

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

IN RE:  
PAULA S. BROWN  
License No. 026.0025021

)  
)  
)

Docket No. 2012-591

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by State Prosecuting Attorney Gabriel M. Gilman, and the respondent in this matter, Paula S. Brown, 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.

**Facts**

2. Paula S. Brown (the "Respondent") of Barre, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0025021. This license was originally issued on or about August 10, 1999 and expires on March 31, 2015.
3. At all times relevant, Respondent was employed as a Registered Nurse at Gifford Medical Center (the "Facility") in Randolph, Vermont.
4. On or about April 2, 2012, Respondent began working at the Facility in a position which required her to spend half of her time in an office setting and the other half in the Birthing Center. During Respondent's orientation period, which ended on or about September 6, 2012, Respondent exhibited an inability to think critically and prioritize the needs of patients.
5. Throughout her 2012 employment at the Facility, Respondent's exhibited flat affect, confusion, unfamiliarity with common medications and nursing practices, unfamiliarity with common medical instruments, and inability to concentrate. Colleagues familiar with Respondent from her employment at the Facility years prior noted that these problems seemed new. Supervisors counseled Respondent and attempted to ascertain whether the evident decline in her abilities was secondary to medication use, personal problems, or a medical problem. No cause was identified.
6. On September 6, 2012, after about five months of unsuccessful efforts to coach Respondent through orientation requirements, supervisors at the Facility felt compelled to

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402

terminate Respondent's employment on the basis that Respondent was unable to provide safe patient care.

7. Respondent now recognizes that personal difficulties affected her ability to practice in the spring of 2012 and that she had a professional obligation to remove herself from practice while unfit.
8. Following Respondent's separation from the Facility, Respondent resolved personal issues that contributed to her difficulty at the Facility where she formerly worked and found employment in the setting of a medical office. Respondent's practice in the new, office-based setting has been untroubled.
9. Respondent has attempted to cooperate with the State's request that she obtain an independent, expert evaluation of her fitness to practice; however, she has been unable to complete an evaluation at this writing. The parties wish to resolve this matter in a manner that will address Respondent's past practice difficulties, provide for appropriate future analysis of Respondent's fitness, and secure the public health, safety, and welfare, in the interim.

#### Violations

10. 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. 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 pursuant to ARBN Rule 11.2(b)(1) and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Rule 11.2(b)(2)).

#### Understandings

11. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
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.

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402

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.

#### CONSENT ORDER

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

- A. The Board of Nursing hereby **WARNS** Respondent's license.
- B. Respondent's license is **CONDITIONED** as follows:
  - 1) Practice Setting Limited  
Until further order of the Board based upon expert analysis of Respondent's fitness to practice, Respondent shall practice only in the setting of a medical office pre-approved by the Board. Respondent's existing office practice is pre-approved. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, within an emergency department or birthing center, in an inpatient hospital setting, or as a private duty nurse or personal care provider.
  - 2) Independent Evaluation of Fitness  
Within three months of the date of entry of this Order, Respondent shall obtain an independent evaluation of her fitness to practice. Such evaluation is to be completed by an independent expert pre-approved by the Board and qualified to make a comprehensive evaluation of Respondent's fitness, including by completing a neuropsychological evaluation, and if warranted, an analysis of Respondent's substance abuse risk. Respondent shall execute such waivers and releases as may be requested by the independent evaluator and shall authorize past and current treatment providers to speak directly with the evaluator. Respondent shall make available to the evaluator this Consent Order and the investigative report in this matter. Respondent shall provide truthful, candid, and complete information to the evaluator.
  - 3) Notification of Employment/ Personal Address/Telephone Number:

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402

Within ten (10) days of the date of entry of this Consent 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 (including resignation or termination), personal address, or telephone number.

4) Notification to Other States:

In the event that the Respondent is licensed in any other state(s), she must inform the other nursing licensing boards of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry.

5) License Renewal and Costs:

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. Respondent must timely apply for renewal and pay the applicable fee.

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

6) 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.

7) Further Hearing Upon Completion of Evaluation:

Once Respondent has obtained and submitted to the Board the independent evaluation required by Condition (2), above, Respondent or the State may request a hearing before the Board. For good cause shown, either party may request reasonable time for further investigation and discovery. After a hearing, the Board shall determine whether the above conditions should be modified, which may include making the conditions less restrictive, making the conditions more restrictive, or eliminating the conditions and restoring to Respondent an unencumbered license. Such determination shall be made in the interest of the public health, safety, and welfare.

- 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).

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402

- 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:

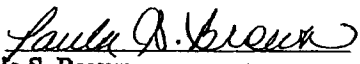
STATE OF VERMONT  
SECRETARY OF STATE

Dated: 11/17/2013

By:   
Gabriel M. Gilman  
State Prosecuting Attorney

PAULA S. BROWN  
RESPONDENT

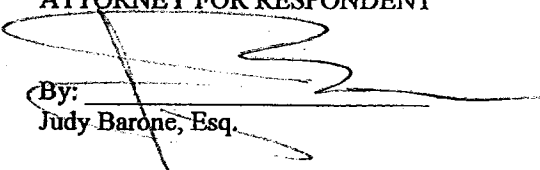
Dated: 11/16/2013

By:   
Paula S. Brown

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 11/17/2013

By:   
Judy Barone, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11/18/2013

By:   
Chairperson

Date of Entry: 11/18/13

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402