



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER  
Vocational Nurse License Number 337404 §  
issued to AMANDA FAYE LAVOIE §  
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AMANDA FAYE LAVOIE, Vocational Nurse License Number 337404, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 4, 2019.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Shawsheen School of Practical Nursing, Billerica, Massachusetts, on June 1, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on May 5, 2017.
5. Respondent's nursing employment history includes:

5/2017 – 9/2018	Licensed Vocational Nurse	CSR Wound Care and Hyperbarics New Braunfels, Texas
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Respondent's nursing employment history continued:

10/2018 – 5/2019	Licensed Vocational Nurse	Kirkwood Manor Nursing and Rehabilitation Center New Braunfels, Texas
6/2019 – 7/2019	Licensed Vocational Nurse	Eden Hill Communities New Braunfels, Texas
7/2019 – Present	Licensed Vocational Nurse	Nexus New Braunfels, Texas

6. On or about April 27, 2017, Respondent was issued an Eligibility Agreed Order through an Order of the Board. On or about May 7, 2018, Respondent successfully completed the terms of the Order. A copy of the April 27, 2017, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Kirkwood Manor Nursing and Rehabilitation Center, New Braunfels, Texas, and had been in that position for five (5) months.
8. On or about March 19, 2019 through May 27, 2019, while employed as a Licensed Vocational Nurse with Kirkwood Manor Nursing and Rehabilitation Center, New Braunfels, Texas, Respondent signed out seventy-four (74) tabs of Oxycodone HCL 5mg for Patient CM, but failed to document and/or completely and accurately document the administration of the medications in the patient's Medication Administration Record (MAR) and/or nurses' notes. In addition, Respondent admitted to failing to document administration. Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on her documentation to further medicate the patient, which could result in an overdose. Additionally, Respondent's conduct placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about March 19, 2019 through May 27, 2019, while employed as a Licensed Vocational Nurse with Kirkwood Manor Nursing and Rehabilitation Center, New Braunfels, Texas, Respondent signed out seventy-four (74) tabs of Oxycodone HCL 5mg for Patient CM, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medication. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. On or about March 19, 2019 through May 27, 2019, while employed as a Licensed Vocational Nurse with Kirkwood Manor Nursing and Rehabilitation Center, New Braunfels, Texas, Respondent misappropriated seventy-four (74) tabs of Oxycodone HCL 5mg from the facility and the patient thereof, or failed to take precautions to prevent such

misappropriations. In addition, the patient denied receiving Oxycodone. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

11. In response to Findings of Fact Numbers Eight (8) through Ten (10), Respondent states this patient would mention having knee pain to her, so she would get the medication for them. Respondent states if a patient reported pain to her, she would let the medication aide know and sometimes they would hand Respondent the medication and she would forget to document administration. Respondent denies misappropriation. Respondent states she took this position as a double weekend nurse, while looking for a less mentally and physically taxing position. Respondent states this facility had high acuity patients and a lack of staffing, which resulted in her taking on the responsibilities of nurse, CNA, and, sometimes, medication aide or helping the medication aides with medication pass due to understaffing.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(G),(8),(10)(C),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 337404, heretofore issued to AMANDA FAYE LAVOIE.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

#### TERMS OF ORDER

##### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **LIMITED LICENSE WITH STIPULATIONS** in accordance with the terms of this Order.

- A. While under the terms of this Order, **RESPONDENT SHALL NOT provide direct patient care.** For the purposes of this Order, direct patient care involves the formation of a relationship between the nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.
- B. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- C. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- D. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

## II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

## III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

**A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on

malpractice issues will not be accepted. Home study and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

**IV. RESTORATION OF PATIENT CARE PRIVILEGES AND/OR UNENCUMBERED LICENSE(S)**

SHOULD RESPONDENT desire to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all then existing requirements for restoration of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before restoration of an unencumbered license, which, at a minimum, shall include the remedial education courses, work restrictions, supervised practice, and/or employer reporting which would have been requirements of this Agreed Order had the license(s) not been placed in limited status.

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**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4 day of NOV, 2019.

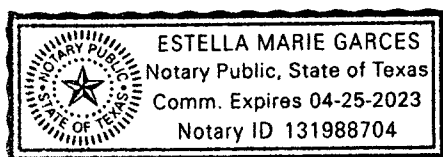
Amanda Faye Lavoie  
AMANDA FAYE LAVOIE, RESPONDENT

Sworn to and subscribed before me this 4 day of NOVEMBER, 2019.

