

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

IN RE:
Mitchell E. Blair
License No. 026.0084445

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Docket No. 2015-234

STIPULATED VOLUNTARY SURRENDER OF LICENSE

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. Jarvis, and the Respondent, Mitchell E. Blair, 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, or 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); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts and Violations

2. Mitchell E. Blair (the "Respondent") of Rutland, Vermont, is licensed by the State of Vermont as a Registered Nurse under license number 026.0084445. This license was originally issued on or about February 20, 2012, and expires on or about March 31, 2017.
3. During the relevant time period, Respondent was employed as a Registered Nurse at Rutland Regional Medical Center (the "Facility") in Rutland, Vermont, in the Emergency Department.
4. On or about December 8, 2014, the Respondent received a final written warning from the Facility for unacceptable controlled medication administration practice, including wasting a four (4) milligram syringe of hydromorphone under another nurse's log-in information.
5. During the month of May 2015, the Respondent withdrew thirty-five (35) doses of hydromorphone from an Omnicell machine while the next highest withdrawal rate of other nurses for the same medication was fifteen (15) doses.

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6. Between on or about March 1, 2015, and on or about May 31, 2015, the Respondent demonstrated a pattern of unacceptable medication administration practice of injectable controlled substances, including but not limited to the following acts.
7. The Respondent wasted over twenty-five (25) doses of injectable controlled substances two hours or longer after originally withdrawing the dose from an Omnicell machine.
8. The Respondent removed multiple doses of hydromorphone from an Omnicell machine that were not accounted for by documentation of either administration or waste.
9. The Respondent removed multiple doses of Morphine from an Omnicell machine that were not accounted for by documentation of either administration or waste.
10. The Respondent documented multiple instances of the administration of an injectable narcotic multiple hours after the dose was actually administered.
11. The Respondent withdrew multiple doses of an injectable narcotic from an Omnicell machine before receiving a physician's order.

Violation One: 3 V.S.A. §129a(b)(2) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (2) failure to conform to the essential standards of acceptable and prevailing practice.

12. The State re-alleges and incorporates Paragraphs 2 through 11 above.
13. The essential standards of acceptable and prevailing practice require nurses to withdraw medication close in time to administration and to waste any unused portion immediately. The Respondent failed to meet this standard by engaging in the behavior stated in Paragraph 7 above.
14. The essential standards of acceptable and prevailing practice require nurses to accurately account for all medication administrations and/or wasting of medications by documenting the action at the same time the medication is actually administered or wasted. The Respondent failed to meet this standard by engaging in the behavior stated in Paragraphs 8, 9, and 10 above.
15. The essential standards of acceptable and prevailing practice require nurses to withdraw medication only after receiving an approved prescriber's order. The Respondent failed to meet this standard by engaging in the behavior stated in Paragraph 11 above.

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16. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(2).

Violation Two: 3 V.S.A. §129a(b)(1) Failure to perform competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care.

17. The State re-alleges and incorporates Paragraphs 2 through 15 above.
18. As a Registered Nurse, the Respondent is required to provide safe and acceptable patient care.
19. Paragraphs 2 through 15 above demonstrate Respondent's failure to provide safe and acceptable patient care.
20. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Violation Three: 26 V.S.A. 1582(a)(3) Unable to practice nursing competently by reason of any cause.

21. The State re-alleges and incorporates Paragraphs 2 through 15.
22. On or about June 14, 2015, in an email to Investigator Dennis Menard, the Respondent stated that his Bipolar Disorder sometimes negatively impacts his decision making and causes him to "lack forward thinking."
23. Paragraphs 2 through 15 and 22 above demonstrate the Respondent's inability to practice nursing competently by reason of any cause.
24. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(3).

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Understandings

25. Respondent admits that the facts above are true and the parties reach a full and final Stipulation pursuant to these Understandings and the Acceptance of Voluntary Surrender and Order below.

26. Respondent understands that the Nursing Board must review and accept the terms of the Stipulated Voluntary Surrender of License. If the Board rejects any portion, the entire Stipulated Voluntary Surrender of License shall be null and void.
27. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
28. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
29. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulated Voluntary Surrender of License.
30. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulated Voluntary Surrender of License.
31. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulated Voluntary Surrender of License.
32. Respondent agrees that the Acceptance of Voluntary Surrender and Order set forth below may be entered by the Board.

ACCEPTANCE OF VOLUNTARY SURRENDER AND ORDER

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

- A. The Board of Nursing hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of his nursing license.
- B. Any future application for licensure shall be subject to the licensing requirements of that particular profession. If a future application for licensure in the State of Vermont is approved, that license shall be **CONDITIONED** pursuant to whatever terms are found to be reasonable at the time of Respondent's application for licensure, taking into account the stipulated facts above.
- 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.

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AGREED TO:

Dated: 12/2/16

STATE OF VERMONT
SECRETARY OF STATE

By: Elizabeth A. Jarvis
Elizabeth A. Jarvis
State Prosecuting Attorney

BLAIR B. MITCHELL E. BM
RESPONDENT

Dated: 12/11/16

By: Blair B. Mitchell E. BM
Blair B. Mitchell E. BM

APPROVED AND SO ORDERED:

Dated: 12/12/16

Date of entry: 12-13-16

VERMONT BOARD OF NURSING

By: Jeanne Carr
Chairperson

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