

**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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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: [Signature]
Edward G. Adrian
State Prosecuting Attorney

PATRICIA L. CHARLAND
RESPONDENT

Dated: 7/14/08

By: [Signature]
Patricia L. Charland

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 8/11/08

By: [Signature] AP12N
Chairperson

Date of Entry: 8/13/08

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