SEAL

Estella M. Garces

Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of November, 2019, by AMANDA FAYE LAVOIE, Vocational Nurse License Number 337404, and said Agreed Order is final.

Effective this 10th day of December, 2019.



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Katherine A. Thomas, MN, RN, FAAN  
Executive Director on behalf  
of said Board



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
AMANDA FAYE LAVOIE, §  
PETITIONER for Eligibility for Licensure § ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order, hereinafter referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §217.5(f) and §213.30, and supporting documents filed by AMANDA FAYE LAVOIE, hereinafter referred to as PETITIONER, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(8)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 10, 2017.

FINDINGS OF FACT

1. On or about August 2, 2016, Petitioner submitted the Petition requesting a determination of eligibility for licensure.
2. Petitioner received a Certificate in Vocational Nursing from Shawsheen School of Practical Nursing, Billerica, Massachusetts, on June 1, 2008.



3. Petitioner completed the Petition and answered "Yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*
4. On or about January 15, 2014, Petitioner was issued a Final Decision and Order by the Commonwealth of Massachusetts Board of Registration, suspending her nursing license until documentation satisfactory to the Board is provided demonstrating her ability to practice nursing in a safe and competent manner. A copy of the January 15, 2014, Final Decision and Order is attached and incorporated, by reference, as part of this Order.
5. On or about October 8, 2014, the suspension was lifted and Petitioner's license was reinstated without restrictions.
6. After considering the action taken by the Commonwealth of Massachusetts Board of Registration, along with Petitioner's subsequent conduct, the Executive Director is satisfied that Petitioner should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
7. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
8. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
9. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
10. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
11. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.

2. On or about August 2, 2016, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(8)&(10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
6. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

### **TERMS OF ORDER**

#### **I. ELIGIBILITY FOR LICENSURE**

IT IS THEREFORE AGREED and ORDERED that the application of PETITIONER is hereby **GRANTED**, and upon payment of any required fees and meeting all other applicable requirements, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas in accordance with the terms of this Order.

#### **II. COMPLIANCE WITH LAW AND APPLICABILITY**

While under the terms of this Order, PETITIONER agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

- A. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- B. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license will be designated "single state" and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where PETITIONER wishes to work.

### III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, Petitioner SHALL successfully complete the following remedial education course(s) **within one (1) year of licensure, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.
- B. The course **"Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), Petitioner SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. Petitioner SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

**IV. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

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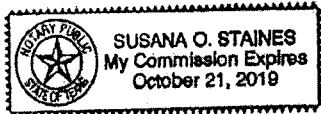
PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including REVOCATION of my license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation by counsel, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.



Signed this 10 day of APRIL, 2017.  
Amanda Faye Lavoie  
AMANDA FAYE LAVOIE, PETITIONER


Sworn to and subscribed before me this 10 day of April, 2017.

SEAL

Susana O. Staines  
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Eligibility Order that was signed on the 10<sup>th</sup> day of April, 2017, by AMANDA FAYE LAVOIE, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 27<sup>th</sup> day of April, 2017.

  
Katherine A. Thomas, MN, RN, FAAN  
Executive Director on behalf  
of said Board

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN  
NURSING

\_\_\_\_\_  
In the Matter of )  
Amanda Dickeson )  
LPN License No. 69852 )  
License Expires: 10/19/15 )  
\_\_\_\_\_ )

Docket No. NUR-2012-0087

FINAL DECISION AND ORDER

This matter comes before the Board of Registration in Nursing ("Board") for a determination of an appropriate sanction and issuance of a Final Decision and Order following the Stipulation of the Parties ("Stipulation") and Request for Sanction Hearing filed by the parties on October 30, 2013. The Stipulation filed by the parties provided as follows:

1. On or about August 7, 2008, the Board issued to the Respondent a license to engage in the practice of nursing as a Licensed Practical Nurse in the Commonwealth of Massachusetts, License No. 69852. The Respondent's license is current and expires on October 19, 2013.<sup>1</sup>
2. On or about February 21 and March 7, 2012, while employed as a LPN at Tufts Health Plan in Watertown, Massachusetts ("Tufts"), the Respondent took a co-worker's medication for her own use without permission.
3. On or about March 14, 2012, in connection with Tufts' investigation of the matter described in Paragraph 2 above, the Respondent acknowledged having taken her co-worker's medication for the Respondent's own use without permission.
4. The Respondent's conduct warrants disciplinary action by the Board against her license to practice as a LPN pursuant to Board regulation 244 C.M.R. 9.03 for violation of Standards of Conduct for Nurses, namely:

<sup>1</sup> Pursuant to Respondent's timely renewal of her license, Respondent's license is scheduled to expire on October 19, 2015.

