

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

IN RE:

Lisa M. Burns

License No. 025.0006689

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Docket No. 2015-421

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Rachel Allen, and the Respondent, Lisa M. Burns, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses, pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

General Statement of Facts

2. Lisa M. Burns ("Respondent") of East Barre, Vermont, is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0006689. This license was originally issued on or about October 16, 1991, and expires on or about January 31, 2018.
3. At all relevant times, Respondent was employed as a LPN by Revera Health Systems at Berlin Health and Rehab ("Facility"), located in Berlin, Vermont.
4. On September 22, 2015, Patient at the Facility was found with her head wedged between a recliner chair and her bed by M.M., a Licensed Nursing Assistant ("LNA") at the Facility.
5. At 1500 hours, M.M. reported the incident to Respondent and told her that she propped the Patient up and made sure the Patient was not injured.
6. Respondent did not personally observe Patient after M.M. reported the incident to her.
7. Respondent did not document the incident until the next day.

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Violation One: 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.

8. The State re-alleges and incorporates Paragraphs 2 through 7 above.
9. To ensure safe and acceptable patient care, a LPN must personally observe a patient when informed about an incident that may result in patient injury.
10. The facts alleged in Paragraphs 4 through 6 demonstrate that Respondent failed to personally observe the Patient after learning that her head was wedged between a chair and her bed.
11. The essential standards of acceptable and prevailing practice require a LPN to personally observe a patient when they knew or should have known that a patient may be in distress and promptly document an incident that may result in patient injury.
12. The facts alleged in Paragraphs 4 through 7 demonstrate Respondent's failure to practice competently by performing unsafe or unacceptable patient or client care and failing to conform to the essential standard of acceptable and prevailing practice by failing to personally observe the Patient and promptly document the September 22, 2015 incident.
13. 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 3 V.S.A. § 129a(b)(1) and (2).

Violation Two: 3 V.S.A. § 129a(a)(6). Delegating professional responsibilities to a person whom the licensed professional knows, or has reason to know, is not qualified by training, experience, education, or licensing credentials to perform them, or knowingly providing professional supervision or serving as a preceptor to a person who has not been licensed or registered as required by the law of that person's profession.

14. The State re-alleges and incorporates Paragraphs 2 through 7 above.
15. The facts alleged in Paragraphs 4 through 7 demonstrate that Respondent delegated a patient injury evaluation to a LNA.

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16. 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 3 V.S.A. § 129a(a)(6).

Understandings

17. Respondent admits the facts as outlined above are true and the Board may find that the Respondent engaged in unprofessional conduct.
18. 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.
19. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
20. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
21. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
22. 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.
23. 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.
24. 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** the Respondent's license.
- B. Respondent must successfully complete (i.e., receive a passing grade, if applicable) the following online courses through the National Council of State Boards of Nursing ("NCSBN") and submit written documentation of completion:
- a. **Righting A Wrong: Ethics & Professionalism in Nursing;**
 - b. **Sharpening Critical Thinking Skills; and**
 - c. **Professional Accountability and Legal Liability for Nurses.**

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These courses must be completed within ninety hundred (90) days of the date of entry of this Stipulation and Consent Order. Failure to complete such courses within the prescribed timeframe shall constitute a violation of this Stipulation and Consent Order.

- C. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, 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.

AGREED TO:

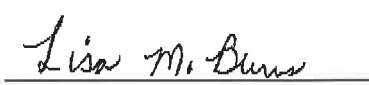
STATE OF VERMONT
SECRETARY OF STATE

Dated: 3/15/17

By: 
Rachel Allen
State Prosecuting Attorney

LISA M. BURNS
RESPONDENT

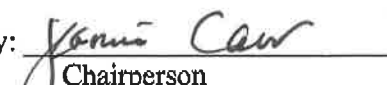
Dated: 3/14/17

By: 
Lisa M. Burns

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 4/10/17

By: 
Chairperson

Date of Entry: 4/11/17

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