

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

IN RE:

GINGER Y. CHIAPPETTA

License No. 026.0024725

)
)
)

Docket No. M2009-146

STIPULATION AND CONSENT ORDER
GOVERNING ISSUANCE OF REENTRY PERMIT AND LICENSE

NOW COME the State of Vermont, by State Prosecuting Attorney Gabriel M. Gilman, and the respondent, Ginger Y. Chiappetta, who stipulate and agree as follows:

FACTS

1. Respondent's registered nurse license, numbered 026.0024725, is suspended pursuant to proceedings in docket nos. NU77-0308, NU73-0605, and NU73-0605. For ease of reference, a print of Respondent's public disciplinary history is appended hereto as Exhibit A.
2. Respondent petitioned the Board to reinstate her license. With her petition, Respondent provided a comprehensive report authored by Timothy R. Hebert, M.S., LADC, a licensed professional specializing in drug and alcohol abuse pre-approved by the Board's designee to make such evaluation. Mr. Hebert opined that Respondent "appears to be safe to re-enter the nursing practice without compromising the safety, health, or welfare of potential patients."
3. An investigative team examined Respondent's petition and case history and has recommended to the Board that Respondent's petition be approved, subject to the conditions enumerated in the Consent Order below.
4. Pursuant to Part 5 of the ARBN, Respondent must complete a re-entry course prior to eligibility for licensure.

UNDERSTANDINGS

5. Respondent acknowledges that the facts above are true and that the conditions set out in the Consent Order below are appropriate and necessary to protect the public.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

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 specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing if this agreement is not accepted by the Board and proceeds to a contested hearing.
8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
10. 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.
11. Respondent voluntarily waives Respondent's right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
12. Respondent agrees that the Order set forth below may be entered by the Board.

CONSENT ORDER

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

- A. The Board shall reinstate Respondent's eligibility to obtain a re-entry permit upon satisfactory evidence that Respondent 1) has entered into a treating professional agreement with a treating professional pre-approved by the Board; 2) has entered into a substance abuse treatment plan approved by the Board with the pre-approved treating professional. The conditions below shall apply to any license or permit issued by the board, however denominated. The Board shall reinstate Respondent's eligibility to obtain a registered nursing license upon a satisfactory showing that Respondent has successfully completed a re-entry program approved by the Board in accordance with Part 5 of the Administrative Rules of the Board of Nursing, while complying with the conditions set out below. Once reinstated, Respondent's re-entry permit or license will be **CONDITIONED FOR A MINIMUM OF THREE (3) YEARS** commencing with the date a permit or license is first. The conditions will be as follows:

- (1) Re-issuance of License.

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

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

(2) Length of Time of 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 a **minimum of three (3) years** of supervised nursing in which Respondent works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of fewer than forty (40) hours every two (2) weeks shall be credited on a prorated basis. **Notwithstanding any future modification of this Order or termination of other conditions, Condition #6, below, shall attach permanently to the license.**

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

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

(4) Reports from Treating Professional.

Respondent shall authorize and cause Respondent's 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 Respondent's 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.

(5) Participation in Recovery Group(s).

Respondent shall participate as recommended by Respondent's treating professional in substance abuse recovery group(s), and shall submit **quarterly** reports documenting such attendance on forms issued by the Board.

(6) 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 or entity that has been pre-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.

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine screen shall cause that screen to be presumed positive. Any positive screen shall constitute a violation of this Order.

(7) Abstain from Drug and Alcohol Use.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Respondent shall abstain completely from the consumption or possession of alcohol and drugs, with the exception of medications as outlined in paragraph A.(8), below, for the period of time described in A.(2), below.

(8) Drug Use Exception.

Respondent shall not take controlled substances unless medically 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 prescription. Respondent shall cause the physician, dentist or nurse practitioner to inform the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within seven (7) days of entering into the practitioner/patient relationship. Moreover, Respondent shall cause this prescribing practitioner to inform the Board, in writing and on appropriate letterhead, of all scheduled/controlled medications prescribed – and the anticipation of how long such prescriptions will need to be taken – within seven (7) days of the prescription.

