

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

IN RE:)
GERALD CASAVANT) Docket No: NU18-1199
License No. 026-0024170)

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Gerald Casavant, 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 pursuant to 3 V.S.A. §§129, 129a, and 814; 26 V.S.A. §1582, the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Gerald Casavant, is licensed in the State of Vermont as a registered nurse under license number 026-0024170. The Respondent's license was originally issued on or about July 24, 1998.

3. The Respondent's nursing license was revoked by order of the Board after a hearing on or about April 6, 2004. (Attachment A). The Respondent's license was revoked due to several practice issues, prior unprofessional conduct, and the Respondent's lack of appreciation for the seriousness of his actions. (Attachment A). By way of history, the Respondent's license had previously been conditioned for one year pursuant to a Stipulation and Consent Order entered by the Board on or about November 7, 2001. (Attachment B).

4. In a letter to the Board dated February 9, 2006, the Respondent disclosed that he had entered a rehabilitation program for alcoholism and had completed an anger management class.

5. Since that time, the Respondent has requested that the Board reinstate his registered nursing license. In support of that request, the Respondent provided a letter from licensed drug and alcohol counselor Thomas C. Simek dated August 1, 2006. In the letter, Mr. Simek advised that the Respondent has completed treatment for alcoholism and anger management

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and that the Respondent has remained abstinent with "an improving quality of sobriety" for over six (6) months. Mr. Simek advised that the Respondent plans to attend regular Alcoholics Anonymous meetings for at least one year and that the Respondent has continued outpatient aftercare with Mr. Simek once or twice a month.

6. The Respondent agrees that the conditions below are necessary for his to return to the practice.

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 his 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 he 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 his 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

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

A. The Board of Nursing hereby **CONDITIONS** the Respondent's registered nursing license for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Consent Order. The conditions are as follows:

(1) License to be labeled "Conditioned".

Any license issued to the Respondent by this Board shall be labeled "Conditioned".

(2) Length of Time Conditions Imposed.

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The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes **three (3) years** of supervised registered nursing practice in which Respondent works at least forty (40) hours every two (2) weeks as a registered 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.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue substance abuse counseling with a treating professional approved by the Board until the treating professional shall certify in writing to the Nursing Board that such counseling is no longer necessary. Respondent shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to his treating professional and cause his treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause his treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due **monthly** thereafter.

Respondent shall authorize his treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Participation in Recovery Groups.

Respondent shall participate as recommended by his treating professional, in Alcoholics Anonymous or Narcotics Anonymous meetings and/or other recovery group(s).

(7) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

(8) Abstain from Drug and Alcohol Use.

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Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph A.(9) for the period of time described in paragraph A.(2).

(9) Drug Use Exception.

The Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than 14 days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(10) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(11) 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 Respondent practices as a registered nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent registered 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 the Respondent is attending a nursing program, 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 the conditions in the Consent Order during clinical experience.

(12) Reports from Employers.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of registered nursing employment and **monthly** thereafter, Respondent shall cause every registered nursing employer the Respondent has worked for during the month to

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submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(13) Practice Under Supervision.

Respondent shall practice as a registered nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed registered nurse who is in good standing with the Board.

(14) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

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

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

(16) 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.

(17) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), he must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of his Vermont registered nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(18) 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 as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

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(19) Release of Information Forms.

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's nursing license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that his treatment provider may require him to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

(20) Costs.

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

(21) 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.

(22) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on his license. The Respondent must present proof that he has fully complied with the terms of this Order and that he can safely and competently perform the duties of a registered nurse.

