

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

IN RE:

MICHELE A. CARDINAL

License No. 026-0020976

)
)
) Docket No: NU43-1105

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont; through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Michele A. Cardinal, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing (the 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 and; the rules of the Board and the Vermont Office of Professional Regulation.

Statement of Facts

2. The Respondent, Michele A. Cardinal, is licensed in the State of Vermont as a registered nurse under license number 026-0020976. This license was originally issued on or about April 27, 1993 and is currently set to expire on March 31, 2009.

3. At all times relevant to these charges, the Respondent was employed as a registered nurse at Copley Hospital (Copley) located in Morrisville, Vermont.

4. On or about the evening of September 16, 2005, two nursing assistants, B.C. and C.R., observed the Respondent make an inappropriate statement to a patient. While the Respondent was assisting B.C. and C.R. return a confused and combative patient to bed, the patient attempted to strike the Respondent. The Respondent grabbed the patient's arm and stated, "You don't hit me, do you understand? Nobody has the right to hit me." The State alleges that the Respondent then leaned into the patient's face and stated, "If you hit me, you are a dead man." The Respondent denies this allegation.

Charges

5. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- i. 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. Failure to practice competently includes: 1) performance of unsafe or

unacceptable patient or client care; and/or 2) failure to conform to the essential standards of acceptable and prevailing practice); and

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

Understandings

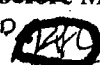
6. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent denies the allegations as stated above and the charges. However, she does not contest that if this matter were to go to a Merits Hearing, the Board could find that the allegations were substantiated by a preponderance of the evidence.
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 Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
13. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

- A. The Board of Nursing hereby issues **WARNING** in respect to the Respondent's nursing license.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

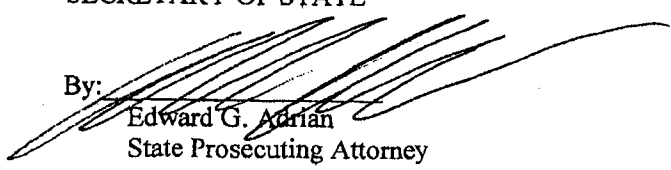
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

D. This Stipulation and Consent Order will remain part of Respondent's licensing file and except as stated below may be used for purposes of determining sanctions in any future disciplinary matter. The Parties agree that in the interests of justice and equity that this disposition will not be utilized as the basis for determining any other disposition, including any sanction, arising out of any complaint filed with OPR ~~after~~ ^{between} October, 2006 ~~or before~~ May, 2007.

AND 
AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 6/7/07

By: 

Edward G. Adrian
State Prosecuting Attorney

MICHELE A. CARDINAL
RESPONDENT

Dated: June 2, 2007

By: Michele A. Cardinal
Michele A. Cardinal

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: June 5, 2007

By: 

Richard T. Cassidy, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: June 11, 2007

By: Lisa Farrell

Chairperson

Date of Entry: 6/18/07

nu.cardinal.stip2

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

IN RE:)
MICHELE A. CARDINAL) Docket No: NU43-1105
License No. 026-0020976)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Michele A. Cardinal, R.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Michele A. Cardinal, is licensed in the State of Vermont as a registered nurse under license number 026-0020976. This license was originally issued on or about April 27, 1993 and is currently set to expire on March 31, 2007.
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Charges

5. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
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conduct. Failure to practice competently includes: 1) performance of unsafe or unacceptable patient or client care; and/or 2) failure to conform to the essential standards of acceptable and prevailing practice); and

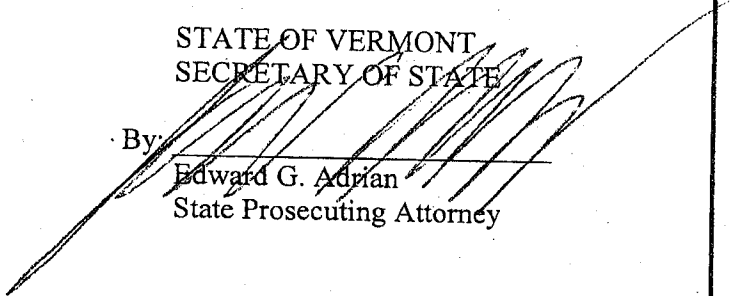
ii. 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Michele A. Cardinal should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 20th day of October 2006.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

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