

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

IN RE:

PATRICIA E. BRENNAN

License No. 026.0025429

)

)

)

Docket No. 2008-485 (NU75-1208)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Patricia E. Brennan, 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. Patricia E. Brennan (the "Respondent") of Shelburne Falls, Massachusetts is licensed by the State of Vermont as a Registered Nurse under license number 026.0025429. This license was originally issued on or about March 14, 2000 and is currently set to expire on or about March 31, 2011.
3. At all times relevant, Respondent was employed as a Registered Nurse Weekend Supervisor at Brattleboro Retreat (the "Facility"), a mental health and addictions treatment center located in Brattleboro, Vermont.
4. On or about December 10, 2008 in a Mandatory Report of Unprofessional Conduct to the Board, Vice President for Patient Care V.O. reported that on or about November 30, 2008, an adolescent female patient, K.O. stated she did not like how Respondent was speaking to a younger male patient and yelled and swore at Respondent, and threw a deck of cards at Respondent, hitting Respondent in the face. V.O. reported that Respondent reacted by swearing at K.O. and moving towards her. V.O. reported that another staff member attempted to hold Respondent back from K.O, but lost her grip. V.O. advised that a third staff member placed herself between K.O. and Respondent, both of whom were reaching around this staff member. V.O. stated that

STATE OF VERMONT



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

staff members informed V.O. that Respondent's actions escalated the situation; that Respondent insisted on secluding or restraining K.O. when the situation had calmed down and did not warrant doing so; and that staff encouraged Respondent to calm down and/or leave, but that Respondent continued to yell directions regarding how to handle the situation. V.O. advised that as a result of this incident, Respondent's employment was terminated on or about December 8, 2008.

5. On or about February 5, 2009 in an interview with State Investigator Steve Kennedy, Respondent stated she does not remember the incident. Respondent stated that as a result of the incident, she has memory loss and vertigo. Respondent stated that if she swore at K.O. on the day in question, she apologizes.
6. On or about February 5, 2009 in an interview with Investigator Kennedy, Staff Member V.T., who was Charge Nurse on the evening in question, advised that on that evening after K.O. had thrown the deck of cards at Respondent, V.T. grabbed Respondent's arm to hold Respondent back, but could not hold on to Respondent. V.T. advised that Respondent yelled to K.O., "No you don't, you little bitch!" V.T. advised that Respondent moved toward K.O., but K.O. was not moving toward Respondent.
7. On or about February 5, 2009 in an interview with Investigator Kennedy, Staff Member R.B. stated she witnessed K.O. throw a deck of cards at Respondent, which hit Respondent in the face. R.B. advised Respondent stated, "No you don't, you little bitch," and lunged at K.O. R.B. stated Respondent appeared to grab K.O. R.B. stated she stepped in between Respondent and K.O. R.B. stated Respondent was screaming to take another patient out of seclusion and place K.O. there. R.B. stated that thereafter, she and another staff member walked K.O. down the hall. R.B. advised that Respondent yelled down the hall a couple times to put K.O. in seclusion and that staff members would be written up (for insubordination).
8. On or about February 5, 2009 in an interview with Investigator Kennedy, Staff Member T.F. advised that he witnessed the events on the day in question after K.O. had thrown the deck of cards at Respondent. T.F. stated he saw K.O. on the floor crying, and heard Respondent yelling to place K.O. in seclusion. T.F. stated he approached Respondent and told her she was escalating the situation. T.F. stated Respondent was yelling down the hall that staff members were going to be written up.
9. On or about February 11, 2009 in an interview with Investigator Kennedy, Staff Member K.C. advised that on the day in question, after K.O. had calmed down, Respondent continued to yell.
10. On or about February 11, 2009 in an interview with Investigator Kennedy, Staff Member C.B. stated she witnessed K.O. throw the deck of cards at Respondent and saw Respondent move toward K.O. and say, "No you don't, you little bitch."

Charges

STATE OF VERMONT



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

11. 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

- 12. 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.
- 13. 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.
- 14. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 15. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 16. 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.
- 17. 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.
- 18. 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 **WARNS** Respondent's license to practice registered nursing.

STATE OF VERMONT



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

- 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: 10-26-09

By: [Signature]
Betsy Ann Wrask
State Prosecuting Attorney

PATRICIA E. BRENNAN
RESPONDENT

Dated: 10-22-09

By: [Signature]
Patricia E. Brennan

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11-9-09

By: [Signature]
Chairperson

Date of Entry: 11/13/09
nu.brennan.stip

STATE OF VERMONT



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