit A)

7. Modifications to those conditions were granted by Stipulation and Consent Order entered on December 15, 1998, however, the majority of conditions remained on her license. (Attached as Exhibit B)

8. Respondent was charged with violating the above conditions by the State in its Specification of Charges dated July 2, 1999. (Attached as Exhibit C)

9. Respondent did not respond to the charges and the Board entered a Default Order on September 23, 1999 which suspended Respondent's license indefinitely. (Attached as Exhibit D)

10. In January 2000, Respondent requested that her license be reinstated.

11. The request was preliminarily denied by letter dated February 1, 2000 based on insufficient time having passed to show that the Respondent's current rehabilitation efforts have been successful and would allow

Respondent to safely return to the practice of nursing.

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12. The Respondent, by letter dated February 7, 2000, requested a hearing before the Board to review its preliminary decision.

13. The Board denied the Respondent's reinstatement due to there being an insufficient track record for the Board to be assured that the Respondent was ready to safely return to nursing.

14. The Board ordered that the Respondent would not be able to apply for reinstatement until a minimum of six months had passed from the date of entry of the Order, April 4, 2000.

15. Respondent, by letter dated May 25, 2003, requested that her nursing license be reviewed for reinstatement.

16. Respondent's treating medical doctor submitted a letter dated May 23, 2003, setting forth that in his professional opinion that the Board should consider reinstating the Respondent. (Attached as Exhibit E)

17. Respondent has recently had an independent evaluation performed by a licensed Drug and Alcohol Counselor approved by the Board.

18. While Respondent is competent and qualified to return to the practice of nursing, Respondent still requires monitoring regarding her mental health issues and her recent drug addiction.

19. The Respondent agrees that the conditions below are necessary for her to return to the practice.

Understandings

A. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.

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Office of
Professional Regulation
Montpelier, VT 05602

- B. 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.
- C. 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.
- D. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- E. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- F. 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.
- G. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
- H. Respondent 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:

- I. Respondent admits that she requires the following conditions to protect the public.
- J. Based on the above Stipulation and the Findings and Conclusions of this

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Office of
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Montpelier, VT 05602

Board, it is **ORDERED** that **CONDITIONS** shall be imposed on any license to practice nursing issued to Respondent and the conditions shall remain **FOR A MINIMUM PERIOD OF THREE (3) YEARS** from the date of entry of this Order. The conditions are as follows:

(1) License to be labeled "Conditioned".

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

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty-eight (48) hours per week.

(3) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the treatment plan approved by the Board and the treating professional.

If the Board (1) does not approve the treating professional presented to the Board for approval or (2) does not approve the treatment plan presented to

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

the Board for review and approval, Respondent must submit another treating professional and/or treatment plan for the Board's approval prior to the next regularly scheduled monthly meeting of the Board. If Respondent fails to comply with this paragraph or the Board should again reject the proposed treating professional or treatment plan, Respondent shall be deemed to have violated this Consent Order.

(4) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Abstain from Drug Use.

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Respondent shall abstain completely from the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph (7) for the period of time described in paragraph (J).

(7) Drug Use Exception.

Respondent shall not take controlled substances unless necessary.

Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication, during the term of this Consent Order, for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

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Office of
Professional Regulation
Montpelier, VT 05602

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(8) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(9) Administration of Medications.

Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after she has worked as nurse for twelve (12) weeks or at least 40 hours work every two weeks (or the part time equivalent) after the entry date of this Order. ←

In any such petition, the Respondent must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer such medications. In any such petition, the Respondent must include appropriate support from her treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

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Montpelier, VT 05602

(10) Types of Employment Prohibited.

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

(11) Prohibited Duties.

Respondent shall be prohibited from being a Charge Nurse during the effective period of the Consent Order. Respondent shall be prohibited from working the night shift during the effective period of the Consent Order. Respondent shall not work more than forty-eight (48) hours per week.

(12) Out of State Practice/Residence.

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

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing

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Montpelier, VT 05602

employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number. Respondent shall provide a copy of this Consent Order to all employers, current and future, and shall inform them of the conditional status of her license.

(14) Random Drug Testing.

Respondent shall submit to random drug screening at the request of the Board. Respondent shall designate a person, who has been approved by the Board, to administer the random drug screens. All testing shall be done on an unannounced basis and shall be analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting.

(15) License Renewal.

If the Respondent'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 nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(16) Release of Information Forms.

