

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

IN RE:

**KATHERINE E. BRANDE
License No. 026-0016150**

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)

Docket No: NU22-0807

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Katherine E. Brande, 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, Katherine E. Brande, is licensed in the State of Vermont as a registered nurse under license number 026-0016150. This license is currently set to expire on March 31, 2009.

3. At all times relevant, the Respondent was employed as a registered nurse at Porter Hospital (the "Facility") located in Middlebury, Vermont.

4. In an interview conducted on or about October 24, 2007 by State Investigator Karl Packer, the Respondent advised Investigator Packer that she had taken Prevacid samples from the office where she worked and given them to her sister-in-law. The Respondent advised that she took approximately five (5) "bubble packs" each containing five (5) 30mg tablets of Prevacid.

Charges

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

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

- i. 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. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); 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

6. 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.
7. 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.
8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
10. 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.
11. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any appeal from this Stipulation and Consent Order.
12. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

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

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AGREED TO:

Dated:

1/30/08

STATE OF VERMONT
SECRETARY OF STATE

By:

[Signature]
Edward G. Adrian
State Prosecuting Attorney

KATHERINE E. BRANDE
RESPONDENT

Dated:

1/30/08

By:

Katherine E Brande
Katherine E. Brande

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated:

2-11-08

By:

Sinda Rice, APRN
Chairperson

Date of Entry:

2/12/08

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