- a. 244 CMR 9.03(5) for failing to engage in the practice of nursing in accordance with accepted standards of nursing practice;
  - b. 244 CMR 9.03(37) for unlawfully obtaining or possessing controlled substances; and
  - c. 244 CMR 9.03(47) for engaging in any other conduct that fails to conform to accepted standards of nursing practice or in any behavior that is likely to have an adverse effect upon the health, safety, or welfare of the public.
5. The Respondent's conduct warrants disciplinary action by the Board against her license to practice as a Licensed Practical Nurse pursuant to G.L. c. 112, § 61 for deceit, malpractice, and gross misconduct in the practice of the profession or for any offense against the laws of the Commonwealth relating thereto.
  6. The Respondent's conduct as alleged reflects a lack of the "good moral character" required for initial licensure as a Licensed Practical Nurse and license renewal under G. L. c. 112, § 74A.
  7. The Respondent's conduct as alleged also constitutes unprofessional conduct and conduct which undermines public confidence in the integrity of the profession. *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); see also, *Kvitka v. Board of Registration in Medicine*, 407 Mass. 140 cert.denied, 498 U.S. 823 (1990); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708, 713 (1982).

On October 30, 2013, the Administrative Hearings Counsel ("AHC") issued a Notice of Hearing scheduling the sanction hearing in this matter for November 19, 2013.

A hearing was convened on November 19, 2013 before the Board of Registration in Nursing pursuant to G.L. c. 30A and the Standard Rules of Adjudicatory Practice and Procedure at 801 CMR 1.00 *et seq.* AHC Stephanie Carey presided at the hearing. Respondent was present and represented herself. Prosecuting Counsel was Eugene Langner, Esq.



Exhibits

Respondent submitted the following exhibit:

1. Specimen Result Certificate, April 24, 2013  
Negative for Marijuana, Cocaine, Amphetamines, Opiates, PCP

Prosecuting Counsel submitted no exhibits.

Witnesses

Prosecuting Counsel called no witnesses.

Respondent called the following witnesses<sup>2</sup>:

1. Thierry Laverdure
2. Eric Lavoie
3. Respondent

SUMMARY OF ARGUMENTS

Thierry Laverdure

Thierry Laverdure ("Mr. Laverdure") is currently a full-time student and working part-time as a nurse. According to Mr. Laverdure, he felt so strongly about Respondent's integrity and her value to the nursing profession that he took time away from his classes to appear at this hearing in support of Respondent. Mr. Laverdure met Respondent approximately six (6) years ago when he was a nursing supervisor at a skilled nursing facility and Respondent was then a certified nursing assistant ("CNA") at the

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<sup>2</sup> Each of the witnesses was sworn and presented a prepared written statement. At the conclusion of their statements, the witnesses responded to questions from Prosecuting Counsel and also submitted copies of their written statements.

same facility. Although Respondent was only nineteen (19) years old at the time, Mr. Laverdure found that Respondent possessed a diligent work ethic, professionalism, and reliability that belied her young age. In caring for the patients at the facility, Respondent displayed such a warm, compassionate, and caring manner that her patients felt secure and safe. Moreover, nurses that worked with Respondent knew they could rely on her for prompt, timely updates on changes in a patient's condition. After Respondent's graduation from the Shawsheen Tech LPN program, Mr. Laverdure monitored her transition into her nursing duties as an LPN. According to Mr. Laverdure, Respondent executed her duties as an LPN in a methodical, organized manner and proved to be more than adept at handling the tasks assigned to her. Mr. Laverdure was particularly impressed with the care Respondent rendered to a patient who was in the end stages of his life. Respondent and Mr. Laverdure had a very close relationship with the patient and his family and they both attended the patient's funeral at the request of his family. The family expressed the immense comfort the patient experienced while in Respondent's care and noted the patient's great affection for Respondent. After Mr. Laverdure left the facility, he kept in touch with Respondent and describes Respondent as an honest, selfless, and loyal friend. According to Mr. Laverdure, the precocious maturity and self-motivation that Respondent demonstrates is due in part to the fact that at a very young age, Respondent lost her father to cancer. After her father's death, Respondent became the sole care-giver for her mother who was a functional alcoholic. Mr. Laverdure testified that at the time of the March 2012 incident, Respondent's brother was struggling with severe psychological and physical problems that required multiple hospitalizations. At the same time, Respondent's relationship with her fiancé (now husband), Eric Lavoie,

