

**STATE OF VERMONT
BOARD OF NURSING**

In re: Nancy Aucoin
License No. 0256-26259

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Docket No. 2009-22(RN)
M2011-56

**Decision on
Motion to Modify Conditions**

Participating Board Members:

Jeanine Carr, RN, Chair
Alan Weiss
Sandra Norton, LNA
William G. White, Jr.
Deborah Swartz, RN
Douglas Sutton, RN
Ellen Watson, APRN

Appearances:

for Petitioner, State of Vermont: Lauren Hibbert
for Respondent: Pro se

Presiding Officer: Larry S. Novins

Ms. Aucoin's license was conditioned by this Board when it accepted a Stipulation and Consent Order on September 10, 2010. Condition #7 requires her to work "only in a setting where Ms. Aucoin has direct supervision for the entire shift by a registered nurse that is licensed and in good standing with the Board."

Ms. Aucoin has asked that Condition #8 be amended to permit her to work for a nursing agency so she can accept temporary assignments during her 18 month probationary period. Ms. Aucoin's request was preliminarily denied because the "sub-committee of the Board needs to have current work history submitted to the Board office that shows satisfactory employer reports submitted under the direct supervision of a RN. To have the level of supervision required by your Order you are not permitted to work for a travel agency." Letter of December 19, 2011 signed by Linda Davidson, Nursing Board Executive Director and Interim Case manager.

Ms. Aucoin requested a hearing on the preliminary denial.

Ms. Aucoin has not worked as a RN since she left her last job in Massachusetts over one year ago. She has not been able to find work that will accommodate the conditions she agreed to in the Stipulation and Consent Order.

The Board accepted the Stipulation and Consent Order in 2010 believing that the

conditions imposed on Ms. Aucoin's license were necessary to protect the public and permit her to practice. Given the nature of the unprofessional conduct found, the conditions imposed remain appropriate. We note that other licensees similarly situated have been able to obtain employment and meet the requirements necessary for them to practice safely. We are not convinced that changing the direct supervision condition or expanding the eligible type or place of employment is prudent.

Order

For the reasons stated above, Ms. Aucoin's request to modify the Stipulation and Consent Order is denied. The preliminary denial of her request is affirmed.

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, Office of Professional Regulation, National Life Bldg., North, FL2, Montpelier, Vermont 05620-3402 within 30 days of the entry of this Order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By: Jeanine Carr
Jeanine Carr, RN, Chair

Date February 14, 2012

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/17/12