

STATE OF VERMONT
BOARD OF NURSING

IN RE:	)	
Louise Brown	)	Docket No. NU16-0998
License Nos: 25-7263	)	
75-3023	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, and
Respondent Louise Brown, who stipulate and agree as follows:

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Louise Brown, of Charlotte, Vermont, is a licensed practical nurse holding license number 25-7263 issued by the State of Vermont. By way of history, Respondent was a nursing assistant holding license number 75-3023, issued by the State of Vermont, which lapsed on or about January 31, 1997.
3. At all times relevant, Respondent was employed at Green Mountain Nursing Home ("G.M.N.H."), of Colchester, Vermont.
4. Respondent admits the following:
 - a. On about August 15, 1998, while in the course of her work, she answered patient "J.L.'s" request to remove a nebulizer mask in a rude and/or sarcastic manner.

b. On about August 17, 1998, a nurse's aide, "P.D." administered oxygen at the request of patient J.L. Respondent removed the oxygen mask, then abruptly and loudly reprimanded P.D. for administering the oxygen in (or near) the presence of J.L., where this patient was likely to hear.

c. On occasions including but not necessarily limited to about August 17 or 18, 1998, she made sarcastic and/or insensitive remarks to J.L. (and/or his family) about this patient's incontinence and/or made him wait before using the bathroom.

d. During mid-to-late August 1998, patient J.L.'s family made complaints about Respondent to G.M.N.H. On about August 19, 1998, Respondent confronted N.J. (a daughter of patient J.L.) about said complaints, in the presence of the patient. Further, Respondent then and there also questioned J.L. about these complaints.

e. On about August 19, 1998, Respondent confronted S.L. (wife of patient J.L.) about said complaints.

5. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
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 has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
8. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. 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.

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 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 charges and a contested hearing before the Board of Nursing.
12. Respondent agrees that the Board may set forth the order below.

ORDER

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

A. By engaging in the conduct above, Respondent acted unprofessionally pursuant to, and in violation of Nursing Board Rules Chapter 4, Rule IV(B)(2)(b) (failure to conform to the essential standards of acceptable and prevailing nursing practice), which violates, and constitutes unprofessional conduct within the meaning of 26 V.S.A. §1582(a)(3) (unable to practice nursing competently by reason of any cause).

B. The Nursing Board: **REPRIMANDS** the Respondent and **CONDITIONS** her licenses to practice commencing on the date this Order is entered by the Vermont Board of Nursing. The **CONDITIONS** on Respondent's licenses are 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] and; successfully completed the course described below approved by the Board or its designee and obtained written acknowledgement of successful completion from the Board or its designee.

(2) Board Approved Course.

Respondent shall, at her own expense, complete (and if applicable, receive a passing grade in) a course pertaining to stress management. Respondent shall obtain prior written approval of said course by the Board or its designee. Thereafter, Respondent shall obtained written acknowledgement of successful completion from the Board or its designee.

(3) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(4) Re-issue of License.

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

(5) 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 prior to Respondent leaving the State of Vermont. If Respondent fails to notify the Board 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.

(6) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, 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.

(7) 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 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 Consent 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 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, Respondent 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 the conditions in the Consent Order during clinical experience.

(8) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent 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 and accompanied by a cover letter on the employer's letterhead. 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 and accompanied by a cover letter on the school's letterhead. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities. Reports must indicate, to the satisfaction of the Board, that Respondent can safely and competently administer medications.

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 Consent Order is in effect.

(9) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing (until such time as condition in Paragraph B(2) is completed – stress management course).

(10) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(11) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(12) Costs.

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

(13) Violation of the Consent Order.

If Respondent violates the terms of this Consent 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 Consent Order, the conditional license period shall be extended until the matter is final.

(14) Reevaluation of Conditions.

In the event Respondent does not work in nursing within twelve (12) months of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(15) 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. Respondent, however, must demonstrate compliance with all conditions. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

C. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

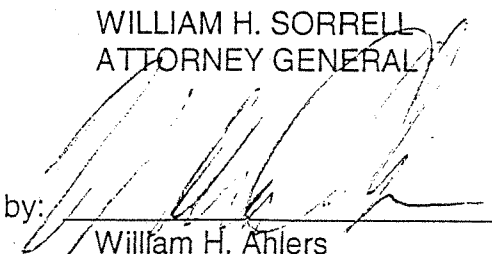
D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

E. 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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Date: 2/10/00

by: 
William H. Ahlers
Assistant Attorney General

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

LOUISE BROWN
RESPONDENT

Date: 2/4/00

Louise Brown
Louise Brown

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 2-23-00

Louise Lemphre
Chairperson

Entry Date: 2/24/00