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

IN RE:	)	
LISA BOUCHER	)	**Docket No: NU59-0305**
License No. 026-0025674	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Lisa Boucher, 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); 3 V.S.A 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Lisa Boucher, is licensed in the State of Vermont as a registered nurse under license number 026-0025674. This license was originally issued on July 11, 2000 and is currently set to expire on March 31, 2007.

3. At all times relevant, the Respondent was employed as an R.N. at Fletcher Allen Health Care ("FAHC") located in Burlington, Vermont. Respondent worked at FAHC in the R.N. float pool on and off for approximately five or six years.

4. On Critical Thinking Indicators ("CTIs") recorded while observing Respondent at work, J.M., a staff nurse at FAHC, noted the following concerns regarding Respondent's performance:

i. On or about February 7, 2005, J.M. noted on the CTI for patient referred to as #4 that Respondent administered medication to the patient without checking the patient's armband or asking for the patient's name in order to verify that she was administering the medication to the correct patient.

ii. On or about February 7, 2005, J.M. noted on the CTI for patient referred to as #6 that Respondent failed to check the hematocrit value in order to report it on the patient's physical assessment after the patient had returned from dialysis.

iii. On or about February 7, 2005, J.M. noted on the CTI for patient referred to as #7 that the patient had an order for MS Contin to be given at 8:00 a.m. Upon the patient's request, Respondent waited until 10:30 a.m. to administer the medication. However, Respondent charted the medication as given at 8:00 a.m. J.M. also noted that Respondent had not checked any patient armbands before administering medications that day.

iv. On or about February 10, 2005, J.M. noted on the CTI for patient referred to as #1 that Respondent could not answer the patient's questions regarding what nitroglycerin was and how it worked. Respondent also failed to look up nitroglycerin in a reference book to familiarize herself with how it works after she was unable to answer the patient's questions.

v. On or about February 10, 2005, J.M. noted on the CTI for patient referred to as #2 that the patient had an order for Lasix at 12:00 noon, however Respondent did not

administer the medication until 2:00 p.m. Respondent charted the medication as give at noon.

vi. J.M. also noted on patient #2's CTI that Respondent took a verbal order to increase the patient's NPH insulin to 27 units, but failed to record the order on an order form.

vii. On or about February 10, 2005, J.M. noted on the CTI for patient referred to as #3 that Respondent took a verbal order for a stress test over the telephone, but again failed to record the order on an order form.

5. Also of concern to S.T., Respondent's supervisor, was a report she received from charge nurse L.B. on or about January 7, 2005, regarding unusual behavior by the Respondent. On that date, L.B. observed that Respondent had been missing for approximately an hour. When L.B. asked Respondent who was covering her patients, Respondent replied "I don't know." After their discussion, L.B. checked Respondent's patients. L.B. discovered Mylanta left by the bedside of one patient.

6. L.B.'s check also revealed that another of Respondent's patients was experiencing some cranial bleeding that Respondent had failed to report. Nurse B.K. cleaned the patient's head and dressed the wound. L.B. reports that the patient's vital signs had not been checked during the night shift. During an interview with OPR Investigator Amy Carlson on or about June 7, 2005, Respondent stated that she was aware of the patient's cranial bleeding, but that she did not report it to the charge nurse because there was an L.N.A. who had been sitting with the patient and she was aware of the problem. Respondent also reports that she thought the leakage was an ongoing issue with this particular patient.

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

i. 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes performing unsafe or unacceptable patient care and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (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).

Understandings

8. 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.

9. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

12. 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.

13. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

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

15. 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 the Understandings and Order below.

ORDER

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

A. The Board of Nursing hereby CONDITIONS Respondent's license to practice nursing for a MINIMUM PERIOD OF TWO (2) YEARS commencing with the date of entry of this Consent Order. The conditions are as follows:

(1) Re-issue of License.

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned".

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes two (2) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. The Respondent shall be prohibited from working more than forty (40)

hours per week during the conditioned period.

(3) Documentation and Patient Assessment Course.

Respondent must successfully complete (i.e.: receive a passing grade, if applicable) a course focusing on documentation and patient assessment with prior approval by the Board or its designee, and then submit written documentation (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This course must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order.

(4) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event Respondent is attending a nursing program which has a clinical portion which involves actual patient care, she shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with its conditions during clinical experience.

(5) Reports from Employers.

Within one (1) month of the date of entry of this Order and monthly thereafter, Respondent shall cause every nursing employer Respondent has worked for during the relevant time period to submit to the Board an evaluation of Respondent's performance and attendance during that time period. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(6) Practice Under Supervision.

Respondent shall practice only in a nursing setting where Respondent has on site supervision for the entire shift by a registered nurse who is licensed and in good standing with the Board.

(7) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(8) 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 obtain approval

from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(9) Notification of Place of Employment/ Personal Address/Telephone 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 employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(10) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(11) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(12) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may

rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(13) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

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.

AGREED TO:

Dated: 7/24/06

STATE OF VERMONT
SECRETARY OF STATE

By:

State Prosecuting Attorney

LISA BOUCHER
RESPONDENT

Dated: July 20, 06

By: Lisa Boucher
Lisa Boucher

APPROVED AS TO FORM:

Dated: 7-18-06

ATTORNEY FOR RESPONDENT

By: Tina L. Shoup

Tina L. Shoup, Esq.

APPROVED AND SO ORDERED:

Dated: 8/14/06

VERMONT BOARD OF NURSING

By: Susan Farrell

Chairperson

Date of Entry: 8/17/06

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

IN RE:	)	
LISA BOUCHER	)	**Docket No: NU59-0305**
License No. 026-0025674	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Lisa Boucher, R.N.:

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); 3 V.S.A 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

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Prosecuting Attorney
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9 Baldwin Street
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Charges

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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).

Relief Requested

WHEREFORE, the license of Lisa Boucher should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 20th day of October 2005.

STATE OF VERMONT
SECRETARY OF STATE

By:
Edward G. Adrian
State Prosecuting Attorney

nu.boucher.soc

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