

APR 29 2010

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

IN RE:)
EVELYN RUTH ALEXANDER) Docket No. 2009-214
License No. 025.0009449)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Evelyn Ruth Alexander, LPN, 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 (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Evelyn Ruth Alexander (the "Respondent") of Burlington, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009449. This license was originally issued on or about June 23, 2008 and is currently set to expire on or about January 31, 2012.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse with Prison Health Services at the Chittenden Regional Correction Facility (the "Facility") located in South Burlington, Vermont.
4. On or about January 6, 2009 in a Mandatory Report of Unprofessional Conduct, District Manager R.B. reported that Respondent was terminated from the Facility due to medication errors and medication documentation errors. Attached to the Mandatory Report was Respondent's final Employee Counseling Report, which revealed in part the following:
 - a. On or about January 1, 2009, Respondent failed to call the attending physician regarding Inmate K.P. – who had returned from the hospital – in order for

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Respondent to clarify further treatment and to clarify the orders for administration of the hydromorphone K.P. returned to the Facility with.

- b. On or about January 1, 2009, Respondent failed to document the administration of Inmate J.G.'s oxycodone in the narcotic book and thereafter left the Facility with the narcotic count being incorrect.

Charges

- 5. 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(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - b. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

- 6. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below.
- 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 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 has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

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11. 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.
12. 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.
13. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

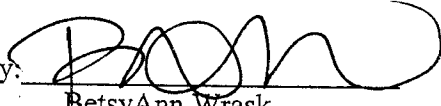
Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **WARNS** Respondent's license to practice practical nursing.
- B. 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).
- C. 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

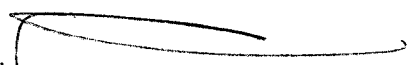
Dated: 6-3-10

By: 

Betsy Ann Wrask
State Prosecuting Attorney

EVELYN RUTH ALEXANDER
RESPONDENT

Dated: 4/23/10

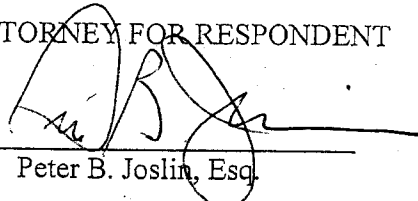
By: 

Evelyn Ruth Alexander

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 4/22/10

By: 

Peter B. Joslin, Esq.

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APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5-10-10

By: *[Signature]*
Chairperson

Date of Entry: 5/13/10
nu.alexander.stip3

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