("Mr. Lavoie"), a decorated U.S. Army veteran, was severely strained. As a result of injuries he suffered in Iraq, Mr. Lavoie is currently coping with both permanent physical and psychological difficulties including Post-Traumatic Stress Disorder ("PTSD"). Therefore, at the time of the events of March 2012, Respondent was experiencing undue stress due to her brother's illnesses and her deteriorating relationship with her fiancé. According to Mr. Laverdure, at some point, Mr. Lavoie disappeared for several months, and as a result, Respondent began to feel that she was no longer in control of her life. During Mr. Laverdure's testimony, he expressed his complete confidence in Respondent and her ability to overcome future obstacles and devise strategies for success.

Pursuant to inquiries from Prosecuting Counsel, Mr. Laverdure indicated that he met Respondent while he was a nursing supervisor at Westford House and approximately a year after he met Respondent she became an LPN. Mr. Laverdure left Westford House about a year after Respondent became an LPN and never worked with her again. Mr. Laverdure also testified that Respondent informed him about the March 2012 incident, her difficulties with her brother, and her problems with Mr. Lavoie. According to Mr. Laverdure, he has no concerns about her future job performance as it relates to handling medications.

#### Eric Lavoie

Mr. Lavoie testified that his purpose in appearing at these proceedings was to support Respondent rather than offer any excuses for her. As an Army combat medic who completed a tour in Iraq, Mr. Lavoie is aware of the stress, sacrifices, and rewards that health-care professionals may experience in performing their duties. According to

Mr. Lavoie, when he first met Respondent, it was obvious to him how much she loved her career as a nurse and how well she cared for her patients. Since then he has observed how hard Respondent has worked to improve her nursing skills. Mr. Lavoie testified that Respondent is aware that she made a mistake but he can also attest to the fact that at the time Respondent was "not in a good place" as her brother was extremely sick and Mr. Lavoie was himself experiencing difficulties related to his PTSD. Respondent was under tremendous stress and Mr. Lavoie admittedly was not aware of the seriousness of Respondent's situation at the time. After the March 2012 incident, Mr. Lavoie encouraged Respondent to take a year off and to seek treatment from a therapist to work through some of her issues. He also encouraged Respondent to commence an RN program. According to Mr. Lavoie, Respondent has since regained her equilibrium and is again enthusiastic about resuming her nursing career and rendering care to patients. Mr. Lavoie requests that the Board give Respondent a second chance and reminds the Board that everyone makes a mistake at some point during their life. According to Mr. Lavoie, Respondent has learned from this incident and is now a better person and a better nurse.

Pursuant to Prosecuting Counsel's inquiries, Mr. Lavoie indicated that he still sees a counselor for treatment related to PTSD. After dating Respondent for three (3) years, in October 2011, Mr. Lavoie abruptly left the area, traveled to Florida, and returned to the Commonwealth in mid-April 2012. When he returned to the Commonwealth, he commenced treatment services at the Worcester Veterans Administration and he and Respondent were subsequently married.

Respondent

In 2010, Respondent was offered and accepted a position at Tufts Health Plan ("Tufts") as a pre-certification nurse. At the time Respondent believed that she could further her knowledge and skills in healthcare by assuming this position. However, shortly after commencing the job, Respondent realized how much she missed working with patients as a bedside nurse. In addition, six months after Respondent started her position with Tufts her fiancé unexpectedly left for Florida without providing her with any notice of his pending departure. This both shocked and confused her as she had no idea of the severity of his emotional struggles with PTSD. To further complicate her life at this time, her brother began a year-long battle with severe pancreatitis that required her to spend significant amounts of time at his bedside in various hospitals. According to Respondent, her world was falling apart, she was exhausted, and the uncertainty of her brother's prognosis was adding to her emotional turmoil. Prior to these events, Respondent had been prescribed Adderall and had been taking the medication for several years. While at Tufts, Respondent became very good friends with Ms. Richards who at some point gave Respondent a Ritalin tablet on a day that Respondent had forgotten to take her Adderall. According to Respondent, in February and March 2012, she made a terrible and selfish decision to alleviate her stress and exhaustion by taking medication from Ms. Richards without permission. Respondent testified that she is "beyond sorry" for the trouble she caused Ms. Richards as a result of this behavior.

