

IN RE:)
Susan Antes) Case File No. NU51-0103
License No. 26-27797)

Fortunately, the parties were able to resolve the case without need for a contested hearing, as follows: the Respondent agreed not to contest the allegations in several paragraphs of the State's Specification of Charges dated September 12, 2003 ("the Charges"), with some modifications to those Charges, as set forth in the Findings of Fact section, below. The State had previously stricken Paragraphs 12, 13, 15, 16, and 18 of the Charges. The Respondent agreed to accept the sanction of a REPRIMAND, as set forth in the Order section, below. The Respondent does not admit to the truth of the allegations, but does not contest that the Board would have a basis to find in favor of the State at a merits hearing.

After deliberation, the Board approved the parties' proposal as set forth in this document.

On motion of the Respondent, which was not opposed by the State, these findings were amended to include paragraph 10, below.

Findings of Fact

The Board incorporates some of the facts from the State's Charges as the facts upon which its conclusions and Order are based, repeated here with some slight modifications as negotiated and stipulated to by the parties:

At all times relevant to these charges, the Respondent, Susan Antes was a Registered Nurse holding a temporary license numbered 026-0027797.

2. Respondent's temporary license was issued on December 11, 2002 and Respondent's temporary license expired on March 11, 2003.
3. Respondent was employed at Springfield Hospital ("the Hospital") in Springfield, Vermont at all times relevant.
4. On or about December 17, 2002 at 1:50 a.m., one tablet of Alprazolam was taken out of the Hospital's PYXIS machine by the Respondent for patient E.L.. It was not charted as being given.
5. On or about December 21, 2002 at 3:03 a.m., two tablets of Percocet 5/325 were taken out of the Hospital's PYXIS machine by the Respondent for patient C.H.. They were not charted as being given.
6. On or about January 7, 2003 at 10:14 p.m., PCA Morphine was taken out of the Hospital's PYXIS machine by Respondent for patient M.K.. It was not charted as being given.
7. On or about January 15, 2003 at 6:48 a.m., PCA Morphine was taken out of the Hospital's PYXIS machine by Respondent for patient H.P.. It was not charted as being given.

8. On or about January 15, 2003 at 10:22 p.m., PCA Morphine was taken out of the Hospital's PYXIS machine by Respondent for patient H.P.. It was not charted as being given.
9. All of the patients set forth in the above facts did receive their medications even though the charting was incorrect.
10. The charting errors referenced above occurred on a computerized medical record-keeping system; no paper medical records were kept by the hospital.

Conclusions of Law

By making the five charting errors set forth in the above facts, the Respondent has committed unprofessional conduct in that she has:

a) failed to comply with the provisions of state statutes or rules governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3).

b) demonstrated an inability to practice nursing competently, including the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(2).

Order

A. Based on the above findings and conclusions as stipulated to by the parties, the Board of Nursing hereby REPRIMANDS the Respondent's license.

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

By: Susan Farrell
Susan Farrell
Chair

Date: 9/13/04

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 9/15/04

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

IN RE:	)	
SUSAN ANTES	)	Docket No: NU 51-0103
License No. 026-0027797	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Susan Antes, R.N.:

Board Authority

- 1) The Vermont State Board of Nursing ("the Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814; 26 V.S.A. §1582(a).
- 2) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 3) The inability to practice nursing by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
- 4) The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(2),
- 5) Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(7).
- 6) Conduct of a character likely to deceive, defraud, or harm the public includes falsifying or altering clinical records or making inaccurate or misleading entries. Administrative Rules of the Board of Nursing ("ARBN"), Chapter 4, Rule IV(II)(D)(3).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Facts

- 7) At all times relevant to these charges, the Respondent, Susan Antes was a Registered Nurse holding a temporary license numbered 026-0027797.
- 8) Respondent's temporary license was issued on December 11, 2002 and Respondent's temporary license expired on March 11, 2003.
- 9) Respondent was employed at Springfield Hospital ("the Hospital") in Springfield, Vermont at all times relevant.
- 10) On or about December 17, 2002 at 1:50 a.m., one tablet of Alprazolam was taken out of the Hospital's PYSIS machine by the Respondent for patient E.L.. It was not charted as being given.
- 11) On or about December 21, 2002 at 6:19 a.m., two tablets of Percocet 5/325 were taken out of the Hospital's PYSIS machine by the Respondent for patient C.H.. They were not charted as being given.
- 12) On or about January 6, 2003, the Nurse Manager at Springfield Hospital received a patient complaint from B.H. that the Respondent had almost hung an antibiotic during the night when it was not yet due.
- 13) On or about January 7, 2003 at 10:04 p.m., two tablets of Percocet 5/325 were taken out of the Hospital's PYSIS machine by the Respondent for patient D.L.. They were not charted as being given.
- 14) On or about January 7, 2003 at 10:14 p.m., PCA Morphine was taken out of the Hospital's PYSIS machine by Respondent for patient M.K.. It was not charted as being given.
- 15) On or about January 8, 2003 at 3:23 a.m., two tablets of Percocet 5/325 were taken out of the Hospital's PYSIS machine by the Respondent for patient C.H.. They were not charted as being given.
- 16) On or about January 8, 2003, the Nurse Manager at Springfield Hospital received a patient complaint from D.L that the Respondent had given her bedtime medications late and that Respondent was also rude.
- 17) On or about January 15, 2003 at 6:48 a.m., PCA Morphine was taken out of the Hospital's PYSIS machine by Respondent for patient M.K.. It was not charted as being given.
- 18) On or about January 15, 2003 at 8:28 p.m., one tablet of Lorazepam was taken out of the Hospital's PYSIS machine by the Respondent for patient C.D. It was not charted as being given.

STATE OF VERMONT



Prosecuting Attorney
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19) On or about January 15, 2003 at 10:22 p.m., PCA Morphine was taken out of the Hospital's PYSIS machine by Respondent for patient M.K.. It was not charted as being given.

20) On or about January 15, 2003 at 8:38 p.m., four tablets of Lorazepam were taken out of the Hospital's PYSIS machine by the Respondent for patient C.D. They were charted as being given, but the Medical Administration Record for this patient stated the patient was to use her own medications.

Charges

21) The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:

A. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and

B. 26 V.S.A. §1582(a)(3) (The inability to practice nursing by reason of any cause) (The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(2)); and

C. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can impose disciplinary action) (Conduct of a character likely to deceive, defraud, or harm the public includes falsifying or altering clinical records or making inaccurate or misleading entries pursuant to the Administrative Rules of the Board of Nursing ("ARBN"), Chapter 4, Rule IV(II)(D)(3)).

Relief Requested

WHEREFORE, the license of Susan Antes should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 12th day of September 2003.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

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