In fulfilling the conditions of this Order which require the Respondent to authorize various persons to report information or to discuss the Respondent with the Board, the Respondent must execute a consent to disclose form which meets the requirements of 42 C.F.R. §2.31. The authorization must

STATE OF VERMONT



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Office of
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Montpelier, VT 05602

allow the information to also be provided to the Office of Professional Regulation investigators. Any revocation by The Respondent of such a consent to disclosure during the term of this Order shall be considered a violation of this Order.

(17) Costs.

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

(18) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent 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 Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(19) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order. The Respondent must also present proof of successful mental health and substance abuse rehabilitation and she must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the public or the practice of nursing and that she can safely and competently perform the duties of a Registered Nurse.

STATE OF VERMONT



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Montpelier, VT 05602

K. Notwithstanding any provision above, The Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

L. 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).

M. 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
SECRETARY OF STATE

Dated: 9/2/03

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

ELIZABETH SULLIVAN WOLF
RESPONDENT

Dated: 8/29/03

By: [Signature]
Elizabeth Sullivan Wolf

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Sept. 22, 2003

By: [Signature]
Chairperson

Date of Entry: 9/23/03

nu.wolf.stip

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

9 Baldwin Street
Montpelier, VT 05609-1106

Fax: 802 828-2389



State of Vermont
Secretary of State's Office
Office of Professional Regulation
Prosecuting Attorneys

Edward Adrian, Esq.
eadrian@sec.state.vt.us
802 828-1217

Robert Backus, Esq.
rbackus@sec.state.vt.us
802 828-1218

Paralegal
828-1219

September 10, 2003

Ms. Elizabeth Wolf
248 Quarry Hill Road
Unit # 77
South Burlington, Vermont 05403

Re: Amendment to Stipulation and Consent Order

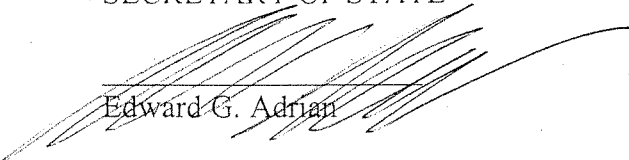
Dear Ms. Wolf:

Thank you for bringing to my attention a typographical error located within the Stipulation and Consent Order signed by you on August 29, 2003. The first paragraph under (9) Administration of Medications should read as follows:

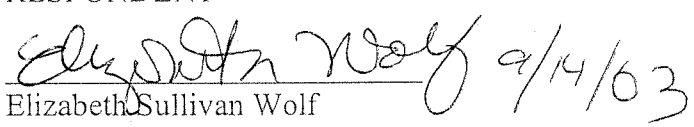
Respondent is prohibited from administering any controlled substances. This condition may be removed only by the Respondent filing a petition with the Board after she has worked as a nurse for twelve (12) weeks ~~or~~ of at least 40 hours work every two weeks (or the part time equivalent) after the entry date of this Order.

I have included signature blocks below. Please sign and return the original of this letter to me before September 19, 2003.

STATE OF VERMONT
SECRETARY OF STATE

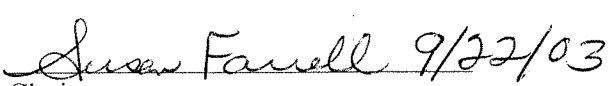

Edward G. Adrian

ELIZABETH SULLIVAN WOLF
RESPONDENT


Elizabeth Sullivan Wolf

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING


Chairperson

cc: Anita Ristau, Unit Administrator
NU032.cor.wpd

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Elizabeth Mary Sullivan)
License Number 26-19713)

Docket No: NU33-0197

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Elizabeth Mary Sullivan who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-19713.
3. By earlier stipulation and order dated 4/14/97, Respondent admitted she abused controlled drugs, specifically acetaminophen #3 with codeine. She was placed under suspension for six months with additional conditions regarding treatment.
4. Respondent has completed the suspension period and has been adhering to the conditions of that stipulation and order.
5. Respondent has petitioned for reinstatement of her license.
6. The State does not oppose that petition in light of this agreement and the terms and conditions it sets forth as agreed upon by the parties.
7. 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.

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

9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

10. 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.

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

12. Respondent 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 Nursing Board **REINSTATES** Respondent's license to practice nursing and **CONDITIONS** that license for a minimum **period of three (3) years** commencing with the date this order is entered by the Vermont Board of Nursing. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years of supervised nursing

practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two(2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later.

In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer nonnarcotic medications under supervision while the prohibition on administering narcotic medications remains in place; and (2) full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the

Board or its designee of all changes of treating professional.

Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board until the treating professional notifies the Board in writing that such counseling is no longer necessary in her/his professional opinion. Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's professional

letterhead. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(7) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph C.(10) Drug Use Exception).

(8) Abstain from ~~Alcohol~~ or Drug Use.

