

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

IN RE:)
JEAN MADDIN BASS) Docket No: NU 43-0103
License No. 026-0019612)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Jean Maddin Bass, R.N., 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, 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)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing.
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, 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, Chapter 4, Rule IV(II)(B)(2).

Facts

5. The Respondent is licensed in the State of Vermont as a Registered Nurse under License Number 026-0019612.
6. The Respondent's license was originally issued on August 29, 1990 and the Respondent's license is currently set to expire on March 31, 2005.
7. At all times relevant, the Respondent was employed as an R.N. by Fletcher Allen Health Care ("the Facility") in Burlington, Vermont.

STATE OF VERMONT



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8. On or about October 11, 2002, Respondent's patient was found in a pousy vest and wrist restraints that were not secured, bed elevated and side rail down. No assessment was documented during the Respondent's shift for the patient as required.
9. On or about November 13, 2002, an audit of narcotic documentation for that day revealed that the Respondent gave two medications to a patient without charting them as given.
10. On or about November 15, 2002, the Respondent gave a visitor a patient's medication to give to the patient.
11. On or about December 12, 2002, at the end of Respondent's shift, the Respondent failed to alert the oncoming nurse of a patient's high level of acuity. The patient required frequent suctioning and had been having respiratory problems following a tracheostomy procedure.
12. By way of history, Respondent's license has been reprimanded by the Board of Nursing pursuant to a Stipulation and Consent Order entered on March 16, 2001. The Respondent was disciplined for administering a glucose tablet to a diabetic patient without charting that it was given.
13. Although the Respondent does not admit to the truth of the facts above, the Respondent does not contest that the State would be able to prove these facts by a preponderance of the evidence at a hearing.

Charges

14. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:
 - (i) 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, 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, Chapter 4, Rule IV(II)(B)(2); and
 - (ii) 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

15. 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.

STATE OF VERMONT



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16. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

17. 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.

18. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

19. Respondent agrees that the State has sufficient evidence for the Board to find that Respondent has engaged in unprofessional conduct and that the Order set forth below may be entered by the Board.

ORDER

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

A. Respondent's actions described above demonstrate grounds for discipline because Respondent violated:

(i) 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, 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, Chapter 4, Rule IV(II)(B)(2); and

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

B. The Board of Nursing hereby **CONDITIONS** the Respondent's license to practice nursing for a minimum period of **TWO (2) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Length of Time Conditions Imposed.

These conditions shall remain in place until Respondent has completed **two (2) years** of supervised nursing practice in which Respondent 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) Health Assessment Course and Documentation Course.

Respondent shall, at her own expense, complete one (1) course in health assessment and one (1) course in documentation. These courses must be pre-approved by the Board. Respondent must submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee. These courses must be completed within ~~ninety (90)~~ ¹²⁰ days of the date of

STATE OF VERMONT



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entry of the Consent Order.

(3) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of the commencement of these conditions, Respondent shall notify the Board, in writing, of her 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, personal address, or telephone number.

(4) Notification to Employers/Nursing School.

During the conditioned period, Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of commencement of these conditions or of any subsequent nursing employment, Respondent shall cause Respondent's 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 which has a clinical portion which involves actual patient care, she 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 its conditions during clinical experience.

(5) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Consent Order and **monthly** thereafter, Respondent shall cause every employer Respondent has worked for during the 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 is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(6) Practice Under Supervision.

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

(7) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency,

STATE OF VERMONT



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temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(8) Violation of the Consent Order.

If Respondent violates the terms of this Stipulation and 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.

(9) 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 obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(10) 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. Respondent shall demonstrate, to the Board's satisfaction that Respondent fully complied with all the terms of this Consent Order.

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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 2/3/04

By:

Edward G. Adrian

State Prosecuting Attorney

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Prosecuting Attorney
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Montpelier, VT 05602

JEAN MADDIN BASS
RESPONDENT

Dated: 1/30/04

By: Jean Maddin Bass
Jean Maddin Bass

APPROVED AS TO FORM:

RESPONDENT'S ATTORNEY

Dated: 1/30/2004

By: Joseph P. O'Hara
Joseph P. O'Hara, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Feb. 9, 2004

By: Lise Farrell
Chairperson

Date of Entry: 2/12/04

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