The Board or its designee may request at any time that the practitioner document the necessity for the prescribed scheduled/controlled medications or other medications known to have abuse potential. 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 fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall provide the Board with a current medication list of any medications taken on a scheduled or as-needed basis on forms issued by the Board within seven (7) days of the date of reinstatement and shall update this list within forty-eight (48) hours of any change in these medications.

(9) 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 nurse and inform them of Respondent's conditional license or permit status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Board an employer agreement form approved by the Board, 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 that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

(10) Reports from Employers/Program Director.

Within one (1) month of the date of reinstatement or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. Moreover, on a **quarterly** basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

In the event 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 Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All nursing program reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

(11) Practice Under Supervision.

Respondent shall practice as a nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed registered nurse that is in good standing with the Board. After one year of successful compliance with this condition, whether under a permit or a license, Respondent may petition the Board to modify supervision to on-site supervision, provided that it shall be Respondent's burden to show that less intensive supervision would not jeopardize the public health, safety, or welfare.

(12) Administration of Medications.

Respondent is prohibited from administering any controlled substances. This condition may be removed only by Respondent filing a petition with the Board after Respondent has worked as a nurse for six (6) months for at least forty (40) hours every two weeks (or the part time equivalent) after the date of reinstatement.

In any such petition, Respondent must demonstrate, to the satisfaction of the Nursing Board or its designee, that Respondent can safely and competently administer such medications. In any such petition, Respondent must include appropriate support from Respondent's treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

(13) 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, or temporary nursing employment agency, during the effective period of this Consent Order.

(14) Interview with the Board or its Designee.

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

(15) Out-of-State Practice.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent practicing nursing outside the State of Vermont. If Respondent fails to receive such approval before practicing nursing outside the State of Vermont, none of the time spent practicing nursing 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 nursing practice so long as Respondent can still comply with the provisions of this Consent Order.

If Respondent receives discipline on a nursing license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

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

Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of Respondent's 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 (including resignation or termination), personal address, or telephone number.

(17) Notification to Other States.

In the event that Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont nursing permit or license within thirty (30) days of the date of entry of this Order.

(18) License Renewal.

If Respondent's permit or 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 nurse, Respondent must timely apply for renewal, pay the applicable fee, and demonstrate that Respondent has otherwise complied with the requirements for license renewal.

(19) Release of Information Forms.

The conditions of this Order require Respondent to authorize drug and/or alcohol treatment providers to report information in verbal and/or written format and/or to discuss Respondent and any and all treatment rendered to Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from 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.

Respondent is entitled to revoke this consent at any time. However, any revocation by 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 Respondent's nursing license.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

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

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

(20) Costs.

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

(21) Violation of this Order.

If Respondent violates the terms of this Order in any respect, the Board, after giving 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 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, Respondent may petition the Board, or its designee, to remove those conditions other than Condition #6, above. Respondent must present proof that Respondent has fully complied with the terms of this Order. Respondent must also present proof of successful substance abuse rehabilitation and Respondent must demonstrate, to the satisfaction of the Board, that Respondent poses no danger to the public or the practice of nursing and that Respondent can safely and competently perform the duties of a licensed nurse. **Notwithstanding any future modification of this Order or termination of other conditions, Condition #6, above, shall attach permanently to the license.**

- 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.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

AGREED TO:

Dated: 4/14/14

STATE OF VERMONT
SECRETARY OF STATE

By: 

Gabriel M. Gilman
State Prosecuting Attorney

GINGER Y. CHIAPPETTA
RESPONDENT

Dated: 4/14/2014

By: Ginger Y. Chiappetta
Ginger Y. Chiappetta

APPROVED AND SO ORDERED:

