

IN RE:)
Dixie Ann Bolio) Case File No. NU31-1003
License No. 26-19542)

Introduction

The board took official notice of the Charges and the Respondent's Answer at the start of the hearing.

1. The Respondent is a licensed practical nurse who holds license number 25-8444 issued by the State of Vermont.

3. On or about October 3, 2003, the Respondent was working the day shift, starting at 7:00 AM and was responsible for the care of patient E.W. E.W. was a diabetic with a history of unstable blood sugar levels and was on a "sliding scale" of insulin administration depending upon her finger stick results, which were taken at least four times per day -- before each meal and before bedtime.

5. At approximately 7:00 a.m., Respondent gave 60 units of 70/30 insulin under the skin of patient E.W. The Respondent did not do the morning finger stick on E.W., which was typically done by the nurse on the previous shift. In fact, it had been done on the

previous shift less than an hour earlier, but it was never charted. The Respondent misread or failed to read the patient's glucose and insulin record.

6. The Respondent gave E.W. the insulin without knowing the time of E.W.'s last finger stick or performing a finger stick to check E.W.'s blood glucose level.

7. After giving E.W. the insulin, the Respondent failed to document in the medication administration record that the insulin had been given.

8. Several hours following the insulin administration by the Respondent, E.W. became barely arousable, short of breath, and was wheezing. E.W.'s blood glucose level was in the 20s and a finger stick reading was less than 32.

Conclusions of Law

- A. The Board of Nursing may revoke, suspend, discipline or otherwise condition the license of a nurse who engages in unprofessional conduct as defined by 26 V.S.A. §1582.
- B. Respondent, by engaging in the conduct described above, has exhibited an inability to practice nursing competently by reason of any cause pursuant to 26 V.S.A. §1582(a)(3). Such conduct constitutes unacceptable patient care and a failure to conform to the essential standards of acceptable and prevailing nursing practice in violation of Board Administrative Rules Chapter 4, Rules (IV)(II)(B)(1) and (2).

Order

A. In light of the above findings and conclusions, the Board hereby **CONDITIONS** the Respondent's license, effective as of the date of entry of this Order, below, as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed **twelve (12) months** of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing [Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis].

(2) Re-issue of License.

Within five (5) days of the date of entry of this Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned".

(3) Diabetic Care Course / Prohibition on Administering Medications

Respondent shall take and successfully complete a course in the management of diabetes, to include documentation and the pharmacological aspects of such care. The course must be pre-approved by the Board or its designee. The Respondent shall provide proof of successful completion of such a course prior to returning to work as a nurse.

Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first notify the Board before beginning such practice. If Respondent fails to notify the Board before, none of the time spent in out-of-state practice will be credited toward the fulfillment of the terms and conditions of this Order.

Notification of Place of Employment/ Personal Address/ Phone Number.

Within five (5) days of the date of entry of this Order, Respondent shall notify the Board, in writing, of her current place of nursing employment (if she is employed as a nurse), personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

Notification to Employers/Nursing School.

Respondent shall provide a copy of this Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Order or of any such subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Order and the ability to comply with the conditions in the Order. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Order and ability of the program to comply with the conditions in the Order during clinical experience.

(7) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Order and every month thereafter, Respondent shall cause every employer for which she has been employed as a nurse during that month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in

writing, at any time during the period the Order is in effect.

(8) Types of Employment / Hours Prohibited.

Respondent shall not work as a charge nurse during the effective period of this Order.

(9) Supervision Required.

The Respondent shall work only in a setting where she has direct supervision for the entire shift by a licensed nurse in good standing with the Board of Nursing. Supervision must be on site for the entire shift.

Costs.

Respondent shall bear all costs of complying with this Order.

Violation of the Order.

If Respondent violates the terms of this Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Order, the conditional license period shall be extended until the matter is final.

Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Furthermore, Respondent must demonstrate, to the Board's satisfaction, that she can safely return to unrestricted practice, and that she has fully complied with all the terms of this Order.

B. This 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 Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell, R.N.
Board Chair

Date: January 24, 2005

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 1/28/05

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

IN RE:)
DIXIE ANN BOLIO) Docket No: NU 31-1003
License No: 025-0008444)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Dixie Ann Bolio, L.P.N.:

Board Authority

- 1) The Vermont State Board of Nursing ("the Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or 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 ("ARBN"); Rules of the Office of Professional Regulation.
- 2) The inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
- 3) The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2).
- 4) Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(7).
- 5) 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).

Facts

- 6) The Respondent is a Licensed Practical Nurse under License Number 025-0008444.
- 7) Respondent was originally licensed on September 24, 2003 and Respondent's license is currently set to expire on January 31, 2006.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

- 8) At all times relevant, the Respondent was employed as an L.P.N. at Fletcher Allen Health Care located in Burlington, Vermont.
- 9) On October 3, 2003 at approximately 7:00 a.m., Respondent gave 60 units of 70/30 insulin under the skin of patient E.W., a diabetic with a history of unstable blood sugar levels.
- 10) Upon information and belief, E.W.'s morning finger stick was not done by the night nurse on duty prior to the Respondent's shift as was required.
- 11) Respondent gave E.W. the insulin without first checking the time of E.W.'s last finger stick or performing a finger stick to check E.W.'s blood glucose level.
- 12) Additionally, the Respondent failed to document in the medication administration record that the Respondent had given E.W. the insulin.
- 13) Following the insulin administration by the Respondent, E.W. suffered a hypoglycemic reaction in which E.W. was "barely arousable, short of breath, wheezing, and E.W. stated "I am dying"". E.W.'s blood glucose level was in the 20s and a finger stick reading was less than 32.

Charges

14) The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent 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 ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and
- ii. 26 V.S.A. §1582(a)(7) (engaging in conduct of a character likely to deceive, defraud or harm the public); and
- iii. 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Dixie Ann Bolio should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 14th day of May 2004.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



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