Respondent shall ~~abstain~~ completely from the consumption of ~~alcohol~~ or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph C.(10).

(9) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship.

Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription. The Board or its designee may request at any time that the practitioner document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(8) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(91) Re-issue of License.

Within five (5) days of the date of entry of this Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labelled "conditioned".

(12) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment

of the terms and conditions of this Consent Order.

(10) Notification of Place of Employment/ Personal

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

(14) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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 Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent 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.

(15) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this

Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(16) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(17) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(18) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(19) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(20) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(21) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to

its investigators and the Attorney General's Office.

Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(22) Costs.

Respondent shall bear all costs of complying with this Consent Order.

(23) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(24) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(25) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all

conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

D. 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.

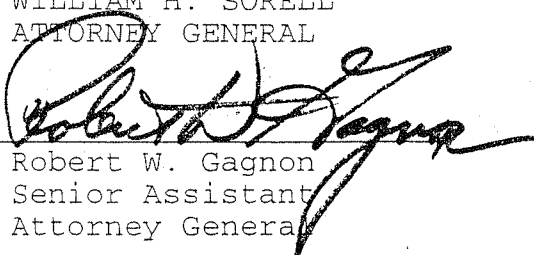
STATE OF VERMONT

WILLIAM H. SORELL
ATTORNEY GENERAL

Dated:

Sept. 11, 1995

by:


Robert W. Gagnon
Senior Assistant
Attorney General

ELIZABETH M. SULLIVAN
RESPONDENT

Dated: 9/2/98

by: Elizabeth M. Sullivan
Elizabeth M. Sullivan

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 9/30/98

by: Diane Drogiewicz
Chairperson

Date of entry: 10-6-98

EMS

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Elizabeth Mary Sullivan
License Number 26-19713) Docket No: NU33-0197
)STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Elizabeth Mary Sullivan who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-19713.
3. By earlier stipulation and order dated 4/14/97, Respondent admitted she abused controlled drugs, specifically acetaminophen #3 with codeine. She was placed under suspension for six months with additional conditions regarding treatment.
4. Respondent has completed the suspension period and has been adhering to the conditions of that stipulation and order.
5. Respondent has petitioned for reinstatement of her license, which was granted 10/6/98. Respondent petitions for modification of that 10/6/98 order.
6. The State does not oppose that the present petition in light of this agreement and the terms and conditions it sets forth as agreed upon by the parties.

EMS

7. 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.
8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
10. 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.
11. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.
12. Respondent 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 Nursing Board hereby **modifies its prior Order of 10/6/98** which reinstated Respondent's license to practice nursing and **CONDITIONED** that license **for a minimum period of three (3) years** commencing with the date of that order. Time in this stipulation shall be computed based upon the date of the reinstatement order or 10/6/98. The **CONDITIONS** on Respondent's license are now as follows:

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(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent's license is conditioned for a period of six (6) months to allow her to administer nonnarcotic medications under supervision and to prohibit her from administering narcotic medications. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later. In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer narcotic medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering narcotic medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary step:
(1) permission to administer narcotic medications only under supervision.

(3) Approval of Changes of Treating Professional.

EMS

Respondent shall obtain prior approval from the Board or its designee of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board until the treating professional notifies the Board in writing that such counseling is no longer necessary in her/his professional opinion. Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's professional letterhead. The first report is due commencing

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the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(7) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph A.(9) Drug Use Exception).

(8) Abstain from Drug Use.

Respondent shall abstain completely from the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph A.(9).

(9) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within

EMS

one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription. The Board or its designee may request at any time that the practitioner document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(10) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(11) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order.

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further

EMS

notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(13) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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 Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent 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.

(14) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, Respondent shall cause the

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Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(15) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(16) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(17) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(18) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent

EMS

shall not work the night shift during the effective period of this Consent Order.

(19) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(20) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(21) Costs.

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Respondent shall bear all costs of complying with this Consent Order.

(23) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(23) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(24) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school

administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

D. 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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERALDated: 12/11/98by: Robert W. GagnonRobert W. Gagnon
Senior Assistant
Attorney GeneralELIZABETH M. SULLIVAN
RESPONDENTDated: 12-10-98by: Elizabeth M. Sullivan

Elizabeth M. Sullivan

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Dec 14 1998by: Nancy Allard

Chairperson

Date of entry: 12-15-98

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Elizabeth Mary Sullivan)
License Number 26-19713)

Docket No: NU33-0197

SPECIFICATION OF CHARGES

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and to conduct hearings pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-19713. That license has currently been allowed to lapse.
3. By earlier stipulation and order dated 4/14/97, Respondent admitted she abused controlled drugs, specifically acetaminophen #3 with codeine. She was placed under suspension for six months with additional conditions regarding treatment.
4. Respondent has petitioned for reinstatement of her license, which was granted 10/6/98. Respondent petitioned for modification of that 10/6/98 which was granted by order of December 15, 1998. Respondent again petitioned for a modification on January 29, 1999. This has not been acted upon.
5. Respondent has not notified the Board or its designee that she has changed treating professionals. Her treating professional has reported he was replaced. Respondent did this without notice to or securing prior approval of the Board. This is in violation of the terms and conditions of her license, Order 12/15/98 Paragraph A. (3).