Dated: 4/14/14

VERMONT BOARD OF NURSING

By: Jeanne Caw
Chairperson

Date of Entry: 4/15/14

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402



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

IN RE:
GINGER CHIAPPETTA
License No. 026-0024725

Docket No. NU77-0308

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Ginger Chiappetta, 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Ginger Chiappetta (the "Respondent") of Cornish, New Hampshire is a registered nurse holding license number 026-0024725, issued by the State of Vermont. This license was originally issued on or about April 26, 1999, and is currently set to expire March 31, 2009. The Respondent is also licensed in the State of New Hampshire as a registered nurse.
3. The Respondent's New Hampshire license was placed on a two year period of probation by the New Hampshire Board of Nursing (the "N.H. Board") pursuant to a Findings of Fact, Conclusions of Law and Sanctions entered by the N.H. Board on or about February 25, 2008. Attachment A. This discipline was based on the N.H. Board's finding and conclusions that 1) the Respondent failed to disclose the disciplinary action taken in Vermont at the time that the Respondent renewed her New Hampshire license in September, 2006; 2) that the Respondent committed at least three Medication Administration Record Documentation errors when she documented that she withdrew and administered medications that the patients denied receiving; and 3) that the Respondent failed to comply with the investigation of the New Hampshire Board. Attachment A.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
855/9-1107

4. In a July 18, 2008 email from N.H. Board Executive Director Margaret Walker to Vermont Board Executive Director Mary Botter, Ms. Walker stated that the N.H. Board summarily suspended the Respondent's New Hampshire license to practice registered nursing in or around June 2008 after the N.H. Board received reports that Respondent had not complied with terms of her New Hampshire conditioned license and a complaint from Respondent's supervising nurse regarding possible drug diversion and poor work performance issues.

Charges

5. 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. § 129(a)(5) (In addition to any other provisions of law, a board may exercise the following powers: . . . (5) Discipline any licensee or refuse to license any person who has had a license revoked, suspended, limited, conditioned or otherwise disciplined by a licensing agency in another jurisdiction for an offense which would constitute unprofessional conduct in this state, or has surrendered a license while under investigation for unprofessional conduct);
 - b. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes failure to conform to the essential standards of acceptable and prevailing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2); and reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials pursuant to ARBN Chapter 4, Rule IV(II)(C);
 - c. 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, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); and
 - d. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

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

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
85609-1107

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 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 **INDEFINITELY SUSPENDS** the Respondent's license to practice registered nursing. Before applying for reinstatement, Respondent at a minimum must obtain documentation from the Respondent's current substance abuse counselor confirming that the Respondent is safe to re-enter the practice of nursing and does not present a risk to the safety, health, or welfare of her potential patients. The Board may continue this period of suspension indefinitely until it is satisfied that the Respondent is capable of re-entering the practice of the profession without compromising the safety, health, or welfare of her potential patients. Upon the recommendation of the Respondent's substance abuse counselor and if the Respondent applies for reinstatement in the future, the Board or its designee will determine whether it is appropriate to reinstate the Respondent's license, which will be conditioned and limited pursuant to the Laws of the State of Vermont and the Rules of this Board.
- 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.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

09/05/2008 10:09

802-820-2389

SEC OF STATE OPR
SULLIVAN CTY DOC

PAGE 05
01

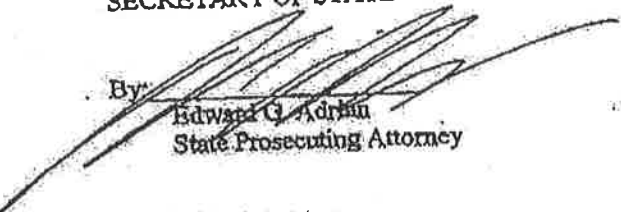
09/04/2008 14:51

5430557

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 9/5/08

By: 

Edward G. Adrain
State Prosecuting Attorney

GINGER CHIAPPETTA
RESPONDENT

Dated: 9/3/08

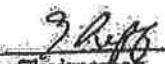
By: 

Ginger Chiappetta

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 9/8/08

By: 

Chairperson

Date of Entry: 9/10/08

ns.chiappetta.stp

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
85609-1107



STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE BOARD OF NURSING
21 S FRUIT ST STE. 16
CONCORD NH 03301-2431

COPY

Webpage: <http://www.state.nh.us/nursing>

TDD Access: Relay NH 1-800-735-2964

Nursing 603-271-2323

Nurse Asst. 603-271-6282

Received

GINGER CHIAPPETTA

RN # 024909-21

DOCKET # 08-0130-0150

MAR - 3 '08

Vermont Secretary of State
Board of Nursing

FINDINGS OF FACT, CONCLUSIONS OF LAW AND SANCTIONS

A hearing chaired by the Board chairperson, Robert Duhaime, RN, was held on February 21, 2008 at the Board of Nursing's office, 21 S. Fruit St., Concord, N.H. for Ginger Chiappetta, (Respondent) pursuant to the February 1, 2008 Notice of Disciplinary Hearing.

