

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

IN RE:

ADOLPH L. BOHLMMEIJER

License No. 026.0024113

)

)

)

Docket No. 2008-390 (NU35-1008)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Betsy Ann Wrask, and the Respondent, Adolph L. Bohlmeijer, RN, 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. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Adolph L. Bohlmeijer (the "Respondent") of Craftsbury, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0024113. This license was originally issued on or about July 10, 1998 and is currently set to expire on or about March 31, 2011.
3. At all times relevant, Respondent was employed as a Registered Nurse at the Vermont State Hospital (the "Facility"), located in Waterbury, Vermont.
4. It is Facility policy for a nurse to have a written order before a medication can be administered to a patient.

Statement of Facts re: Incident #1

5. On or about October 3, 2008, Respondent, as Charge Nurse, directed LPN K.S. to administer Ativan 1 mg to Patient #1 without a written order. K.S. refused due to lack of a written order. Respondent had obtained a telephone order from a doctor for this medication; however, Respondent had failed to write out this order before directing K.S. to administer the medication.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

6. Respondent's conduct described above in ¶5 is in violation of 3 V.S.A. § 129a(b)(1) and (2).
7. On or about March 13, 2009 in an interview with State Investigator Gregory Kelly, Respondent admitted that on or about October 3, 2008, he had a verbal order for Ativan, but did not write the order. Respondent stated that after K.S. refused to administer the Ativan, he offered the Ativan to the patient, but the patient refused the medication. Respondent stated he believed the order was never written into Patient #1's record.

Statement of Facts re: Incident #2

8. On or about October 7, 2008, Respondent, as Charge Nurse, directed LPN K.S. to administer Abilify (an antipsychotic and antidepressant) early to Patient M.L. K.S. refused due to lack of a written order. Respondent had just received a telephone order to give the medication early; however, Respondent had failed to write out this order before directing K.S. to administer the medication. The medication was administered by another LPN, J.S., at the direction of Respondent, and Respondent later wrote out the order.
9. Respondent's conduct described above in ¶8 is in violation of 3 V.S.A. § 129a(b)(1) and (2).

Statement of Facts re: Incident #3

10. On or about December 26, 2008, LPN S.M. was administering oral Haldol to a patient who was lying down in a five-point restraint. Respondent entered the room, became frustrated with the amount of time it was taking S.M. to administer this medication; then took the medication from S.M.'s hand; roughly picked up the patient's head; and forced the patient to take the medication.
11. Respondent's conduct described above in ¶10 is in violation of 3 V.S.A. § 129a(b)(1) and (2).
12. Respondent had no previous history at the Facility of being rough with patients.
13. Respondent resigned from the Facility shortly after the incident described above in ¶10.
14. On or about March 13, 2009 in an interview with Investigator Kelly, Respondent denied being forceful with this patient. However, Respondent admitted that he took the Haldol from S.M.'s hand; raised the patient's head off the mattress; and administered the rest of the medication to the patient.

Charges

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

15. 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:
- a. 3 V.S.A. § 129a(b)(1) and (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: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - b. 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).

Understandings

16. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below.
17. 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.
18. 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.
19. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
20. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
21. 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.
22. 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.
23. Respondent agrees that the Order set forth below may be entered by the Board.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

ORDER

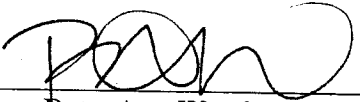
Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **REPRIMANDS** Respondent's license to practice registered nursing.
- B. 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).
- C. 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:

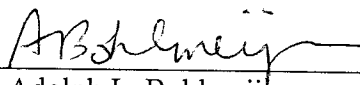
STATE OF VERMONT
SECRETARY OF STATE

Dated: 5.5.10

By: 
Betsy Ann Wrask
State Prosecuting Attorney

ADOLPH L. BOHLMEIJER
RESPONDENT

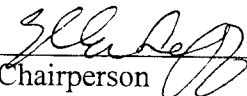
Dated: 5/4/10

By: 
Adolph L. Bohlmeijer

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5.10.10

By: 
Chairperson

Date of Entry: 5/13/10
nu.bohlmeijer.stip

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107