

STATE OF VERMONT
VERMONT BOARD OF NURSING

In Re:	)	
Cynthia (Canfield Gills) Bushey	)	Docket No. NU12-0998
License No. 26-14866	)	

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent, Cynthia Bushey who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 26-14866.
3. At all times relevant to this Specification of Charges, Respondent was employed by the Rutland Regional Medical Center, Rutland, Vermont.
4. Respondent admits that on or about September 1, 1998, she had as a patient (Patient #1) who had been prescribed Cefotetan 2GM IV. The next shift questioned what Respondent had given this patient since the nurse coming on shift had dealt with that patient the day before. Respondent asserted she had hung the correct medication. On checking it was determined that the wrong

medication had been administered. The patient had been given 1GM Ampicillin IV. The medication, when checked, had another patient's name on the IV.

5. Respondent admits that on or about September 1, 1998, she had the care of Patient #2. This patient had been prescribed Terbutaline. This medication was to be administered at 1515 hours. The shift changes at 1500. The Respondent did not advise the oncoming shift that this patient had not received the medication at the time prescribed and this fact was not discovered until 1600 at which time the medication was administered.

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 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.

9. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

10. Respondent agrees that the Board may enter the order set forth below.

ORDER

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

A. The Board of Nursing finds that Respondent's actions described in paragraphs 3 through 5 are grounds for discipline pursuant to 26 V.S.A. §1582(a)(3)(unable to practice nursing competently by reason of any cause) and Vermont Nursing Board Rule IV.B. (2)(A)&(B), since they constitute unacceptable patient care and fail to conform to the essential standards of acceptable and prevailing nursing practice.

B. Respondent Cynthia Canfield Gills is hereby **REPRIMANDED** and her **license is conditioned** for a period of **one year** from the date of entry of this order. Respondent's license is conditioned as follows:

(1) Length of Time Conditions Imposed.

These conditions shall remain in place until respondent has completed one (1) year 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.

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

Within five (5) days of the date of entry of this Stipulation and 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.

(3) 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 Stipulation and Consent Order or of any subsequent employment, Respondent shall cause her immediate supervisor(s) to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with its conditions. In the event Respondent is attending a nursing program, she 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 its conditions during clinical experience.

(4) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Stipulation and Consent Order and every month thereafter for both years the conditions are in place, Respondent shall cause every employer she has worked for during the 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. In the event the

Respondent attends nursing school, she shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, she shall submit to the Board, in writing, a self-report describing other employment or activities.

(5) 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.

(6) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(7) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Stipulation and Consent Order.

(8) Violation of the Stipulation and Consent Order.

If Respondent violates the terms of this Stipulation and Consent Order in any respect, the Board, after giving her 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 Stipulation and Consent Order, the conditional license period shall be extended until the matter is final.

(9) Reevaluation of Conditions.

In the event Respondent does not work in nursing within two (2) years of the date of entry of this Stipulation and Consent Order, she may appear before the Board for reevaluation of the conditions of this Stipulation and Consent Order.

(10) Re-issue of License.

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

(11) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must be first approved by the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval 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 Stipulation and Consent Order.

(12) 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, her nursing license may be fully restored by appropriate Board action. Respondent shall demonstrate, to the

Board's satisfaction, that she fully complied with all the terms of this Stipulation and Consent Order. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

(13) Respondent is also required to take and successfully complete a course in dispensing medications. Certification of successful completion of such course shall be filed with the Board or its designee.

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)(7).

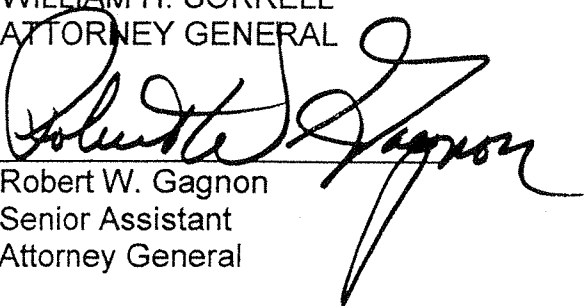
D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

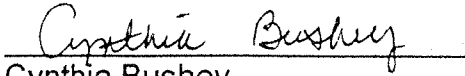
Dated: 10-15-00

by:


Robert W. Gagnon
Senior Assistant
Attorney General

CYNTHIA BUSHEY

Dated: 10-16-00


Cynthia Bushey
Respondent

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: 11/13/00

by: Diane Sougiewicz
Chairperson

Date of entry: 11-14-00