Present at the hearing were: Respondent

Witnesses: W. Kohut, LADAC Coordinator, NH Board of Nursing

S. Goodness, Administrative Supervisor, NH Board of Nursing

Board members: M. Potter, S. Dyer, C. Naas, and L. Elliott, N. Fortin, and K. Baranowski

Board members absent: B. Brown, H. Featherston

Board staff: S. Goodness, K. Dickson.

Atty. N. Patenaude, Prosecutor for the Board of Nursing

Following presentation of oral or written statements and exhibits the Board found for the following:

FINDINGS OF FACT

1. In the interest of public safety, the Board of Nursing (Board) has jurisdiction over nursing practice pursuant to RSA 326-B and the Board's administrative rules, Nur 100-800. Respondent Ginger Chiappetta is a registered nurse in the State of New Hampshire having been admitted to practice by examination on March 19, 1982 and over whom the Board has jurisdiction.
2. The Vermont Board of Nursing issued a Consent Order on October 26, 2005 that conditioned the respondent's license for one year because of medication administration and documentation errors and omissions. The conditions included supervision, an MAR course, a prohibition against out-of-state practice without the approval of the Vermont BON, and disclosure of the Order to employers.
3. According to the respondent's online renewal application in August 2006, she did not truthfully answer the question about having a disciplinary history in another state.
4. In July 2007 DEMC filed a complaint alleging diversion of controlled substances by documenting the administration of medications which the patients did not receive and the respondent provided an explanation by letter dated October 4, 2007.

Attachment A

Findings of Fact, Conclusions of Law and Sanctions
G. Chiappetta
Page 2 of 6

5. On July 20, 2007 the respondent wrote to the Board executive director and asked for a meeting to discuss the complaint.
6. In August 2007 the respondent was referred to the Board's Road to Recovery Program as an alternative to discipline but she never entered into a written contract despite several requests and attempts to contact her on the part of the Board's substance abuse program coordinator.
7. In September 2007 the respondent entered into a substance abuse program at DHMC.
8. In November 2007 the respondent's employer at the time, Dartmouth-Hitchcock Medical Center in Lebanon, NH informed the NH BON executive Director of the Vermont Order and of the respondent's failure to disclose it to DHMC when she was hired in November 2005.
9. On December 7, 2007 the Board's executive director wrote to the respondent and asked her to explain why she failed to disclose her discipline in Vermont when she renewed her NH license.
10. In January 2008 the executive director referred this matter to the administrative prosecutor for failing to disclose the Vermont Order and for violating her recovery program by diverting a controlled substance at DHMC.
11. On January 25, 2008 the Board's administrative prosecutor notified the respondent of the referral and pending disciplinary proceedings and recommended a voluntary surrender of her license until such time as she could demonstrate complete fitness for practice.
12. The Notice of Hearing was sent on February 4, 2008 by certified mail with return receipt requested as well as by regular first-class mail with postage prepaid to the last address of record provided by the respondent.
13. During a telephonic interview on February 13, 2008 the nursing supervisor, Sally Parton, expressed her support for the respondent and believed that the respondent had complied with the terms and conditions of the R2R Program. The supervisor's issue was the respondent's failure to disclose the Consent Agreement from Vermont.

