

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

**IN RE:**

**ELLEN BICKFORD**

**License No. 026-0020607**

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)  
)

**Docket No: NU 97-0602**

**STIPULATION AND CONSENT ORDER**

**STIPULATION**

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Ellen Bickford, 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 a Registered Nurse under License Number 026-0020607.
- 6) Respondent was originally licensed on July 9, 1992 and Respondent's license is currently set to expire on March 31, 2005.
- 7) At all times relevant, the Respondent was employed as a Registered Nurse at Maple Lane Nursing Home ("the Facility") located in Barton, Vermont.

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Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

- 8) On or about June 6, 2002, the State alleges that the Respondent did not use lubrication when administering a suppository to S.B., a resident of the Facility. The Respondent denies this allegation.
- 9) The State alleges that T.N., an aide at the Facility, stated that T.N. had witnessed the Respondent administer a suppository on or about June 6, 2002 without using lubrication. The Respondent denies this allegation.
- 10) An investigation completed by Adult Protective Services substantiated the report concerning the Respondent administering the suppository to S.B. without the use of lubrication. The Respondent appealed that substantiation and Adult Protective Services ultimately entered into a Stipulation agreeing to remove from her record any substantiation of charges conditioned upon Respondent attending an Internet seminar dealing with the proper administration of medications (See Attachment A).
- 11) Although the Respondent denies the allegations above, in order to settle this disputed matter, she does not contest the State's allegations and agrees to have the sanction below entered against her.

### **Charges**

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

A. 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

B. 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**

13) The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.

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

15) This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.

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Office of  
Professional Regulation  
Montpelier, VT 05602

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

17) Respondent agrees that the Order set forth below may be entered by the Board.

### CONSENT ORDER

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

A. The Respondent has engaged in unprofessional conduct in that the Respondent has 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 hereby **REPRIMANDS** the Respondent's nursing license.

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 for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT  
SECRETARY OF STATE

Dated: 2/12/04

By: [Signature]

Edward G. Adrian  
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

ELLEN BICKFORD  
RESPONDENT

Dated: 2/9/04

By: Ellen G. Bickford

Ellen Bickford

APPROVED AS TO FORM:

RESPONDENT'S ATTORNEY

Dated: 8/9/04

By: Steven A. Adler  
Steven A. Adler, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: March 8, 2004

By: Susan Farrell  
Chairperson

Date of Entry: 3/12/04

nu.bickford.stip

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re: Ellen Bickford

) Fair Hearing No. 18,259

**SETTLEMENT AGREEMENT**

In settlement of this Fair Hearing, the parties, Ellen Bickford and the Department of Aging and Disabilities ("the Department"), agree to the following:

Ellen Bickford is a registered nurse who was working at Maple Lane Nursing Home in Derby, VT in June 2002 when a complaint was made to the Adult Protective Services ("APS") unit of the Department.

APS recommended substantiation of the complaint, and Ms. Bickford appealed to the Human Services Board. The parties have reached an agreement to settle that appeal.

The Department of Aging and Disabilities will not place Ellen Bickford's name on the Adult Abuse Registry if she takes and satisfactorily completes a refresher course that includes medication administration and sensitivity toward residents of nursing or residential care homes. The course should be mutually agreed upon in advance. Ms. Bickford has a year from the date of this agreement in which to complete the course, provided that if a satisfactory course is not available within that time, she may ask for an extension. If Ms. Bickford satisfies this condition her name will not be placed in the registry and the

*Attachment A*

substantiation will be withdrawn, but if she does not complete the course in the agreed timeframe, her name will be placed in the registry.

AGREED TO by the Parties:

2/2/04  
Date

Ellen Bickford  
Ellen Bickford

1/28/04  
Date

Laine Lucenti  
Laine Lucenti, Director, DLP

Agreed as to form:

2/2/04  
Date

Steven Adler  
Steven Adler, Esq.  
for Ellen Bickford

Feb 28, 2004  
Date

Christina Byrom  
Christina Byrom, Esq.  
for Dept. of Aging and Disabilities