

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

IN RE:)
LYNN A. CARRIER) Docket No: NU72-0605
License No. 026-0015672)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Lynn A. Carrier, R.N., 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, 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, Lynn A. Carrier, is licensed in the State of Vermont as a registered nurse under license number 026-0015672. This license was originally issued on or about August 23, 1984 and is currently set to expire on March 31, 2007.

3. At all times relevant to these charges, the Respondent was employed as a registered nurse at Country Village Home (the "Facility") located in Bellows Falls, Vermont. Apart from the Respondent, the Facility employed no additional nursing staff or L.N.A.s, but instead employed caregivers to fulfill the needs of the Facility's residents.

4. On or about January 31, 2005, a survey of the Facility was conducted by Licensing and Protection during which a number of deficiencies were observed. The survey revealed the following deficiencies involving the Respondent:

- i. Respondent failed to teach a new staff person the proper techniques for medication administration and failed to provide monitoring or evaluation. A new staff member who had been working at the Facility for two and a half weeks stated that she had started medication training on her second day of work. She advised that she was provided with a packet of information regarding medication delegation, but that another care attendant and the Facility's manager had done most of the training with her. She stated that although she had not worked with

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Respondent to pour or administer medication or finished the medication delegation training, she had already administered some medications independently. When asked, Respondent stated that she was unaware that the new staff person was administering medications independently.

ii. Respondent failed to assure that staff members administering insulin had completed their delegation training and that a return demonstration of insulin administration to a resident had been observed by Respondent. Again, a new staff member who had been working at the Facility for two and a half weeks stated that she had started medication training on her second day of work. She advised that she was provided with a packet of information regarding medication delegation and attended an in-service on insulin administration, but that another care attendant had done most of the training with her. She stated that the Respondent had not demonstrated how to pour or administer medications, nor was Respondent present when the staff member administered insulin to a resident for the first time.

5. In a follow-up site inspection conducted by Licensing and Protection on or about March 15, 2005 it was noted that Respondent had implemented a plan to correct the above mentioned deficiencies.

Charges

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

i. 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2);

ii. 3 V.S.A. §129a(b)(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 failure to conform to the essential standards of acceptable and prevailing practice);

iii. 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);

iv. 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

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.

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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.
13. 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 **CONDITIONS** the Respondent's license to practice nursing for a minimum period of **ONE (1) YEAR** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes **one (1) year** of supervised nursing practice in which she works forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week at the Country Village Home.

(3) Delegation Course.

Respondent shall complete (i.e., receive a passing grade, if applicable) a course covering the subject of delegation, with prior approval by the Board or its designee, and then submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee. This course must be completed within six (6) months of the date of entry of this Stipulation and Consent Order.

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(4) Independent Evaluator

Respondent shall engage an independent evaluator, approved in advance by the Board or its designee, to observe and verify that Respondent is applying proper training and instruction techniques.

(5) Reports from Independent Evaluator

Respondent shall cause her independent evaluator to submit to the Board evidence of satisfactory progress regarding proper training and instruction techniques during the effective period of this Consent Order. These reports shall be submitted in writing to the Board. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due quarterly thereafter.

(6) Notification to Employers/Nursing School.

During the conditioned period, Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of commencement of these conditions or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event Respondent is attending a nursing program which has a clinical portion which involves actual patient care, 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.

(7) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from 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 Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

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

Within five (5) days of the date of entry of this 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, personal address, or telephone number.

(9) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice

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nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(10) Costs.

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

(11) 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.

(12) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms 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.

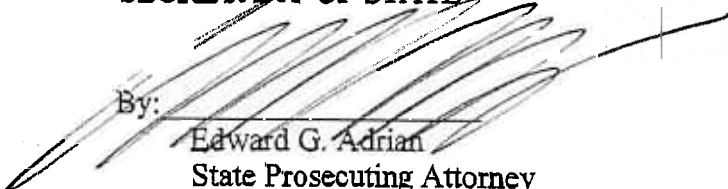
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

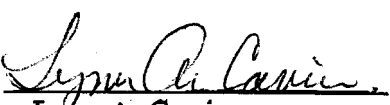
Dated: 3/31/06

By: 

Edward G. Adrian
State Prosecuting Attorney

LYNN A. CARRIER
RESPONDENT

Dated: March 29, 2006

By: 

Lynn A. Carrier

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9 Baldwin Street
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APPROVED AS TO FORM:

Dated: 3/29/06

APPROVED AND SO ORDERED:

Dated: 4/10/06

Date of Entry: 4/12/06

nu.carrier.stip

ATTORNEY FOR RESPONDENT

By: Gwendolyn W. Harris
Gwendolyn W. Harris, Esq.

VERMONT BOARD OF NURSING

By: Lester Farrell
Chairperson

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IN RE:)
LYNN A. CARRIER) **Docket No: NU72-0605**
License No. 026-0015672

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Lynn A. Carrier, 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.

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Relief Requested

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

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

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SECRETARY OF STATE

By: _____

Edward G. Adrian

State Prosecuting Attorney

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