CONCLUSIONS OF LAW

1. Based on the evidence of record the respondent failed to disclose the Consent Order issued by the Vermont Board of Nursing in October 2005 when she renewed her NH license in September 2006. This behavior, if substantiated, constitutes unethical and unprofessional conduct in violation of RSA 326-B:37, II (d), (e), Nur 402.04 (b)(15), Nur 501.02 (b) and (d).
2. Based on the evidence of record the respondent committed at least three MAR documentation errors and omissions at DHMC when she falsely charted that she withdrew and administered medications for patients who denied receiving them between June 27, 2007 and July 1, 2007. This behavior, if substantiated, would constitute unethical and unprofessional conduct in violation of the Nurse Practice Act, RSA 326-B:37, II (e), (h)(1), (k), (m), (n), (p)(2).
3. Based on the evidence of record the Respondent failed to cooperate with a Board investigation and provide information requested by the Board or its agents by not responding to telephone calls or correspondence from administrative staff. This behavior, if substantiated, would

Findings of Fact, Conclusions of Law and Sanctions
G. Chiappetta
Page 3 of 6

constitute unethical and unprofessional conduct for failure to cooperate with a lawful investigation conducted by the Board or its agents in violation of RSA 326-B:37, II (m).

DISCIPLINARY SANCTIONS

1. For (a) deviating from practice standards on MAR documentation, (b) failing to cooperate with a lawful investigation of the Board, and (c) failing to disclose the Consent Agreement with the Vermont BON, the Board imposes a 2-year probation period and a monetary penalty of \$750 to deter future misconduct and to defray the costs associated with the investigation and prosecution of this case to be paid within 90 days from the effective date of the Board's order in one single payment by certified bank check or postal money order payable to the "NH Board of Nursing". Failure to pay the penalty by the deadline will cause the penalty to be reported to credit reporting services for inclusion on the respondent's credit record. If the Board determines that collection action including court proceedings are necessary to enforce this obligation, the Board will petition the Court to assess the respondent with all costs including reasonable legal fees and accrued interest at the prevailing government rate.
2. During this probation period the following restrictions and conditions are imposed:
 - A. Respondent shall practice nursing in a structured health-care environment where other health-care providers are employed and shall not practice nursing in a home care environment or be employed by a staffing agency;
 - B. Respondent shall not work more than 8 hours/day or 40 hours/week, shall not work after 11:30 PM, shall not rotate shifts, shall work on one unit per shift, and shall not rotate to other units during a shift.
 - C. Respondent shall provide a copy of this Board Order to all nurse-licensing boards where currently licensed and schools of nursing where currently enrolled within 30 days of receipt of the NH Board-executed copy. Respondent shall also provide a copy of this Board Order to all nurse-licensing Boards or schools of nursing for which Respondent makes future application, at the time of such application.
 - D. Upon obtaining registered nurse employment, Respondent shall notify the Board in writing of such employment within ten days and provide a copy of this Agreement to the registered nurse supervisor. Within one (1) month.
 - E. After beginning such employment, said nursing supervisor shall submit a report directly to the Board, in writing, setting forth:
 - 1) the name and address of Respondent's employer;
 - 2) the duties and responsibilities to be performed by Respondent;
 - 3) a discussion of the quality of care provided by Respondent;
 - 4) a report of Respondent's attendance and punctuality; and
 - 5) the nursing supervisor shall acknowledge that this Agreement was read and that the role of the nursing supervisor is understood by the supervisor.

