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

IN RE:	)	
JEANNE M. BATCH	)	**Docket No. NU 20-0904**
License No: 026-0022462	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through the State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Jeanne M. Batch, R.N., who stipulate and agree as follows:

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(d); 26 V.S.A. §1595; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

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, Jeanne M. Batch, is licensed by the State of Vermont as a Registered Nurse under license number 026-0022462.

6. The Respondent's license was originally issued on September 28, 1995 and the Respondent's license is currently set to expire on March 31, 2005.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

7. The Respondent's license is currently conditioned pursuant to a Stipulation and Consent Order entered by the Board on November 13, 2003. This discipline was imposed due to the Respondent administering the wrong amount of medication to a client and failing to follow an instruction while on the job.

8. At all times relevant, the Respondent was employed as a R.N. by Union House Nursing Home located in Glover, Vermont.

9. On or about February 7, 2004, the Respondent incorrectly gave a resident an extended release narcotic tablet when an immediate release tablet was prescribed.

10. On or about February 11, 2004, the Respondent inappropriately administered a shot of insulin through a resident's clothing.

11. On or about February 14, 2004, the Respondent incorrectly gave a resident a roommate's Ativan tablet instead of the Valium tablet that was prescribed.

12. On or about March 7, 2004, the Respondent was the charge nurse on duty and after four requests by L.N.A.s for an assessment, the Respondent failed to assess a resident that was not eating or taking fluids and who was very congested.

Charges

13. The above acts, omissions and/or circumstances 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, but is not limited to, 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) (failure to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

14. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.

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

16. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

17. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.

18. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.

19. The Respondent agrees that the Order set forth below may be entered by the Board of Nursing.

ORDER

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

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

i. 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes, but is not limited to, 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) (failure to comply with provisions of federal or state statutes or rules governing the practice of the profession).

B. The Board hereby **INDEFINITELY SUSPENDS** the Respondent's license. If the Respondent applies for reinstatement in the future, her license may be conditioned and limited pursuant to the Laws of the State of Vermont and the Rules of this Board. Typically the Board would recommend a less severe sanction in a matter of this type. However, because the Respondent no longer intends to practice as a ~~nursing assistant~~ Registered Nurse, rather than imposing a less restrictive sanction, her license must be indefinitely suspended.

C. 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).

D. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

Dated: 4/4/05

STATE OF VERMONT
SECRETARY OF STATE

By: _____
Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

JEANNE M. BATCH
RESPONDENT

Dated: March 31, 2005

By _____
Jeanne M. Batch

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: 4-11-05

By: Laurie M. Tyo RN
Chairperson

Date of Entry: 4/18/05

rn.batch.stip

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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

IN RE:	)	
JEANNE M. BATCH	)	**Docket No: NU 20-0904**
License No. 026-0022462	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Jeanne M. Batch, R.N.:

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); the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

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, Jeanne M. Batch, is licensed in the State of Vermont as a Registered Nurse under license number 026-0022462. The Respondent's license was originally issued on September 28, 1995 and the Respondent's license is currently set to expire on March 31, 2005.

6. The Respondent's license is currently conditioned pursuant to a Stipulation and Consent Order entered by the Board on November 13, 2003. This discipline was imposed due to the Respondent administering the wrong amount of medication to a client and failing to follow an instruction while on the job. (See Attachment A).

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

7. At all times relevant, the Respondent was employed as an R.N. by Union House Nursing Home located in Glover, Vermont.

8. On or about February 7, 2004, the Respondent incorrectly gave a resident an extended release narcotic tablet when an immediate release tablet was prescribed.

9. On or about February 11, 2004, the Respondent inappropriately administered a shot of insulin through a resident's clothing.

10. On or about February 14, 2004, the Respondent incorrectly gave a resident a roommate's Ativan tablet instead of the Valium tablet that was prescribed.

11. On or about March 7, 2004, the Respondent was the charge nurse on duty and after four requests by L.N.A.s for an assessment, the Respondent failed assess a resident that was not eating or taking fluids and who was very congested.