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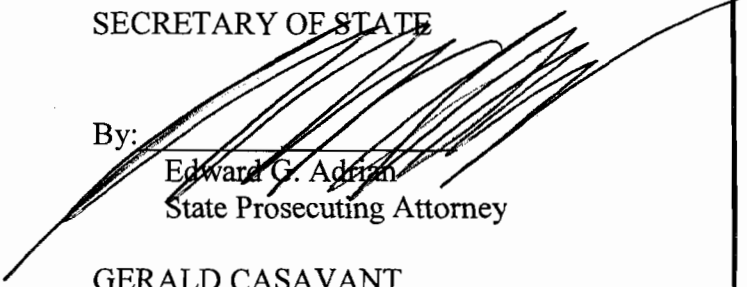
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D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

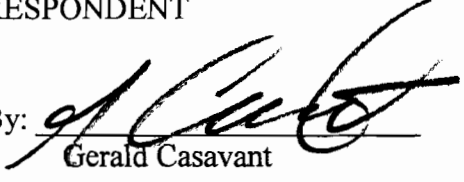
STATE OF VERMONT
SECRETARY OF STATE

Dated: 10/27/06

By: 
Edward G. Adam
State Prosecuting Attorney

GERALD CASAVANT
RESPONDENT

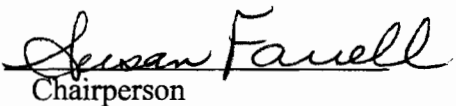
Dated: 10/19/06

By: 
Gerald Casavant

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11/13/06

By: 
Chairperson

Date of Entry: 11/15/06

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**STATE OF VERMONT
BOARD OF NURSING**

In re: Gerald Casavant, R.N.
License No.: 026-0024170

}
} NU57-0203
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**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Susan Farrell, R.N., Chair
Alan Weiss
Sandra Norton, N.A.
Donarae Metcalf, L.P.N.
Elayne Clift
Deann Welch, L.P.N.
Ellen Leff, R.N.

Appearances:

for Petitioner, State of Vermont: Edward G. Adrian
for Respondent: pro se

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Board of Nursing held a hearing in the above matter on March 8, 2004 at the Central Vermont Medical Center in Berlin, Vermont. Before the beginning of the hearing the State moved to amend the Specification of Charges to delete the allegations in paragraphs 14 and 15. The respondent concurred in the dismissal of those allegations stating that the evidence was clear that the conduct complained of therein could not have occurred while he was on duty as a nurse.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The State alleges in its specification of charges that while employed at Crescent Manor Care Center in Bennington, Vermont:

•On December 23, 2002 Mr. Casavant was ordered to obtain a urine culture from resident M.W. That Mr. Casavant failed to obtain the urine culture, that when asked why he did not obtain the culture, he responded that he felt, "it was not necessary."

• On or about the afternoon of January 7, 2003 results of a urine culture showed that patient M.W. had a urinary tract infection.

• The State further alleged that Mr. Casavant failed to conduct the neuro assessment of patient W. W., which failure was called to Mr. Casavant's attention on January 13, 2003. Mr. Casavant said in nurses notes that he was "unable to obtain one" and later explained it was because the patient was sent to the emergency room for unresponsiveness.

• On or about December 22, 2002 Mr. Casavant filled out an order sheet for patient M.A. to continue medications on transfer. The medications were never reviewed with a physician prior to restarting.

Prior to these events in October 2001 Mr. Casavant was found by the Board to have committed unprofessional conduct. At that time his license was conditioned for a period of one year of practice.

Findings of Fact

Based on substantial credible evidence presented, the Board finds as follows:

1. Gerald Casavant is subject to the disciplinary authority of this Board. 26 V.S.A. §1582(a), 3 V.S.A. § 129(a). At all times relevant he held a license as a registered nurse.
2. In the autumn of 2002 Gerald Casavant held a license issued by the nursing Board. The license was conditioned for one year of practice beginning November 7, 2001 and remained conditioned at all times during his employment at Crescent Manor. The conditional license followed a finding of unprofessional conduct for acting without a physician's order and failing to review the patient records/chart before taking action.
3. On October 25, 2002 Mr. Casavant was hired by Crescent Manor Health Center, in Bennington, Vermont. The center was aware that Mr. Casavant possessed the conditioned license. Mr. Casavant had been forthcoming about his conditioned license. Crescent Manor hired him in a probationary status.
4. On December 22, 2002 Mr. Casavant filled out an order sheet for patient M.A. to continue medication on transfer sheet. The medications prior to the patient's admission to the hospital were never reviewed with a physician or restarted.
5. Mr. Casavant's employers at Crescent Manor described a cluster of mistakes and omissions which led them to dismiss Mr. Casavant in January 2003. The Board finds the testimony of Susan Leggett and Michelle Angell, nurses at Crescent Manor, as well as the documents admitted into evidence during their testimony to be credible.
6. On December 23, 2002 Mr. Casavant was asked to obtain a urine specimen or sample