Findings of Fact, Conclusions of Law and Sanctions
G. Chiappetta
Page 4 of 6

- F. Respondent shall submit to the Board on a quarterly basis work performance evaluations from Respondent's nursing supervisor on a Board-provided form. Said evaluation shall include:
- a) name and address;
 - b) number of hours worked, timeliness and efficiency;
 - c) quality and safety of nursing care, including punctuality and attendance;
 - d) adherence or failure to adhere to Board conditions and restrictions.
- G. Respondent shall submit to at least thirty-two (32) random drug tests per year, during the probation of her RN license. Said tests shall have been conducted and scheduled by a laboratory under conditions acceptable to the Board; the Board appoints the Executive Director to determine the plan for testing using Board guidelines.
- H. Respondent shall maintain a record of attendance at AA/NA meetings if such meetings are recommended by Respondent's counselor; if Respondent independently decides to attend such meetings, self-documentation is not mandatory, but is encouraged.
- I. Respondent shall continue counseling sessions with a counselor trained in substance abuse. If and when the counselor determines that counseling is no longer necessary, Respondent shall ensure that the counselor submits a written report within 30 days of such determination summarizing Respondent's status/progress to the Respondent's employer and the Board of Nursing. Respondent shall also require the counselor to submit quarterly reports regarding the Respondent's progress to the Board. Quarterly reports shall indicate Respondent's:
- a) name and address;
 - b) number and frequency of visits;
 - c) progress in maintaining a safe life-style;
 - d) adherence, or failure to adhere, to Board stipulations and counselor's therapy.
- J. Said probation period shall only be fulfilled, and said restrictions and conditions shall be in force, only while the Respondent is employed in a capacity for which a Registered Nurse license is required and subject to adequate supervision approved by the Board. Respondent is required to notify the Board, in writing, within 10 days after the commencement, termination or change in role in any such employment;
- K. Any complaint or negative employer work report regarding Respondent that is received by the Board shall be reviewed by the Executive Director (E.D.). The E.D. shall determine if the complaint or report is credible, is a violation of RSA 326-B and/or the Board rules and whether, if true, Respondent's act or omission rises to the level for which the Board would likely consider disciplinary action. If the E.D. so determines, it shall be considered grounds for disciplinary action pursuant to RSA 326-B:12 III and Respondent's license shall be summarily suspended, without recourse by Respondent, pending resolution of the matter by agreement or commencement of an adjudicative proceeding within 90 days.
- L. Respondent shall notify the Board of address change within fifteen (15) days of such relocation;

Findings of Fact, Conclusions of Law and Sanctions

G. Chiappetta

Page 5 of 6

- M. If Respondent wishes to seek removal of probation status at the end of this probation period Respondent shall, in a letter to the Board, petition the Board for termination of probation. Respondent shall appear before and demonstrate to the Board the ability to safely practice nursing through evidence of successful rehabilitation, character references, personal testimony and written exhibits; said evidence shall specifically include, but is not limited to:
- a) The work reports, counselor's reports and random drug test reports previously submitted during the probation period;
 - b) A statement from Respondent's Registered Nurse supervisor providing an opinion as to Respondent's ability to safely practice nursing; and
 - c) A written evaluation by Respondent's professional counselor (who is skilled in the area of substance abuse/dependence treatment) addressing Respondent's progress regarding continuing abstinence from abuse of chemical substances, including alcohol, and which provides:
 - 1) The length of time Respondent has been chemically free, and if any relapses have occurred since treatment began,
 - 2) The extent to which Respondent has complied with treatment,
 - 3) the counselor's opinion as to whether Respondent can successfully return to nursing practice and, if so, whether any work restrictions are needed to protect public safety and/or assist Respondent in continuing recovery, and
 - 4) Whether Respondent is taking any prescription medications, the reason therefore, and what effect, if any, said medications may have on Respondent's ability to safely provide nursing-related activities;
 - d. Evidence of attendance at some formalized support program (e.g. 12-step meetings, intensive outpatient program) at least three (3) times per week;
 - e. A personal statement from Respondent which describes Respondent's recovery experiences including specific examples of the behavioral, psychological, and (if desired) spiritual changes that have been made which support recovery; and
 - d. Through oral presentation in support of Respondent's petition, provide the Board with a comfort level that Respondent is able to safely provide nursing care as an RN.
3. Should Respondent apply for any New Hampshire license under RSA 326-B authority on or after the date of this Agreement, Respondent shall by the act of filing such an application, automatically waive any statute of limitations or laches defense which may otherwise be available concerning the misconduct allegations set forth above, and consents to these allegations being fully addressed in the context of the license application. Respondent shall bear the burden of proving that Respondent possesses sufficient knowledge, judgment and skills, and character qualifications to be licensed in any such future licensing.
4. Any relief from the provisions of this order shall be granted pursuant to RSA 326-B:39.
5. This order shall become a public document upon signature and a summary of the misconduct noted above may be published in the Board's newsletter and notification of federal and other state agencies and boards of nursing shall be effectuated as required or permitted by law.

Board Rationale:

- Verbal and written testimony by witness, S. Goodness, confirmed concerns that respondent committed MAR violations in Vermont, signed a Consent Order with Vermont for a 1 year conditioned license, and did not inform the NH Board of Nursing of the Vermont discipline.

