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STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Thomas C. Zarvis) Docket No: NU65-0696
License Number 26-21769)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent, Thomas C. Zarvis 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 26-21769.
3. On January 13, 1997 Respondent's license was suspended for a minimum period of six months. Respondent admitted that he was addicted to the use of habit-forming drugs.
4. Respondent now petitions for reinstatement. The State does not oppose this request based upon the agreement contained herein.
5. Respondent waives the necessity for findings and a hearing before the Board.
6. Respondent understands that the Board must review and accept the terms of this agreement. If the Board rejects any portion, the entire agreement shall be null and void.
7. Respondent understands that this agreement, if accepted by the Board, is a public document that may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7).

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 agreement.
10. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing it.
11. Respondent agrees that the Board may enter the order set forth below.

ORDER

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

A. The Board hereby lifts the suspension of Respondent's license and **CONDITIONS** Respondent's license to practice nursing **for a minimum period of three (3) years**. The **CONDITIONS** on Respondent's license would be 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 he 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) 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 shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall comply with the treatment plan approved by the Board.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board 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) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to his treating professional and cause that 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 his 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 his 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.

(6) Participation in NA/AA.

Respondent shall participate, at least three times weekly, or as recommended by his treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings.

(7) Random Drug Testing.

Respondent shall submit to random drug and alcohol screening at the request of the Board. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug or alcohol screens as required by the Board or its designee. All testing shall be done on a random, unannounced basis, and analyzed by a lab qualified to analyze samples for forensic purposes. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative except for drugs prescribed for him under the care of a physician, dentist, or nurse practitioner. (See paragraph A. (9) 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 D. (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 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) Administration of Medications.

Petitioner's license is conditioned to prohibit him from administering any medications for a period of three (3) months. This condition may be removed only by Petitioner petitioning the Board for its removal no sooner than three (3) months (during which time he works at least 40 hours every two weeks in nursing) from the date of entry of this Consent Order or the date he returns to work as a nurse, whichever is later. In petitioning the Board Petitioner agrees that he must demonstrate, to the satisfaction of the Nursing Board, that he can safely and competently administer medications. Such proof shall include appropriate support from his 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

(11) Interview with the Board or its designee.

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

(12) Re-issue of License.

Upon the lifting of the suspension and imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(13) 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.

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

Within five (5) days of the date of entry of this Consent Order or of the date he secures nursing employment, Respondent shall notify the Board, in writing, of his 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.

(15) 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 he 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 his 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.

(16) 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 he 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. 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. 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 his employer and his 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.

(17) Practice Under Supervision.

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

(18) Prohibited Duties.

Respondent shall not work as a charge nurse.

(19) 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.

(20) Prohibited Hours of Work.

Respondent shall not work the night shift.

(21) 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.

(22) 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.

(23) Costs.

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

(24) 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.

(25) 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.

(26) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on his 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 he poses no danger to the practice of nursing and that he can safely and competently perform the duties of a registered nurse. Such proof shall include appropriate support from his treating professional and employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that he 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).

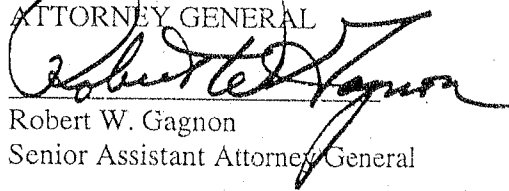
D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated 1/5/00

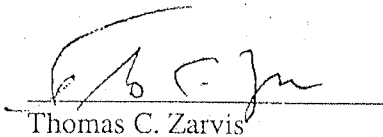
By:


Robert W. Gagnon
Senior Assistant Attorney General

Dated 1/4/00

THOMAS C. ZARVIS
RESPONDENT

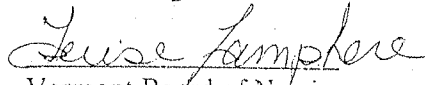
By:


Thomas C. Zarvis

APPROVED AND SO ORDERED:

Dated: 2/23/00

Chair/Acting Chair


Vermont Board of Nursing

Entered: 2-24-00

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Thomas C. Zarvis) Docket No: NU65-0696
License Number 26-21769)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, through Attorney General Jeffrey L. Amestoy, and Respondent, Thomas C. Zarvis 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 26-21769.
3. The Nursing Board received a report of unprofessional conduct on or about June 4, 1996.
4. Respondent admits the allegations in Paragraphs 4 through 10 in the Specification of Charges which is attached hereto as Attachment A.
5. Respondent admits that the above described acts constitute unprofessional conduct under 26 V.S.A. §1582(a)(5) (addiction to the use of habit forming drugs).
6. 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.

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

8. 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.

9. Respondent is not under the influence of any drugs or alcohol at the time he 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 his right to charges and 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. By engaging in the conduct described in paragraphs 3

through 5 above, Respondent is unable to practice nursing competently as defined by Nursing Board Rules IV.B.2 and IV.B.3 (any cause includes reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials), which constitute unprofessional conduct pursuant to 26 V.S.A. §1582(a)(3)(unable to practice nursing competently by reason of any cause).

