

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

IN RE:)
MARCELLA BUSHEY) **Docket No. NU49-1205**
License No. 025-0007239)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Judith L. Cutler and the Respondent, Marcella Bushey, L.P.N., who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to order a monetary civil penalty in a case involving noncompliance with a statute or rule relating to administrative duties not related to patient, client, or customer care. 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Marcella Bushey, is licensed as a Practical Nurse by the State of Vermont under license number 025-0007239. The Respondent's license was originally issued on July 28, 1995 and is currently set to expire on January 31, 2008.
3. At all times relevant, the Respondent was employed as an L.P.N. at North Country Urology, located in South Burlington, Vermont.
4. The Secretary of State's records indicate that the Respondent's license lapsed on or about February 15, 2002.
5. The Respondent renewed her license on November 23, 2005.

Noncompliance with Administrative Duties

6. By committing the act(s) and/or omission(s) alleged above, the Respondent has violated:
 - i. 26 V.S.A. § 1600(b) (No person shall practice nursing or nursing related functions as defined in section 1592 or this title without being licensed by the board); and

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

- ii. 3 V.S.A. §129a(a)(3) (Failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

7. 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.
8. 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 has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. 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.
12. Respondent voluntarily waives her right to a contested hearing before the Nursing Board.
13. Respondent agrees that the Order set forth below may be entered by the Nursing Board.

ORDER

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

- A. Since these violations occurred only in respect to the Respondent's noncompliance with administrative duties, the Nursing Board does NOT make a finding of unprofessional conduct, but rather imposes an **ADMINISTRATIVE PENALTY IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500)** on the Respondent. This fine is to be paid within sixty (60) days of the date of entry of this Order.
- 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).
- 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.

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AGREED TO:

Dated: 5/17/06

STATE OF VERMONT
SECRETARY OF STATE

By: Judith L. Cutler
Judith L. Cutler
State Prosecuting Attorney

MARCELLA BUSHEY
RESPONDENT

Dated: 5/15/06

By: Marcella Bushey
Marcella Bushey

APPROVED AND SO ORDERED:

Dated: June 12, 2006

VERMONT STATE NURSING
BOARD

By: Susan Farrell
Chairperson

Date of Entry: 6/14/06

nu.bushey.stip

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