Findings of Fact, Conclusions of Law and Sanctions
G. Chiappetta
Page 6 of 6

- Letter received from M. Baughman, MA LADAC, at DHMC stating that Respondent has participated in the substance abuse outpatient program at DHMC and was to take a remedial class in MAR documentation.
- Verbal and written testimony from W. Kohut, NH BON, LADAC Coordinator, confirmed a contract with the NH Road to Recovery did not take place due to discoveries from the Vermont Board.
- Witness Kohut presented testimony that from his assessment and from the reports he received, his opinion is that Respondent has met the requirements, continues to function well, and has positive reports from her supervisor, S. Patton.
- Atty. Patenaude stated the Respondent acknowledges MAR documentation errors in NH.
- Verbal testimony from Respondent stated that she has complied with the intensive outpatient program at DHMC. Respondent indicated the Vermont Board did not make it clear her need to report to anyone other than the Vermont Board. In further testimony Respondent testified she did not report Vermont discipline to NH Board, as she did not think it was necessary since it was in the past.

BY ORDER OF THE BOARD:

Margaret J. Walker
Margaret J. Walker Ed.D., RN
Executive Director

2-25-08
Date

Heritage Building
81 River Street
Montpelier, VT 05609-1104

Tel: (802) 828-2396
Fax: (802) 828-2484

www.sec.state.vt.us



State of Vermont
Office of the Secretary of State
Professional Regulation
Board of Nursing

Deborah L. Markowitz
Secretary of State

William A. Dalton
Deputy Secretary

Christopher D. Winters
Director, Professional Regulation

Respondent: Ginger Chiappetta, RN

Case No.: NU73-0605

License No.: 026-0024725

ORDER

The Vermont State Board of Nursing, at its meeting on July 9, 2007, voted to reinstate the license of Ginger Chiappetta to practice as a Registered Nurse, fully and without conditions.

Vermont State Board of Nursing

Date: 7.9.07

Jessie Farrell
Chair of Board of Nursing

Date of Entry: 8/1/07

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

In re: Ginger Chiappetta }
License No. 026-0024725 } Docket File No. NU73-0605

**FINDINGS OF FACT
CONCLUSIONS OF LAW
& ORDER**

Introduction:

On 13 February 2006, this matter came before the Vermont Board of Nursing for a disposition hearing. Board members Kenneth W. Bush, Susan O. Farrell, Chairperson, Donarae Metcalf, Sandra Norton, Linda Rice, Laurey M. Tyo, DeAnn Welch and Alan Weiss participated. Board member Ellen Leff participated in the investigation and recused herself from participating in this matter. Prosecuting attorney Edward G. Adrian represented the State of Vermont. The Respondent did not appear. Board counsel Kevin F. Leahy presided.

**Findings of Fact &
Conclusions of Law:**

The Respondent was originally charged with engaging in unprofessional conduct by the prosecuting attorney for the Office of Professional Regulation on 26 October 2005.

Prior to the hearing, the State of Vermont and the Respondent entered into a "Stipulation of Fact and Understanding" (the Stipulation), which was dated by the Respondent on 25 January 2006 (attached). The Board reviewed the Stipulation and adopts its findings as its own.

The Stipulation leaves to the Board's discretion an appropriate disposition in light of the uncontested facts set forth in the Stipulation. The parties agreed that the disposition hearing would be only for the purposes of deciding whether a sanction is appropriate in light of the undisputed facts.

At the hearing, the State recommended a one year conditioned license for the Respondent including a medication course and on-site supervision. Upon its review of the stipulated facts, the Board also finds that the State's recommendation is the appropriate disposition for this case and adopts the State's recommendations as follows:

Order:

Based on the evidence reviewed and in light of its findings of fact and conclusions of law, the Vermont Board of Nursing ORDERS Respondent's license to practice nursing to be **CONDITIONED** for a period of **ONE (1) YEAR** commencing with the date of entry of this Order. The conditions are as follows:

(1) Re-issuance 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 on-site 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.

(3) Medication Course.