Charges

12. The 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).

Relief Requested

WHEREFORE, the license of Jeanne M. Batch should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 8th day of February 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: _____
Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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

IN RE:	)	
JEANNE BATCH	)	Docket Nos.: NU70-0302;
License No: 26-22462	)	NU98-0602

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney Edward G. Adrian, and Respondent Jeanne Batch, who stipulate and agree as follows:

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. Chapter 28; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.

2. Respondent Jeanne Batch, of Brownington, Vermont is a Registered Nurse holding license number 26-22462, issued by the State of Vermont. This license was originally issued on or about September 28, 1995 and is currently active.

3. At all times relevant, Respondent was employed or associated with Correctional Medical Services in Newport, Vermont.

4. The State alleges that on or about February 23, 2002, at about 7:30 p.m., she administered to client "C.C.", two or three Lithium 600 m.g. capsules, when 600 m.g. of Lithium had been ordered. Further, Respondent did not timely notify C.C.'s physician and document the error.

5. The State alleges that on or about April 19, 2002, the Respondent was instructed to orient and monitor a new employee on the sick call charting process. However, Respondent assigned the employee a different task, left the building and watched a flat tire being changed on her vehicle.

6. 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.

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Attachment A

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

9. Respondent waives any notification period and requests that this be heard at the next available Board meeting. 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.

10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

11. 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.

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

13. Respondent agrees that the Board may set forth the order below.

Order

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

A. By engaging in the conduct described in the paragraphs above, Respondent acted unprofessionally and in violation of: Nursing Board Rules Chapter 4, Rule IV(B)(2)(a) (performance of unsafe or unacceptable nursing care) and Chapter 4, Rule IV(B)(2)(b) (failure to conform to the essential standards of acceptable and prevailing nursing practice), and ; 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).

B. The Nursing Board, commencing on the date of entry of this Stipulation and Consent Order, imposes the following **CONDITIONS** upon Respondent's license:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed **six (6) months** of supervised nursing practice in which she 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.

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Office of
Professional Regulation
Montpelier. VT 05602

(2) Medication Administration Course.

Respondent must complete (i.e. receive a passing grade, if applicable) a course on medication administration, with prior approval by the Board or its designee, and then submit written documentation (e.g. certificate of completion) to verify the same to the satisfaction of the Board or its designee.

(3) Interview with the Boards or its Designee.

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

(4) Re-issue of License.

Within five (5) days of entry, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned".

(5) 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 notify the Board before beginning such practice. If Respondent fails to notify the Board before, none of the time spent in out-of-state practice will be credited toward the fulfillment of the terms and conditions of this Consent Order.

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment (if she is employed as a nurse), personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(7) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any such subsequent employment, Respondent shall cause her 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, Respondent 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 the conditions in the Consent Order during clinical experience.

(8) Reports from Employers/Nursing School.

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer for which she has been employed as a nurse during that 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 attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. Reports must indicate, to the satisfaction of the Board, that Respondent can safely and competently administer medications.

Respondent shall authorize her employer and/or her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(9) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing, or is in good standing in all states that nurse is licensed.

(10) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(11) License Renewal.

In the event Respondent's license is scheduled to expire during the period of this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain the qualifications to practice nursing in the State of Vermont.

(12) Costs.

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

(13) Violation of the Consent Order.

If Respondent violates the terms of this 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.

(14) Completion of Conditional License Period.

STATE OF VERMONT

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Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Furthermore, Respondent must demonstrate, to the Board's satisfaction, that she can safely return to unrestricted practice, that she has safely and competently administered medications and that she had fully complied with all the terms of this Consent Order.

C. 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).

D. 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

Date: 11/10/03

By: _____
Edward Adrian
State Prosecuting Attorney

JEANNE BATCH
RESPONDENT

Dated: 11/10/03

By: _____
Jeanne Batch

RESPONDENT'S ATTORNEY

Dated: 11/10/03

By: _____
Respondent's Attorney

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11.10.03

By: _____
CHAIRPERSON

Date of entry: 11/13/03

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STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602