

**STATE OF VERMONT
BOARD OF NURSING**

In re: Leanne Bedell, APRN
License No. 101-0016297

} Docket No. NU54-0201
}
}

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Susan Farrell, RN, Chair

Susan Cota

Alan Weiss

Sandra Norton, NA

Donarae Metcalf

Patricia Rock, RN

De ann Welch

Appearances:

for Petitioner, State of Vermont: Edward Adrian

for Respondent: Michael Marks

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Board of held a hearing in the above matter on August 11, 2003 at 81 River Street in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The State alleges in its specification of charges that: between June 1997 and November 1999 Ms. Bedell practiced as an APRN at Porter Hospital in Middlebury, Vermont. Dr. James Macolm II agreed to serve as her collaborating physician; that Ms. Bedell began a new practice with a different physician in November 1999; that she did not notify the Board of the new practice; that she did not work under an set of guidelines signed by her and her collaborating physician and approved by the Board as required by Board rules.

Ms. Bedell denies the allegations of unprofessional conduct. She states that she did not change employment or guidelines, that there was a change of collaborating physicians, but that

that change was either not forwarded to the Board through no fault of hers or was misplaced. Ms. Bedell submits that she did have a set of guidelines signed by her and her collaborating physician.

Findings of Fact

Based on substantial credible evidence presented, the Board makes the following findings:

1. This respondent is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. §1582(a) 3 V.S.A. § 129(a).
2. Ms. Bedell was employed as an APRN Certified Nursing Midwife practicing as an employee of Porter Medical Center (PMC) between June 1997 and November 1999.
3. PMC contracted with Dr. James Malcolm to serve as her collaborating physician.
4. Dr. Malcolm was not an employee of PMC.
5. Ms. Bedell had a practice guidelines and collaboration agreement which she and Dr. Malcolm signed and filed with the Board.
6. In 1999 PMC hired Dr. Gretchen Stewart and created a practice for her called Porter Obstetrics and Gynecology.
7. Her employer, PMC combined Ms. Bedell's practice with Dr. Stewart's.
8. Dr. Stewart replaced Dr. Malcolm as the collaborating physician.
9. Ms. Bedell and Dr. Stewart reviewed the practice guidelines she had been working under with Dr. Malcolm.
10. Ms. Bedell and Dr. Stewart read the agreement and signed it. None of the conditions or guidelines used with Dr. Malcolm were changed in any way other than to substitute Dr. Stewart's name for Dr. Malcolm's.
11. Ms. Bedell would not have been allowed to practice at Porter without a current collaboration agreement.
12. Ms. Bedell testified she believed that the collaboration agreement was forwarded to this Board.
13. Board records do not show that the guidelines and collaboration agreement were received.
14. For reasons not germane to this complaint Ms. Bedell resigned her employment with Porter in February 2001.
15. The complaint which led to this charge was made one week later.
16. Ms. Bedell did not herself notify the Board or take adequate steps to ensure that the Board received notification of any change in the collaboration agreement.

Conclusions of Law

1. When Dr. Stewart assumed the role of collaborating physician, that constituted a "major change" in the agreement.
2. It was Ms. Bedell's duty to ensure that the Board was notified of the substitute collaboration agreement.
3. Ms. Bedell did not meet that duty.
4. The State has met its burden of showing that Ms. Bedell violated Board Rule Ch. 4, Rule VIII, III, D 5 requiring notification of major changes in the collaboration agreement.

Order

For failing to comply with the Board's notification rule, Ms. Bedell is hereby issued a reprimand.

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of @[fill in].

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, 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106 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.

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, RN, Chair

Dated: August 11, 2003

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/12/03