Respondent acknowledges that her conduct during the 2012 incidents was unethical and completely inappropriate. Although Respondent realizes there is no excuse for her behavior, she requests that the Board consider the stressful events in her life at the

time. Almost two (2) years have elapsed since these incidents and Respondent maintains that the year she took off from work and sought therapy made her a better person.

Respondent has expressed her remorse for engaging in this conduct and asserts that she would like to continue in the profession of nursing as she "love[s] taking care of people and feeling the joy a simple gesture in someone[']s life can make".

Pursuant to inquiries from Prosecuting Counsel, Respondent asserted that she is currently working at the Legend Center Nursing Home ("Legend") in Gardner, MA but to date has had no performance evaluations. Prior to her employment at Legend, she was required to take and pass a urine screen. Respondent testified that she is still prescribed Adderall but is taking no other medication. In response to Prosecuting Counsel's inquiries, Respondent also testified that she is no longer in therapy and that her brother is currently employed and doing much better.

#### **ORDER**

Based on its Final Decision and Order, the Board Suspends the Respondent's license to practice as a Licensed Practical Nurse in Massachusetts, LN License No. 69852.

Respondent is hereby ordered to return any nursing license issued to her by the Board, whether current or expired, to the Board's office at 239 Causeway Street, Boston, Massachusetts 02114, by hand or by certified mail, within five (5) days of the Effective Date set forth below.

Respondent shall not practice as a Licensed Practical Nurse in Massachusetts on or after the Effective Date of this Order. "Practice as a Licensed Practical Nurse" includes, but is not limited to, seeking and accepting a paid or voluntary position as a Licensed Practical Nurse or in any way representing herself as a Licensed Practical Nurse

in Massachusetts. The Board shall refer any evidence of unlicensed practice to appropriate law enforcement authorities for prosecution as provided by G.L. c. 112, §§ 65 and 80A.

Respondent may petition the Board in writing for relicensure when she can provide documentation **satisfactory to the Board** demonstrating her ability to practice nursing in a safe and competent manner. Such documentation shall include **either** evidence that Respondent has been in stable and sustained recovery from all substances of abuse for the three (3) years immediately preceding any petition for relicensure or provide proof to the Board that she does not have a substance abuse problem. Accordingly, Respondent shall with any petition for relicensure have submitted **directly to the Board:**

**EITHER**

- 1) the results of random supervised urine tests for substances of abuse for Respondent, collected no less than fifteen (15) times per year, according to the requirements outlined in Attachment A, during the two (2) years immediately preceding the petition for relicensure, all of which are required to be negative;
- 2) documentation that Respondent obtained a sponsor and regularly attended Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) meetings at least three (3) times per week during the two (2) years immediately preceding any petition for license reinstatement, such documentation to include a letter of support from the Respondent's sponsor and weekly signatures verifying this required attendance;
- 3) documentation verifying that she has regularly attended group or individual counseling or therapy, or both, during the two (2) years immediately preceding any petition for relicensure;<sup>3</sup>

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<sup>3</sup> Such documentation shall be completed by each licensed mental health professional seen by Respondent, and shall be written within thirty (30) days preceding any petition for relicensure. Further, such documentation shall include: a summary of Respondent's progress in therapy and her full, sustained recovery from substance abuse, dependence and addiction; a statement of the frequency and length of

**OR**

If the Respondent seeks to provide evidence to the Board that she has never had and does not now have any type of substance abuse, dependency or addiction problem, then **instead of the evidence required by Paragraphs 1, 2, and 3 above, she shall provide to the Board:**

- 4) A clinically based evaluation of the Respondent conducted by a licensed, board certified psychiatrist currently certified by the American Board of Psychiatry and Neurology in the subspecialty of Addiction Psychiatry (Addiction Psychiatrist), which meets the requirements set forth in Attachment B 3

