

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

IN RE:

PATRICIA LORD CHARLAND)

License No. 026.0014281)

Docket No. 2009-589

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Patricia Lord Charland, RN, who stipulate and agree as follows:

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.
2. Patricia Lord Charland (the "Respondent") of Newport, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0014281. This license was originally issued on or about September 3, 1981 and is currently set to expire on or about March 31, 2011.
3. By way of history, on or about August 13, 2008 pursuant to a Stipulation and Consent Order, the Board warned Respondent's license to practice registered nursing. Attachment A. This discipline was due in part to Respondent's admission that she failed to accompany a patient being transported for a CT scan, in violation of facility policy. Attachment A.
4. At all times relevant, Respondent was employed as a Registered Nurse at North Country Health System (the "Facility"), located in Newport, Vermont.
5. On or about November 30, 2009 in a Mandatory Report of Unprofessional Conduct to the Board, Director of Maternal Child Health Services K.F. reported that on or about November 13, 2009, Respondent replaced for a patient a Dilaudid PCA pump that had malfunctioned, but did not have an additional registered nurse check the pump settings, as per Facility policy. K.F. advised that as a result, the patient received inadequate amounts of Dilaudid. Moreover, K.F. advised that Respondent failed to assess this patient's level of pain after restarting the medication, to ensure

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effectiveness. K.F. advised that as a result, Respondent was terminated from the Facility.

6. On or about February 10, 2010 in a letter to State Investigator Jeffrey Jones, Respondent admitted that she failed to have a co-worker verify the PCA pump settings and that as a result, the patient did not receive the appropriate dose of Dilaudid prescribed. Moreover, Respondent indicated that she intends to retire.
7. On or about February 23, 2010 in an interview with Investigator Jones, Respondent reiterated that she has retired from nursing and has no intention of returning to the profession.
8. In lieu of charging Respondent for the conduct described above in ¶¶ 5 and 6, the Parties agree to resolve this matter by having Respondent's license status change to Permanent-Inactive.
9. The Respondent and the State agree that this Stipulation is final and binding.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation. The Respondent's mental capacity is not diminished in any way at the time she signs this Stipulation.
11. Respondent voluntarily enters into this Stipulation after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation.
12. The Parties agree that, notwithstanding any statutory provision to the contrary, this Stipulation and Consent Order is a matter of public record and may be disclosed pursuant to the procedures outlined under 1 V.S.A. §§ 316 and 317.
13. Since the Respondent no longer intends to practice as a Registered Nurse in the State of Vermont, and in the interests of justice, the State and the Respondent agree as follows:

ORDER

14. The Respondent agrees to **never seek reactivation or attempt to renew** her license, number 026.0014281, issued by the State of Vermont. The Respondent further agrees that the Secretary of State's Office of Professional Regulation, the licensing agency for Registered Nurses, will indicate on the list of Registered Nurses that her license was **voluntarily inactivated** as of the date of entry of this Order.
15. The Respondent agrees not to seek reactivation, reinstatement, or renewal of her Registered Nurse license and agrees not to apply for any nursing or nursing assistant license in the future. If the Respondent attempts to seek reactivation, reinstatement, or renewal of her Registered Nurse license, or attempts to apply for any other nursing

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or nursing assistant license, she agrees that her application will be automatically denied pursuant to this Stipulation and Consent Order.

16. The Respondent agrees to waive all rights of appeal of this Stipulation and Consent Order.
17. In consideration for the concessions outlined in paragraphs 14 through 16 above, the State agrees not to file a Specification of Charges in the above-captioned case after the Board of Nursing has agreed to and signed this Stipulation and Consent Order.
18. Notwithstanding any statutory provision to the contrary, this Stipulation and Consent Order is a matter of public record and may be disclosed pursuant to the procedures outlined under 1 V.S.A. §§ 316 and 317.
19. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for the purposes outlined in paragraphs 14 through 16 above, and for any other purpose allowed by law. It is the intent of the Parties that this Stipulation and Consent Order should be construed as a contractual resolution to a disputed matter.

AGREED TO:

PATRICIA LORD CHARLAND
RESPONDENT

Dated: April 20, 2010

By: Patricia Lord Charland
Patricia Lord Charland

STATE OF VERMONT
SECRETARY OF STATE

Dated: 4-21-10

By: Betsy Ann Wrask
Betsy Ann Wrask
State Prosecuting Attorney

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5-10-10

By: Giles Reff
Chairperson

Date of Entry: 5/13/10
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STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:

PATRICIA L. CHARLAND

License No. 026-0014281

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Docket No: NU64-0407

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney Edward G. Adrian and the Respondent, Patricia L. Charland, 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, Patricia L. Charland, is licensed in the State of Vermont as a registered nurse holding license number 026-0014281. This license was originally issued on or about September 3, 1981 and is currently set to expire on March 31, 2009.

3. At all times relevant, the Respondent was employed as a registered nurse at North Country Health System (the "Facility") located in Newport, Vermont.

4. On or about April 4, 2007, the Respondent was caring for patient W.B. in the Intensive Care Unit ("ICU"). The patient was critically ill, intubated, ventilator dependent, and sedated. The patient had an arterial line for continuous blood pressure monitoring, a central line through which he was receiving multiple medications, and central venous pressure monitoring.

5. On that day, the attending physician ordered a CT scan for the patient which required the patient to be transported to Diagnostic Imaging. The Respondent sent the patient for the CT scan accompanied only by a respiratory therapist and a respiratory student. The Respondent did not accompany the patient nor did the Respondent send another member of the nursing staff to accompany the patient. Additionally, the patient was not accompanied by a television monitor. Facility policy required that all ICU patients must be under constant surveillance by

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critical care nursing staff by direct visualization and the use of closed circuit television monitors.

6. In an interview with State Investigator Amy Carlson conducted on or about February 4, 2008, the Respondent advised that she used bad judgment, that she should have requested assistance, and that she would not make the same mistake again.

Charges

7. 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 care; 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

- 8. Respondent admits the facts above are true.
- 9. 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.
- 10. 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.
- 11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 12. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 13. 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.
- 14. 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.
- 15. Respondent agrees that the Order set forth below may be entered by the Board.

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05609-1107

ORDER

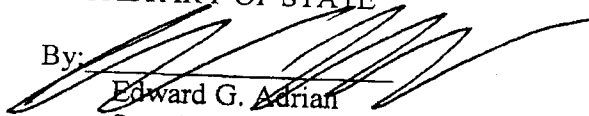
Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **WARNS** the Respondent's license to practice registered nursing.
- B. 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).
- C. 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: 7/16/08

By: 

Edward G. Adrian
State Prosecuting Attorney

PATRICIA L. CHARLAND
RESPONDENT

Dated: 7/14/08

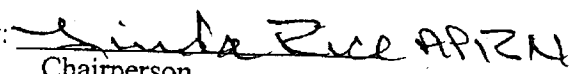
By: 

Patricia L. Charland

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 8/11/08

By: 

Chairperson

Date of Entry: 8/13/08

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