

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

IN RE:)
ADOLPH BOHLMMEIJER) **Docket No. 2019-31**
License No. 026.0024113)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and the respondent in this matter, Adolph Bohlmeijer, 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

2. Adolph Bohlmeijer ("Respondent") of Craftsbury, Vermont is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0024113. This license was originally issued July 10, 1998, and expired on March 31, 2019.
3. At all relevant times, Respondent was employed as an RN at Maple Lane Nursing Home (the "Facility") in Barton, Vermont.
4. Patients at the facility had the use of a call light system to alert nursing staff when they needed assistance.
5. Patients would use a call bell to trigger a light above the patient's door and a light at the nurses' station that would light up and beep.
6. In the two months prior to July 2017, a patient at the Facility ("Patient") experienced three falls.
7. On July 5, 2017, Patient experienced another fall, which required a trip to the emergency department.

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8. Respondent had disabled Patient's call bell because she was perceived as overusing the call light system.
9. Respondent ignored the requests by other nursing staff, some of whom he supervised, to leave the call light system alone and functional.

Violation One: 3 V.S.A. §129a(b)(1) 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: (1) performance of unsafe or unacceptable patient or client care.

10. The State re-alleges and incorporates Paragraphs 2 through 9 above.
11. As an RN, Respondent has an obligation to provide safe and acceptable patient care.
12. Paragraphs 2 through 9 above demonstrate that Respondent provided unsafe and unacceptable patient care by disabling resident call light alert systems.
13. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Violation Two: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

14. The State re-alleges and incorporates Paragraphs 2 through 9 above.
15. As an RN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
16. Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public as demonstrated in Paragraphs 2 through 9 above.
17. 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).

Violation Three: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

18. The State re-alleges and incorporates Paragraphs 2 through 9 above.

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19. As an RN, Respondent is required to exercise his own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
20. Respondent's conduct in Paragraphs 2 through 9 above demonstrate Respondent's failure to exercise his own professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
21. 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(a)(15).

Understandings

22. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
23. 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.
24. 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.
25. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
26. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
27. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
28. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
29. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

- A. The Board of Nursing hereby **REPRIMANDS** Respondent's license.

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- B. Respondent's license is hereby **CONDITIONED** as follows:
- a. Respondent shall, within ninety (90) days of this Order, at his own expense, successfully complete the following pre-approved courses:
 - i. Righting a Wrong: Ethics & Professionalism in Nursing, and any accompanying workbook, through the National Council of State Boards of Nursing Learning Extension; and
 - ii. Sharpening Critical Thinking Skills, and any accompanying workbook, through the National Council of State Boards of Nursing Learning Extension.
 - b. Respondent must submit the completed workbook and written documentation of completion (certificate of completion, etc.) to the Enforcement Case Manager.
 - c. Failure to complete such courses and coursework within the prescribed timeframe shall constitute a violation of this Order.
 - d. Upon completion of the courses and accompanying coursework, Respondent shall submit a petition to the Docket Clerk to remove any and all conditions from Respondent's license and to return the license to unencumbered status. The petition shall include evidence of compliance. The State will agree to, or oppose, Respondent's petition. The Board will conduct a hearing if necessary. Respondent bears the burden of proof to demonstrate that Respondent has fully complied with the terms of this Order
- C. Notwithstanding any provision above, the Respondent must continue to meet all 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.

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AGREED TO:

Dated: 6/26/19

STATE OF VERMONT
SECRETARY OF STATE

By: Elizabeth A. St. James
Elizabeth A. St. James
State Prosecuting Attorney

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ADOLPH BOHLMMEIJER
RESPONDENT

Dated: 6/10/19

By: Adolph Bohlmeijer
Adolph Bohlmeijer

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7/8/2019

By: E. W. [Signature]
Chairperson

Date of Entry: 7.10.19

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ADOLPH H. HILMEYER
REPRESENTATIVE

By: Adolph H. Hilmeier

VIRMONT BOARD OF NURSING

By: Chairperson

APPROVED AND SO ORDERED.

Date of filing: 7-10-19

RECEIVED
JUN 12 2019
BY: _____

RECEIVED
JUN 26 2019
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Professional Regulation