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

6. Pursuant to Paragraph A. (6) of that order, Respondent was to cause reports to be submitted on a monthly basis from her treating professional. A report was received dated December 27, 1998 and one received dated April 9, 1999. These reports indicate a lack of cooperation with the treating professional in scheduling appointments and arranging for urine samples.

7. Respondent has failed to abide by the terms of Paragraph A. (7) of her conditions regarding drug testing.

8. Respondent has failed to renew her license as directed in Paragraph A. (19).

9. Respondent has failed to provide releases as requested by the Board's designee as required by paragraph A. (20).

10. By the conduct described in paragraphs 3 through 9 above, respondent has violated the express terms of the 12/15/98 Order of this Board. Additionally, respondent has thereby violated 3 V.S.A. §129a (a)(4)(violating a Board order).

WHEREFORE the nursing license of Elizabeth Mary Sullivan should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated:

July 2, 1999

by:

Robert W. Gagnon
Robert W. Gagnon
Senior Assistant Attorney General

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

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE: Elizabeth M. Sullivan)
Case File No. NU33-0197) DEFAULT ORDER
License No. 26-19713)

Introduction

The Board of Nursing held a default hearing in the above matter on September 13, 1999 at 81 River Street in Montpelier, Vermont. Board members Margaret Luce, Linda Rice, Louise Hamilton, Susan Farrell, Catherine McGee, Louise Lamphere and Raymond Phillips participated in the decision. Senior Assistant Attorney General Robert Gagnon appeared for the State. Neither the Respondent nor her attorney attended the hearing.

Upon hearing the State's presentation, the Board granted the State's Motion for Default Judgment. The allegations contained in the State's specification of charges dated July 2, 1999 (copy attached) are therefore treated as the facts on which the Board's order is based.

Conclusions of Law

The Respondent has received adequate notice of the charges against her as indicated by the Board's file and the Attorney General's presentation. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in a default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's specification of charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent, Elizabeth M. Sullivan, is hereby SUSPENDED INDEFINITELY, effective as of the date of entry of this Order, below.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell
Chair

Date: September 17, 1999

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9-23-99

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Elizabeth Mary Sullivan)
License Number 26-19713)

Docket No: NU33-0197

SPECIFICATION OF CHARGES

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and to conduct hearings pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-19713. That license has currently been allowed to lapse.
3. By earlier stipulation and order dated 4/14/97, Respondent admitted she abused controlled drugs, specifically acetaminophen #3 with codeine. She was placed under suspension for six months with additional conditions regarding treatment.
4. Respondent has petitioned for reinstatement of her license, which was granted 10/6/98. Respondent petitioned for modification of that 10/6/98 which was granted by order of December 15, 1998. Respondent again petitioned for a modification on January 29, 1999. This has not been acted upon.
5. Respondent has not notified the Board or its designee that she has changed treating professionals. Her treating professional has reported he was replaced. Respondent did this without notice to or securing prior approval of the Board. This is in violation of the terms and conditions of her license, Order 12/15/98 Paragraph A. (3).

6. Pursuant to Paragraph A. (6) of that order, Respondent was to cause reports to be submitted on a monthly basis from her treating professional. A report was received dated December 27, 1998 and one received dated April 9, 1999. These reports indicate a lack of cooperation with the treating professional in scheduling appointments and arranging for urine samples.

7. Respondent has failed to abide by the terms of Paragraph A. (7) of her conditions regarding drug testing.

8. Respondent has failed to renew her license as directed in Paragraph A. (19).

9. Respondent has failed to provide releases as requested by the Board's designee as required by paragraph A. (20).

10. By the conduct described in paragraphs 3 through 9 above, respondent has violated the express terms of the 12/15/98 Order of this Board. Additionally, respondent has thereby violated 3 V.S.A. §129a (a)(4)(violating a Board order).