B. The Nursing Board **SUSPENDS** Respondent's license to practice nursing for a minimum period of six months commencing on the date this order is entered by the Vermont Board of Nursing.

C. Respondent shall immediately surrender his nursing license to the Vermont Board of Nursing if it has not already been surrendered pursuant to the Summary Suspension. Failure to surrender the license within 5 days of the entry date of this Order shall be considered a violation of this Order.

D. Respondent may petition the Board to lift the suspension no earlier than the time period imposed in paragraph B above.

E. If Respondent petitions the Board to lift the suspension, the Board shall be entitled to review this Stipulation and Consent Order when it considers his request.

F. If Respondent petitions the Board to lift the suspension, he must demonstrate, to the satisfaction of the Nursing Board, that he poses no danger to the practice of nursing or the public and that he can safely and competently perform the duties of a licensed practical nurse.

G. If Respondent petitions the Board to lift the suspension, he shall demonstrate, to the satisfaction of the Nursing Board that he has been successfully rehabilitated or has entered a relationship with a treatment professional approved by the Board. Respondent shall specifically execute a consent form which meets the requirements of 42 C.F.R. §2.31 permitting disclosure of all information regarding the respondent's substance abuse treatment to the Nursing Board, its investigators, and the Attorney General's Office. Respondent shall also execute a consent form permitting disclosure of information to the Board, its investigators, and the Attorney General's Office, from mental health treatment professionals, including but not limited to physicians, psychologists, and mental health counsellors, from whom Respondent has received treatment regarding his substance abuse..

H. If Respondent petitions the Board to lift the suspension, the Board may require a period of probation, along with supportive or restrictive conditions, to ensure that patients and the public are protected.

I. Respondent must also meet all requirements of the Nursing Board as set out in 26 V.S.A. Chapter 28 and the Administrative Rules for the Board of Nursing.

J. This Stipulation and Consent Order are a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7).

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

STATE OF VERMONT

JEFFREY L. AMESTOY
ATTORNEY GENERAL

Dated:

Jan. 6, 1997

by:

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

THOMAS C. ZARVIS
RESPONDENT

Dated:

1/7/97

by:

Thomas C. Zarvis
Thomas C. Zarvis

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated:

1-13-97

by:

Chairperson
Chairperson

Date of entry:

1-13-97

ATTACHMENT
A

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Thomas C. Zarvis) Docket No. NU65-0696
License Number 26-21769)

SPECIFICATION OF CHARGES

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional and conduct hearings pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a licensed registered nurse licensed by the State of Vermont holding license number 26-21769.
3. The Nursing Board, pursuant to 3 V.S.A. §814 heard this matter as a summary suspension at a hearing on 9 September 1996. By order dated September 16, 1996 the Board of Nursing summarily suspended Respondent's license.
4. Respondent was employed as a staff nurse at the Vermont Veteran's Home in Bennington, Vermont.
5. Respondent has diverted narcotic and psychotropic medications from patients at the Veteran's Home for his own use, including valium, ativan, and oxycodone.
6. From September 1993 through June 1996 Respondent made fictitious complaints to physicians and medical staff in order to obtain prescriptions for tussionex cough syrup (a narcotic) and lomotil.

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

7. On June 3, 1996, Respondent attempted to obtain tussionex by telephoning a pharmacy with a false prescription for a fictitious name and then arranging to, have the drug picked up at the pharmacy.

8. On or about January 23, 1996 and May, 1996, Respondent made fictitious complaints about dental pain to a dentist in order to obtain prescriptions for vicodin, a narcotic.

9. Respondent took narcotic and other prescription drugs, including morphine and ritalin, from friends and family members for his own use.

10. Respondent is addicted to habit-forming drugs and has been abusing prescription drugs.

11. Respondent's above described conduct is unprofessional conduct under 26 V.S.A. §1582(a)(5) and (a)(7).

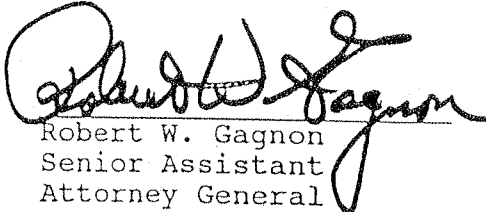
WHEREFORE, the license of Thomas C. Zarvis should be revoked, suspended, or otherwise conditioned.

Dated: December 17, 1996

STATE OF VERMONT

JEFFREY L. AMESTOY
ATTORNEY GENERAL

by:


Robert W. Gagnon
Senior Assistant
Attorney General

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
THOMAS C. ZARVIS) Case File No. NU65-0696
Lic. No. 26-21769)

SUMMARY SUSPENSION ORDER

This case came before the Board of Nursing for a hearing on a motion for summary suspension on Monday, 9 September 1996. Based upon the evidence presented by the Attorney General, the Board finds that the allegations in the motion have been established to the necessary degree, and that therefore the public health, safety and welfare imperatively require emergency action.

Pursuant to 3 VSA § 814(c) and 26 VSA § 1582, Zarvis'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.

Dated at St. Johnsbury, Vermont, this 16th day of September, 1996.

BOARD OF NURSING

BY: Brenda B. Smith
Brenda B. Smith
Chair