from patient M.W. He did not promptly respond to this order.¹

7. Mr. Casavant was reminded over the next several days of the specimen order. He did not comply with the order. He did not note in the patient's file any reason for not complying with the order.
8. Mr. Casavant, when questioned about this omission at Crescent Manor said he felt that obtaining the specimen was not necessary. His superiors said it was. At this hearing Mr. Casavant testified that he could not read the doctor's order on the chart. He offered several explanations for why he did not obtain the specimen. He noted that the patient was not complaining of pain.
9. None of Mr. Casavant's explanations justified not consulting with superiors or charting reasons for not following the order in a timely manner, especially after being asked repeatedly to obtain the specimen.

Mr. Casavant was reminded of the need for a urine specimen from this patient again on January 3, 2003 and January 6, 2003. On January 6 he finally did obtain a specimen.

11. When test results on the specimen were obtained on January 7, 2003, they showed the patient had a urinary tract infection.
12. Mr. Casavant testified that he worked only five of the fourteen days between the first request for a urine sample and the day he ultimately obtained one. He blamed other nurses who he claims should be similarly chastised for the omission. He excused his mistakes as being unimportant to patient care.

Mr. Casavant failed to make timely entries on patient charts.

On or about January 13, 2003 Mr. Casavant attended to patient W.W. who was going to be transferred to the emergency room at the hospital. Mr. Casavant did not do a neuro assessment on that patient. He wrote in the patient file, "unable to obtain." The Board finds, as did Crescent Manor, that a patient transferred to the emergency room for unresponsiveness is a neuro assessment and needs to be documented. Mr. Casavant failed to do that. Mr. Casavant failed to obtain vital signs.

15. On January 22, 2003 Nurse Susan Leggett spoke to Mr. Casavant on the telephone about deficiencies in his work as recited above. She testified that Mr. Casavant agreed with her as to what had happened. The Board finds this testimony credible. Mr. Casavant agreed

¹ The State's charge states that "on or about January 3, 2003, the Respondent was to obtain a urine culture for resident M.W. Respondent failed to obtain the urine culture." The evidence shows that the initial order came on December 23, 2002 and that Mr. Casavant was reminded of it on January 3 and January 6, 2003. He had sufficient notice of the charge and did not object to, nor was he prejudiced by the evidence presented.

with her that he had not done the things she outlined.

16. Mr. Casavant admitted that he failed to obtain a neuro assessment of patient W.W. as alleged in paragraph 12 of the specification of charges.
17. When contacted by an OPR investigator as part of the investigation of this matter, Mr. Casavant used expletives to describe the charges and the people who complained against him.
18. Mr. Casavant displayed a lack of regard or any remorse for his omissions. He tried to shift blame to others. He conveyed to the Board a sense that he knew best what was right or wrong, and that he was unwilling or unable to follow the orders of the physician or the directions of his supervisors.

Conclusions of Law

Failure to carry out a physician's order or supervising nurse's order to obtain a urine sample is unprofessional conduct.

Failure to take vital signs and obtain a neuro assessment in a patient requiring emergency room evaluation, and failure to review medications with a physician are unprofessional conduct.

Mr. Casavant failed to conform to the essential standards of acceptable and prevailing nursing practice in violation of Nursing Board Rules, Chapter 4, Rule IV(II)(B)(2) and therefore 3 V.S.A. § 129a(3).