WHEREFORE the nursing license of Elizabeth Mary Sullivan should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

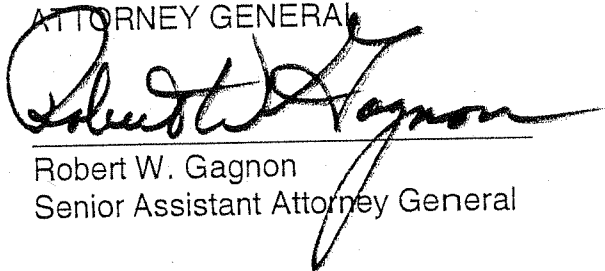
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated:

July 2, 1999

by:

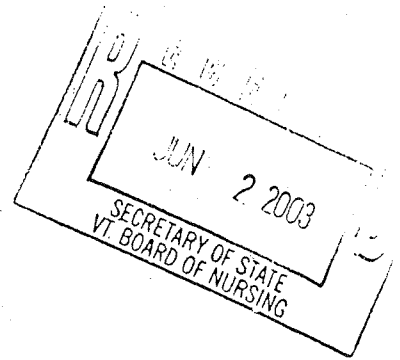

Robert W. Gagnon
Senior Assistant Attorney General

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

Good HEALTH P.C.
ASSOCIATES IN ADULT MEDICINE

May 23, 2003

Anita Risteau
Vt. State Board of Nursing
81 River St.
Montpelier, VT 05605



Re: Elizabeth Wolfe

Dear Ms. Risteau:

Elizabeth Wolfe has been a patient of mine for many years. As you know, she has had trouble with narcotics in 1998 and lost her license to practice nursing. She had difficulty at that time following up on the requirements in written communication and lost her license finally in 1999.

Since that time, she has done well. She has not had any history of recurrent narcotic use. She has had problems with mental health and a bipolar illness requiring hospitalization. She has been doing extraordinarily well for the last year. She is ready to take on new nursing responsibilities if the Board of Nursing would find in her behavior. She is established in a good mental health relationship with ongoing counseling and follows up regularly with her appointments here.

She clearly is ready to take on nursing responsibilities again. She is well aware of the risk of relapse, well aware of the risk of her mental health and has established good judgment and planning for that return. She understands that she should take on part-time nursing duties rather than full time, continuing in counseling and continuing with regular follow-up care.

She has developed an excellent life plan that has been well discussed and thought through. She clearly has demonstrated excellent judgment in all of those undertakings.

It is my professional opinion that the Vermont State Board of Nursing should re-institute Elizabeth Wolfe's license to practice nursing. I would be glad to discuss this further at your convenience.

Sincerely,

Peter G.S. Gunther, M.D.

/cd

cc: Elizabeth Wolfe 248 Quarry Hill Rd. #77 So. Burlington, VT 05403

ATTACHMENT E

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE: Elizabeth M. Sullivan (Wolf),
Case File No. NU33-0197)
License No. 26-19713)

DEFAULT ORDER

Introduction

The Board of Nursing held a default hearing in the above matter on September 13, 1999 at 81 River Street in Montpelier, Vermont. Board members Margaret Luce, Linda Rice, Louise Hamilton, Susan Farrell, Catherine McGee, Louise Lamphere and Raymond Phillips participated in the decision. Senior Assistant Attorney General Robert Gagnon appeared for the State. Neither the Respondent nor her attorney attended the hearing.

Upon hearing the State's presentation, the Board granted the State's Motion for Default Judgment. The allegations contained in the State's specification of charges dated July 2, 1999 (copy attached) are therefore treated as the facts on which the Board's order is based.

Conclusions of Law

The Respondent has received adequate notice of the charges against her as indicated by the Board's file and the Attorney General's presentation. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in a default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's specification of charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent, Elizabeth M. Sullivan, is hereby SUSPENDED INDEFINITELY, effective as of the date of entry of this Order, below.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell
Chair

Date: September 17, 1999

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9-23-99

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Elizabeth Mary Sullivan)
License Number 26-19713)

Docket No: NU33-0197

SPECIFICATION OF CHARGES

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and to conduct hearings pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-19713. That license has currently been allowed to lapse.
3. By earlier stipulation and order dated 4/14/97, Respondent admitted she abused controlled drugs, specifically acetaminophen #3 with codeine. She was placed under suspension for six months with additional conditions regarding treatment.
4. Respondent has petitioned for reinstatement of her license, which was granted 10/6/98. Respondent petitioned for modification of that 10/6/98 which was granted by order of December 15, 1998. Respondent again petitioned for a modification on January 29, 1999. This has not been acted upon.
5. Respondent has not notified the Board or its designee that she has changed treating professionals. Her treating professional has reported he was replaced. Respondent did this without notice to or securing prior approval of the Board. This is in violation of the terms and conditions of her license, Order 12/15/98 Paragraph A. (3).