In addition the Respondent shall with any petition for relicensure have submitted **directly to the Board:**

- 5) reports from Respondent's primary care provider and any specialist(s) whom Respondent may have consulted verifying that Respondent is medically able to resume the safe and competent practice of nursing, which meets the requirements set forth in Attachment B 1
- 6) if employed during the year immediately preceding Respondent's petition for relicensure, have each employer from said year submit on official letterhead an evaluation reviewing Respondent's attendance, general reliability, and overall job performance;<sup>4</sup>
- 7) certified Court and/or Agency documentation that there are no pending actions or obligations, criminal or administrative, against the Respondent before any court or Administrative Agency including, but not limited to:

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therapy; and specific treatment recommendations for Respondent's full, sustained recovery from substance abuse, dependence and addiction.

<sup>4</sup> If Respondent wasn't employed at all during this period, submit an affidavit so attesting.



- a. Documentation that *at least one (1) year prior to any petition for reinstatement* the Respondent satisfactorily completed all court requirements (including probation) imposed on her/him in connection with any criminal matter and a description of those completed requirements and/or the disposition of such matters;<sup>5</sup> and
  - b. Certified documentation from the state board of nursing of each jurisdiction in which the Respondent has ever been licensed to practice as a nurse, sent directly to the Massachusetts Board identifying her license status and discipline history, and verifying that her nursing license is, or is eligible to be, in good standing and free of any restrictions or conditions.
- 8) documentation satisfactory to the Board of her successful completion of all continuing education equivalent to the continuing education required by Board regulations for the two (2) license renewal cycles immediately preceding any petition for relicensure.

The Board's approval of Respondent's petition for relicensure shall be conditioned upon, and immediately followed by, probation of Respondent's nursing license for a period, as well as other restrictions and requirements that the Board may then determine are reasonably necessary in the best interests of the public health, safety, and welfare.

The Board may choose to relicense Respondent if the Board determines that relicensure is in the best interests of the public at large.

The Board voted to adopt the within Final Decision at its meeting held on January 8, 2014, by the following vote: **In favor:** M. Beal, RN/NM, P. Gales, RN, K. Gehly, RN,

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<sup>5</sup> The Respondent shall also provide, if requested, an authorization for the Board to obtain a Criminal Offender Record Information (CORI) Report of the Respondent conducted by the Massachusetts Criminal History Systems Board and a sworn written statement that there are no pending actions or obligations,

S. Kelly, RN/NP, J. Killion, LPN, B. Levin, RN, A. Peckham, RN, MSN, E. Richard Rothmund, M. J. Roy, RN, C. Simonian, PharmD, R.Ph., C. Tebaldi, RN, MS **Opposed:**  
None **Abstained:** None **Absent:** None

The Board voted to adopt the within Final Order at its meeting held on January 8, 2014, by the following vote: **In favor:** M. Beal, RN/NM, P. Gales, RN, K. Gehly, RN, S. Kelly, RN/NP, J. Killion, LPN, B. Levin, RN, A. Peckham, RN, MSN, E. Richard Rothmund, M. J. Roy, RN, C. Simonian, PharmD, R.Ph., C. Tebaldi, RN, MS **Opposed:**  
None **Abstained:** None **Absent:** None

EFFECTIVE DATE OF ORDER

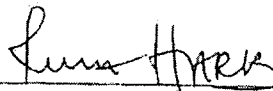
This Final Decision and Order becomes effective upon the tenth (10<sup>th</sup>) day from the date it is issued (see "Date Issued" below).

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order to the Supreme Judicial Court within thirty (30) days of receipt of notice of this Final Decision pursuant to M.G.L. c. 112, § 64.

Board of Registration in Nursing

Date Issued: January 15, 2014



Rula Harb, MSN, RN  
Executive Director

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criminal or administrative, against the Respondent before any court or administrative body in any other jurisdiction.

Dickeson, Amanda  
NUR-2012-0087  
LN69852

Notified:

VIA FIRST CLASS AND CERTIFIED MAIL RETURN  
RECEIPT REQUESTED NO. 7012 3460 0001 7330 9965

Amanda Dickeson  
16 Dirlam Circle  
Tewksbury, MA 01876-3310

BY HAND DELIVERY

Eugene Langner, Esq.