

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

IN RE:
JOSHUA ANDERSON
License No. 026.0096288

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Docket No. 2015-155

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through State Prosecuting Attorney Rachel Allen, and Respondent, Joshua Anderson, represented by Lisa Shelkrot, Esq., who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("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. Joshua Anderson ("Respondent") of Essex Junction, Vermont, is licensed by the State of Vermont as a Registered Nurse under license number 026.0096288. This license was originally issued on or about August 20, 2013, and expires on or about March 31, 2017.
3. From approximately August 2013 to April 2015, Respondent was employed as a Registered Nurse at University of Vermont Medical Center in Burlington, Vermont.
4. On or about March 1, 2015, J.S. was to receive Tylenol 1,000mg every 6 hours as needed. A nurse administered Tylenol 1,000mg to J.S. at 0638 and Respondent then gave J.S. another dose of Tylenol 1,000mg at 0943. Respondent was unable to provide a clear explanation for why this medication was administered prior to the scheduled time.
5. On or about March 10, 2015, Respondent documented that he removed 4 tablets of hydromorphone for J.S. Respondent documented the administration of 2 tablets of hydromorphone to J.S. Respondent failed to account for the remaining 2 tablets of Hydromorphone.

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6. On or about March 17, 2015, Respondent removed 10mg of Oxycodone for D.K. Respondent documented administering 5mg of Oxycodone, Respondent failed to account for the remaining 5mg of Oxycodone.
7. On or about March 18, 2015, L.P. had an order of Oxycodone 5-20mg to be given every 3 hours as needed and Robaxin 500-1,000mg every 6 hours as needed. Respondent administered both Oxycodone 10mg and Robaxin 1,000mg at 0414 and again at 0607 to L.P. Respondent later recognized error and filed an error report.
8. On or about March 28, 2015, C.D. had an order of Oxycodone 5-15mg, Respondent documented giving C.D. 20mg at 0528. The maximum ordered dosage was 15mg.
9. On or about March 28, M.M. had an order of Hydromorphone 2-4mg every 3 hours as needed. Respondent documented that he administered 2mg at 2247, but took out 4mg for M.M. There is no documentation of the missing 2mg, neither as waste nor returning the medication.
10. The essential standards of acceptable and prevailing practice for Registered Nurses require that all medications are administered at the ordered dose or dosage range and at the correct time or within the ordered timeframe; all medications administered must be accurately documented; and all controlled drugs must be accurately accounted for.
11. On September 19, 2016, the State received an Independent Evaluation completed by Bernadette O'Neil, LICSW, LADC, ACSW, of the Respondent. In this report, the evaluator stated that she was not able to establish a diagnosis for any substance use disorder.

Violations

12. 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).

Understandings

13. 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. The Respondent does not dispute that the State could prove

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these charges by a preponderance of the evidence if this matter went to a hearing and agrees that the conditions below are necessary to protect the public.

14. 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.
15. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
16. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
17. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
18. 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.
19. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
20. 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 **REPRIMANDS** the Respondent's license.
- B. The Board of Nursing hereby **CONDITIONS** the Respondent's license to practice nursing **for one (1) year from the date of entry below**. The conditions are as follows:

- 1) Term of Conditions:

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned."

Respondent shall be subject to the conditions until Respondent completes a **minimum of one (1) year** of supervised nursing practice in which he 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. The Respondent

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shall be prohibited from working more than forty (40) hours as a nurse per week during the conditioned period.

2) Required Course Work.

Respondent must successfully complete (i.e., receive a passing grade, if applicable) the courses below that have prior approval by the Board or its designee, and then submit written documentation of completion:

- i. **"Medication Errors: Causes & Prevention,"** a National Council of State Boards of Nursing Online Course; and
- ii. **"Documentation: A Critical Aspect of Client Care,"** a National Council of State Boards of Nursing Online Course.

These course must be completed within one hundred (100) days of the date of entry of this Stipulation and Consent Order.

3) Notification to Employers/Nursing School and Required Reports.

Within ten (10) days of the date of entry of this Order, Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current nursing employment or in the event of future practice, within ten (10) days, and inform them of Respondent's conditional license status. Respondent's immediate supervisor shall submit to the Board an employer agreement on the Board approved form. If the Respondent is in a nursing program that has a clinical portion involving patient care, Respondent shall give Stipulation and Consent Order to the Program Director. The Director shall submit to the Board a nursing program agreement on a Board approved form.

4) Reports from Employers/Program Director.

Within one (1) month of the date of reinstatement or within one (1) month of the commencement of nursing employment and every **two months** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. Moreover, on a **quarterly** basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices. In the event Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (i.e., consistently meeting all standards of nursing practice) and attendance.

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5) Practice Under Supervision.

Respondent shall practice as a nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.

6) Types of Employment Prohibited.

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

7) Interview with the Board or its Designee.

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

8) Out-of-State Practice and Licensing.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. Failure to seek approval shall result in out-of-state practice not being credited toward the fulfillment of the terms and conditions of this Consent Order.

If the Respondent receives discipline on a nursing license held in another state during the conditioned period, the Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

9) Notification of Employment/ Personal Address/Telephone Number.

Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of his current place of employment, personal address, and telephone number.

Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

10) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), he must inform the other nursing licensing boards of the conditional status of his Vermont nursing license within thirty (30) days of the date of entry.

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11) License Renewal and Costs.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. Respondent must timely apply for renewal and pay the applicable fee.

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

12) 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.

13) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on his license. Respondent shall have the burden of proof.

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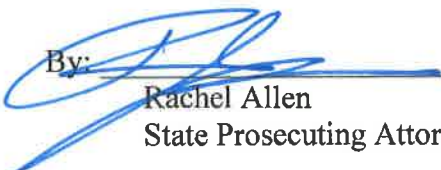


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AGREED TO:

Dated: 10/3/14

STATE OF VERMONT
SECRETARY OF STATE

By: 

Rachel Allen
State Prosecuting Attorney

JOSHUA ANDERSON
RESPONDENT

Dated: 9/30/16

By: [Signature]
JOSHUA ANDERSON

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 9/30/16

By: [Signature]
Lisa Shelkrot, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 10/10/16

By: [Signature]
Chairperson

Date of Entry: 10/10/16

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