

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

IN RE:

SANDRA CARVELL

License No. 025.0007747

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Docket No. 2011-4

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Sandra Carvell, LPN, 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, or 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 (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Sandra Carvell (the "The Respondent") of Enfield Center, New Hampshire is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0007747. This license was originally issued on or about February 11, 1999 and is currently set to expire on or about January 31, 2013.
3. At all times relevant, the Respondent was employed as a Licensed Practical Nurse at Brookside Health & Rehabilitation Center (the "Facility"), located in White River Junction, Vermont.
4. On or about December 27, 2010, the Office of Professional Regulation received a Mandatory Report from K.D., acting Director of Nursing for the Facility stating that on or about December 22, 2010 the Respondent did not respond appropriately to a patient falling and did not document the fall.
5. On or about April 22, 2011, in an interview with State Investigator Jeffrey Jones, Licensed Nursing Assistant D.P. stated that on or about December 22, 2010 she observed patient N.L. fall and strike her head on the floor. She

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stated that she immediately sought out the help of the Respondent and outgoing charge nurse J.H. D.P. saw the Respondent and J.H. pick up N.L. and put her back into bed; however, the Respondent did not do an assessment of N.L.

6. On or about April 27, 2010, in an interview with Investigator Jones, Licensed Practical Nurse J.H. stated that on or about December 22, 2010 he had just transferred responsibility to the Respondent before N.L. fell. J.H. stated that he observed the Respondent do a brief assessment; however, J.H. stated it was his opinion that the Respondent should have done a more extensive assessment of N.L. prior to moving her to the bed.
7. The Respondent has committed unprofessional conduct because when she failed to do an adequate assessment of N.L. and when she failed to document that N.L. fell she performed unacceptable patient care, she did not conform to essential standards of suitable care, and she failed to comply with the rules governing the practice of the profession.

Charges

8. 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:
 - a. 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).

Understandings

9. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
10. 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.
11. 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.

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12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
14. 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.
15. 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.
16. 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 to practice nursing. Additionally, within ninety (90) days of the date of entry the Respondent must complete the following:
 - a. Patient Safety Course: Respondent must successfully complete (i.e., receive a passing grade, if applicable) a patient safety course with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee.
 - b. Documentation Course: Respondent must successfully complete (i.e., receive a passing grade, if applicable) a documentation course with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc) to verify the same to the satisfaction of the Board or its designee.
- 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).

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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: 1/11/12

By: S. Lauren Hibbert
S. Lauren Hibbert
State Prosecuting Attorney

SANDRA CARVELL
RESPONDENT

Dated: 1-10-2012

By: Sandra Carvell
Sandra Carvell

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/13/2012

By: [Signature]
Chairperson

Date of Entry: 2/15/12

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