6. Pursuant to Paragraph A. (6) of that order, Respondent was to cause reports to be submitted on a monthly basis from her treating professional. A report was received dated December 27, 1998 and one received dated April 9, 1999. These reports indicate a lack of cooperation with the treating professional in scheduling appointments and arranging for urine samples.

7. Respondent has failed to abide by the terms of Paragraph A. (7) of her conditions regarding drug testing.

8. Respondent has failed to renew her license as directed in Paragraph A. (19).

9. Respondent has failed to provide releases as requested by the Board's designee as required by paragraph A. (20).

10. By the conduct described in paragraphs 3 through 9 above, respondent has violated the express terms of the 12/15/98 Order of this Board. Additionally, respondent has thereby violated 3 V.S.A. §129a (a)(4)(violating a Board order).

WHEREFORE the nursing license of Elizabeth Mary Sullivan should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

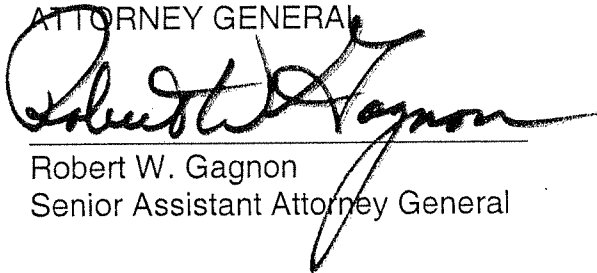
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated:

July 2, 1999

by:


Robert W. Gagnon
Senior Assistant Attorney General

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

EMS

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Elizabeth Mary Sullivan)
License Number 26-19713) Docket No: NU33-0197

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Elizabeth Mary Sullivan who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-19713.
3. By earlier stipulation and order dated 4/14/97, Respondent admitted she abused controlled drugs, specifically acetaminophen #3 with codeine. She was placed under suspension for six months with additional conditions regarding treatment.
4. Respondent has completed the suspension period and has been adhering to the conditions of that stipulation and order.
5. Respondent has petitioned for reinstatement of her license, which was granted 10/6/98. Respondent petitions for modification of that 10/6/98 order.
6. The State does not oppose that the present petition in light of this agreement and the terms and conditions it sets forth as agreed upon by the parties.

EMS

7. 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.
8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
10. 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.
11. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.
12. Respondent 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 Nursing Board hereby **modifies its prior Order of 10/6/98** which reinstated Respondent's license to practice nursing and **CONDITIONED** that license **for a minimum period of three (3) years** commencing with the date of that order. Time in this stipulation shall be computed based upon the date of the reinstatement order or 10/6/98. The **CONDITIONS** on Respondent's license are now as follows:

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(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent's license is conditioned for a period of six (6) months to allow her to administer nonnarcotic medications under supervision and to prohibit her from administering narcotic medications. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later. In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer narcotic medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering narcotic medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary step:

(1) permission to administer narcotic medications only under supervision.

(3) Approval of Changes of Treating Professional.

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Respondent shall obtain prior approval from the Board or its designee of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board until the treating professional notifies the Board in writing that such counseling is no longer necessary in her/his professional opinion. Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's professional letterhead. The first report is due commencing

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the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(7) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph A.(9) Drug Use Exception).

(8) Abstain from Drug Use.

Respondent shall abstain completely from the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph A.(9).

(9) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within

EMS

one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription. The Board or its designee may request at any time that the practitioner document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(10) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(11) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order.

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further

EMS

notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(13) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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 Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent 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.

(14) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, Respondent shall cause the

EMS

Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(15) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(16) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(17) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(18) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent

EMS

shall not work the night shift during the effective period of this Consent Order.

(19) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(20) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(21) Costs.

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Respondent shall bear all costs of complying with this Consent Order.

(23) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(23) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(24) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school

administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

D. 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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERALDated: 12/11/98by: Robert W. GagnonRobert W. Gagnon
Senior Assistant
Attorney GeneralELIZABETH M. SULLIVAN
RESPONDENTDated: 12-10-98by: Elizabeth M. Sullivan

Elizabeth M. Sullivan

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Dec 14 1998by: Harriet Allard

Chairperson

Date of entry: 12-15-98

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Elizabeth Mary Sullivan
License Number 26-19713

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shall be null and void.

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

9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

10. 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.

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

12. Respondent 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 Nursing Board **REINSTATES** Respondent's license to practice nursing and **CONDITIONS** that license for a minimum **period of three (3) years** commencing with the date this order is entered by the Vermont Board of Nursing. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed three (3) years of supervised nursing

practice in which she works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two(2) weeks shall be credited on a prorated basis.