Order

Mr. Casavant's license remained conditioned at all times relevant. His conduct and attitude gave Crescent Manor more than adequate cause to prevent him from administering to patients. The cumulative effect of Mr. Casavant's prior unprofessional conduct, unprofessional conduct in this case and lack of appreciation of the seriousness of his acts causes the Board to conclude that permitting Mr. Casavant to continue practice as a nurse would endanger the public safety. Therefore, Mr. Casavant's license is **REVOKED**.

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the

case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, Chair

Dated: March 30, 2004

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 4/6/04

In Re:

Docket No. NU18-1199

forth below in the Board's Order.

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 his 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. Respondent's actions described in paragraph 4 above are grounds for discipline pursuant to 26 V.S.A. §1582(a)(3) and Vermont Nursing Board Rule IV.B. (2)(A)&(B).

B. Respondent Gerald Cassavant's license is hereby **CONDITIONED** for a term of one (1) year commencing with the date of entry of this Stipulation and Consent Order and subject to the following terms and restrictions:

(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 he 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 or of becoming employed, Respondent shall notify the Board, in writing, of his 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 he practices as a nurse and inform them of his 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 his 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 which has a clinical portion which involves actual patient care, he 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 or within one month of the commencement of employment, and every month thereafter for both years the conditions are in place, Respondent shall cause every employer he 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 and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, he 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 and accompanied by a cover letter on the school's letterhead.

(5) Practice Under Supervision.

Respondent shall practice only in a setting where he has on-site supervision on the unit 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) 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 him 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.

(8) Reevaluation of Conditions.

In the event Respondent does not work in nursing within one (1) year of the date of entry of this Stipulation and Consent Order, he may appear before the Board for reevaluation of the conditions of this Stipulation and Consent Order.

(9) Re-issue of License.

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

(10) 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.

(11) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on his license and after

formal review by the Board, his nursing license may be fully restored by appropriate Board action. Respondent shall demonstrate, to the Board's satisfaction, that he fully complied with all the terms of this Stipulation and Consent Order. If Respondent demonstrates to the Board's satisfaction that he has fully complied with the terms of this Stipulation and Consent Order, his license will be reinstated.

Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

C. By signing this Stipulation and Consent Order, Respondent authorizes his employer and nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Stipulation and Consent Order is in effect.

D. 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).

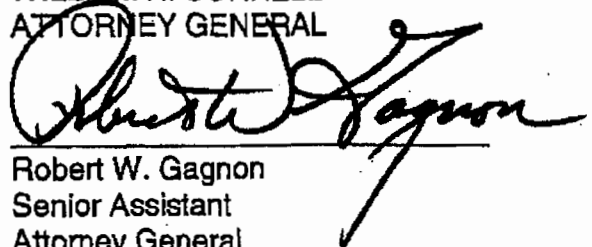
E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

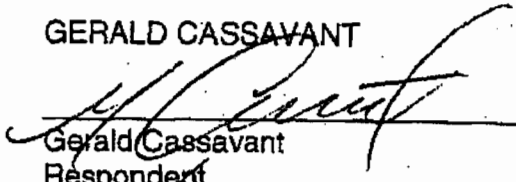
Dated: 10/3/01

by:


Robert W. Gagnon
Senior Assistant
Attorney General

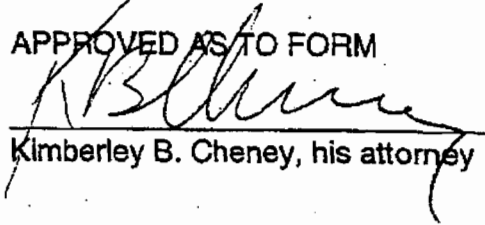
Dated: 9/27/01

GERALD CASSAVANT


Gerald Cassavant
Respondent

Dated: 10/1/01

APPROVED AS TO FORM

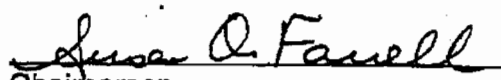

Kimberley B. Cheney, his attorney

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11/05/01

by:


Chairperson

Date of entry: 11/7/01