

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Rhonda Aiken

License No: 25-6952

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Docket No. NU30-1100

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Rhonda Aiken, who stipulate and agree as follows:

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Rhonda Aiken, of Milton, Vermont, is a licensed practical nurse holding license number 25-6952 issued by the State of Vermont. This license was originally issued on about July 1, 1993 and it is currently active.
3. At all times relevant, Respondent was employed by or associated with Burlington Health & Rehabilitation, of Burlington, Vermont.
4. Respondent admits the following:
 - a. On or about June 3, 2000, she did not administer Oxycontin to patient "P.W." as ordered.
 - b. On or about July 16, 2000, she did not document whether she administered insulin to patient "G.A." as ordered. Further, this necessitated

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additional blood testing and a call to Respondent at her home concerning this patient who was an unstable diabetic.

c. On or about July 16, 2000, she did not administer insulin to patient "N.M." as ordered.

d. On or about October 8, 2000, she did not administer Oxycontin to patient "P.W." as ordered. Respondent instead administered Ativan to P.W., though this had not been ordered.

e. On or about November 13, 2000, she began her shift with 11 tablets of Ativan for patient "Y.S." and ended her shift with 8 tablets. Y.S. had orders for only 2 Ativan tablets per day and Respondent noted that the count was correct.

f. On or about November 13, 2000, she should have had 12 tablets of Oxycontin left for patient "P.W." at the end of her shift, but instead 13 tablets actually remained.

5. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
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 waives any notification period and requests that this be heard at the next available Board meeting. 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 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 charges and a contested hearing before the Board of Nursing.
12. Respondent agrees that the Board may set forth the order below.

ORDER

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

A. By engaging in the conduct described in the paragraphs above, Respondent acted unprofessionally and in violation of: Nursing Board Rules Chapter 4, Rule IV(B)(2)(a) (performance of unsafe or unacceptable nursing care) and Chapter 4, Rule IV(B)(2)(b) (failure to conform to the essential standards of acceptable and prevailing nursing practice), and; 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).

B. The Nursing Board, commencing on the date of entry, imposes the following **CONDITIONS**, upon Respondent's license:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed **twelve (12) months** 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) Board Approved Theory Pharmacology Course and N.L.N. Test.

Respondent shall, at her own expense, complete a theory pharmacology course, with prior written approval by the Board or its designee, and then submit written documentation (certificate of completion, etc.) to the satisfaction of the Board or its designee to verify successful completion, within sixty days of entry. Respondent shall, at her own expense, re-take and receive a passing grade in the N.L.N. test, within sixty days of entry of this order. Extensions for completion, if any, shall be at the discretion of the Board or its designee.

(3) Administration of Medications.

Respondent's license is conditioned to prohibit her from administering any medications until after successful completion of the theory pharmacology course and N.L.N. test outlined above, then obtaining written acknowledgement of successful completion from the Board or its designee. Respondent shall not, in the six months subsequent to compliance with the above (theory pharmacology course and N.L.N. test) requirements, administer any medications unless under direct, on-site supervision by a registered nurse in good standing with the Vermont Board of Nursing, or is in good standing in all states that nurse is licensed.

(4) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon reasonable request. In scheduling an interview, consideration will be given, attempting not to interfere with Respondent's work schedule.

(5) Re-issue of License.

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

(6) 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 notify the Board before beginning such practice. If Respondent fails to notify the Board before, none of the time spent in out-of-state practice will be credited toward the fulfillment of the terms and conditions of this Consent Order.

(7) 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 (if she is employed as a nurse), 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.

(8) 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 such 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.

(9) 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 for which she has been employed as a nurse during that 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. Reports must indicate, to the satisfaction of the Board, that Respondent can safely and competently administer medications.

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.

(10) 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, or is in good standing in all states that nurse is licensed.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) 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. Furthermore, Respondent must demonstrate, to the Board's satisfaction, that she can safely return to unrestricted practice, that she has safely and competently administered medications and that she has fully complied with all the terms of this Consent Order.

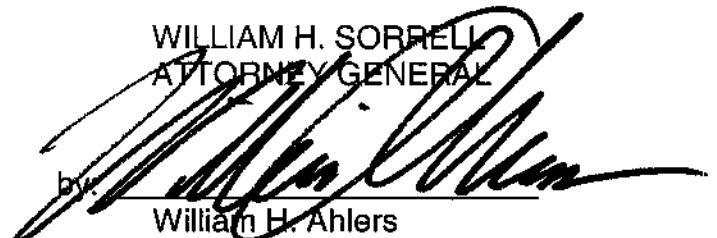
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

D. The educational and testing requirements herein shall be in addition to any licensing requirements.

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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by 
William H. Ahlers
Assistant Attorney General

Dated: 2/4/02

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109 State Street
Montpelier, VT
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RESPONDENT
RHONDA AIKEN

Dated: 2/1/02

by: Rhonda Aiken
Rhonda Aiken

KERIN E. STACKPOLE, ESQ.
BERGERON, PARADIS
& FITZPATRICK
RESPONDENT'S ATTORNEYS

Approved as to Form:

Dated: 2/1/02

by: Kerin E. Stackpole, Esq.
Kerin E. Stackpole, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2.11.02

by: Lisa Farrell
Chairperson

Date of entry: 2/11/02

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