(2) Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications for a period of three (3) months. This condition may be removed only by Respondent petitioning the Board for its removal no sooner than three (3) months (during which time she works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date she returns to work as a nurse, whichever is later.

In petitioning the Board Respondent agrees that she must demonstrate, to the satisfaction of the Nursing Board, that she can safely and competently administer medications. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator.

The removal of the prohibition against administering medications shall not result in automatic reinstatement of all medication privileges. Rather, the Board may gradually restore those privileges through the following intermediary steps: (1) permission to administer nonnarcotic medications under supervision while the prohibition on administering narcotic medications remains in place; and (2) full permission to administer nonnarcotic medications along with permission to administer narcotic medications only under supervision.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the

Board or its designee of all changes of treating professional.

Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Completion of Counseling and Treatment Plan.

Respondent shall enter into and continue counseling with the treating professional approved by the Board until the treating professional notifies the Board in writing that such counseling is no longer necessary in her/his professional opinion. Respondent shall comply with the treatment plan approved by the Board.

(5) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(6) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's professional

letterhead. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(7) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall ensure that Respondent's treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph C.(10) Drug Use Exception).

EM Sullivan *JSB*
(8) Abstain from ~~Alcohol~~ or Drug Use.

EM Sullivan *JSB*
Respondent shall abstain completely from the consumption of ~~alcohol~~ or the use or possession of any drugs with the exception of prescribed medications as outlined in paragraph C.(10).

(9) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship.

Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription. The Board or its designee may request at any time that the practitioner document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(8) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(9) Re-issue of License.

Within five (5) days of the date of entry of this Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labelled "conditioned".

(12) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment

of the terms and conditions of this Consent Order.

(10) Notification of Place of Employment/ Personal

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

(14) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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 Respondent is attending a nursing program, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent 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.

(15) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this

Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(16) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(17) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(18) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(19) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(20) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(21) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to

its investigators and the Attorney General's Office.

Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(22) Costs.

Respondent shall bear all costs of complying with this Consent Order.

(23) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(24) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(25) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all

conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from her treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

D. 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.

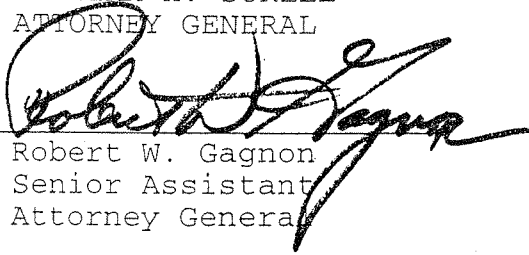
STATE OF VERMONT

WILLIAM H. SORELL
ATTORNEY GENERAL

Dated:

Sept. 11, 1995

by:


Robert W. Gagnon
Senior Assistant
Attorney General

ELIZABETH M. SULLIVAN
RESPONDENT

Dated: 9/2/98

by: Elizabeth M. Sullivan
Elizabeth M. Sullivan

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 9/30/98

by: Diane Dowiegiewicz
Chairperson

Date of entry: 10-6-98

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:	)	
Elizabeth Mary Sullivan	)	Docket No: NU33-0197
License Number 26-19713	)	

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, through Attorney General J. Wallace Malley,
and Respondent, Elizabeth Mary Sullivan and stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a registered nurse licensed by the State of Vermont holding license number 26-19713.
3. Respondent currently works in a non-nursing setting.
4. Respondent admits she has abused controlled drugs, specifically acetaminophen #3 with codeine. This occurred from January of 1995 through November of 1996.
5. Respondent has, during the above period of time, presented numerous prescriptions for acetaminophen #3 with codeine to be filled at numerous pharmacies and written by multiple physician prescribers.

6. Respondent admits to physician shopping and pharmacy shopping in securing the regulated drug acetaminophen #3 with codeine for her personal use.

7. The above described acts constitute unprofessional conduct under 26 V.S.A. §1582(a)(5) (is habitually intemperate or is addicted to the use of habit forming drugs).

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

A. Respondent's license is SUSPENDED for a period of six(6) months. The term of six months shall be measured from the date of filing this Stipulation and Consent Order.

1. Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall obtain a substance abuse assessment and develop a treatment plan with a Board approved treating professional. Respondent shall provide the Board with a copy of the treatment plan which must be reviewed and approved by the Board. (This approval may be delegated to the Investigative-Team). Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and ability to comply with the conditions related to treatment and with all other terms of this Stipulation and Consent Order. By signing this Stipulation and Consent Order, Respondent waives any therapist/patient privilege for purposes of obtaining information from her treating professional.

2. Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the

Board evidence of satisfactory progress with the treatment plan during the effective period of this Stipulation and Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's professional letterhead. The first report is due commencing the month after the date of entry of this Stipulation and Consent Order and every month thereafter.

3. Participation in Support Group

Respondent shall participate in one or more substance abuse support group programs (such as Alcoholics Anonymous, Narcotics Anonymous, a recovering professionals program, or other program), approved by the Board or the Respondent's treating professional, at least three times weekly, or as recommended by her treating professional.

4. Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent's treating professional or employer or both shall administer random alcohol or drug tests as required by the Board or its designee. All screens shall be negative except for drugs prescribed for her under the care of a physician or nurse practitioner. (See Section 6 Drug Use Exception).

5. Abstain from Drug Use.

Respondent shall abstain completely from the consumption, use, or possession of any drugs with the exception of prescribed medications as outlined in section 6.

6. Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician or nurse practitioner whose identity shall be made known to the Board

by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship.

Respondent shall inform the Board of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription. The Board or its designee may request at any time that the practitioner document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee. By signing this Stipulation and Consent Order, Respondent waives any practitioner/patient privilege for purposes of obtaining information pursuant to this paragraph.

7. Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

8. Release of Information Forms.

Respondent shall immediately execute all release of information forms as may be required by the Board or its designee.

9. Costs.

Respondent shall bear all costs of complying with this Stipulation and Consent Order.

10. Violation of the Stipulation and Consent Order.

If Respondent violates the terms of this Stipulation and Consent Order in any

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke suspend or take other disciplinary action. If a complaint or charges are filed against Respondent during the term of this Stipulation and Consent Order, the suspension shall stay in effect until resolution of the subsequent complaint and charge.

12. At the conclusion of this period of suspension, the respondent may petition the Board for reinstatement or a conditional license. Respondent agrees that she must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Board that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered nurse. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Stipulation and Consent Order.

Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

B. By signing this Stipulation and Consent Agreement, Respondent agrees to allow the Nursing Board, or its designee, to obtain information, either orally or in writing, from her treating professional, employer or nursing school administrator at any time during the period this Stipulation and Consent Order is in effect.

C. Respondent waives her right to formal charges and a hearing before the Board.

D. The final disposition of the complaint against Respondent is public and the Board may notify other states of its disposition as provided in 3 V.S.A. §129(a)(7).

E. Respondent understands that this Stipulation and Consent Order will remain part of

her licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

F. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.

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

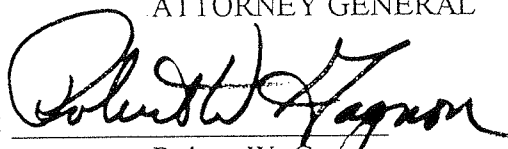
H. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

I. At the time Respondent signs this Stipulation and Consent Order Respondent is not under the influence of drugs or alcohol.

J. This consent order is entered into voluntarily by Respondent after the opportunity to consult with legal counsel. Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.

STATE OF VERMONT

J. WALLACE MALLEY
ATTORNEY GENERAL

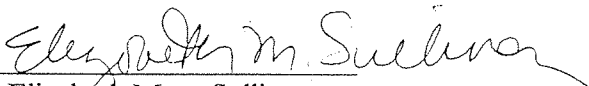
by: 
Robert W. Gagnon
Senior Assistant
Attorney General

Dated: 3/17/97

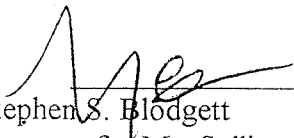
Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

RESPONDENT
ELIZABETH MARY SULLIVAN

Dated: 4/3/97

by: 
Elizabeth Mary Sullivan

APPROVED AS TO FORM

 4-2-97
Stephen S. Blodgett
Attorney for Ms. Sullivan

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 4/14/97

by: 
Chairperson

Date Filed: _____

STATE OF VERMONT
BOARD OF NURSING

In re Elizabeth M. Sullivan }

Docket No. NU33-0197

SUMMARY SUSPENSION ORDER

On March 10, 1997, this case came before the Board of Nursing for a hearing on a request for summary suspension.

Based upon the evidence presented by the parties, the Board finds that the allegations in the request for summary suspension have been established to the necessary degree. Therefore, the public health, safety, and welfare imperatively require emergency action.

Pursuant to 3 V.S.A. § 814(c), Sullivan's license as a registered nurse is SUMMARILY SUSPENDED until a hearing on charges has been held and determined, or other resolution of this case.