Respondent shall complete (i.e., receive a passing grade, if applicable) a course covering the subject of medication, with prior approval by the Board or its designee, and then submit verification (certificate of completion, etc.) 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 Order.

(4) 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 requiring Respondent to engage in patient care, then the Respondent shall provide a copy of this Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Order and ability of the program to comply with its conditions during clinical experience.

(5) Out of State Practice.

Before any out-of-state practice is credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent practicing outside the State of Vermont. If Respondent fails to receive this approval before practicing outside Vermont, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Order. The Board will approve

out-of-state practice so long as the Respondent can still comply with the provisions of this Order.

(6) 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.

(7) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In order to continue nursing practice, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(8) Costs.

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

(9) 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 may be extended, at the discretion of the Board, until the unprofessional conduct matter is concluded.

(10) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all license conditions. The Respondent must present proof of compliance with the terms of this Order as a prerequisite of having these conditions removed.

Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

-- END --

Vermont Board of Nursing:

By: Susan O. Farrell
Susan O. Farrell, RN, Chairperson

Date: April 19, 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 4/25/06

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, Montpelier, Vermont 05609-1101 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.

To request a stay of the Board's decision, please refer to the attached stay instructions.

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

IN RE:

GINGER CHIAPPETTA)
License No. 026-0024725)

Docket No: NU 73-0605

STIPULATION OF FACT AND UNDERSTANDING

NOW COMES the State of Vermont, by and through its State Prosecuting Attorney Edward G. Adrian and Ginger Chiappetta 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.
2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
3. The inability to practice nursing by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
4. This inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2).

Stipulation of Facts

5. The Respondent, Ginger Chiappetta, is licensed in the State of Vermont as a registered nurse under license number 026-0024725. This license was originally issued on April 26, 1999 and is currently set to expire on March 31, 2007.
6. At all times relevant, the Respondent was employed as an R.N. at Brookside Nursing Home located in White River Junction, Vermont.
7. Respondent made the following errors in medication documentation on resident L.O.'s MAR:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

- i. On or about May 21, 2005, Respondent indicated on resident L.O.'s MAR that she had administered three orders of Seroquel and one order of vitamin C to L.O. on that day.
- ii. On or about May 22, 2005, Respondent again indicated on resident L.O.'s MAR that she had administered three orders of Seroquel and one order of vitamin C to L.O. on that day.
- iii. On or about May 23, 2005, L.N.A. T.M. discovered that there were twelve more Seroquel pills and six more vitamin C pills on L.O.'s medication card than there should have been if these medications had been given.
- iv. When confronted about the discrepancy between the number of pills recorded as given and the number of pills left for L.O., Respondent first claimed that she had given L.O. the medication, but later claimed that L.O. refused the medication. No refusal was noted on L.O.'s MAR.
- v. On or about May 26, 2005, Respondent altered L.O.'s MAR to indicate that L.O. had refused her medication on May 22 and 23.

j. Respondent made the following errors in medication documentation on resident E.A.'s MAR:

- i. On or about May 21, 2005, Respondent indicated on resident E.A.'s MAR that she had administered two orders of Trazadone to E.A. on that day.
- ii. On or about May 21, 2005, Respondent again indicated on resident E.A.'s MAR that she had administered two orders of Trazadone to E.A. on that day.
- iii. On or about May 23, 2005, L.N.A. T.M. discovered that there were two more Trazadone pills on E.A.'s medication card than there should have been if these medications had been given.
- iv. When confronted about the discrepancy between the number of pills recorded as given and the number of pills left for E.A., Respondent could not account for the extra pills.

Understanding

- A. The Respondent admits the facts above are true.
- B. The Respondent recognizes that based on the facts admitted above, the Board has the authority to discipline her license to practice nursing.
- C. At this time, the Respondent does not wish to enter into a consent agreement with the State concerning the appropriate disciplinary sanction in this matter.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

- D. The Respondent agrees that since the facts are not disputed in this matter, she voluntarily waives her right to a hearing on the merits. Instead, the State and Respondent agree to proceed to a disposition hearing.
- E. At the disposition hearing, the State is free to argue for what it deems to be the appropriate sanctions. The State shall be capped at asking for a two year conditioned license. Likewise, the Respondent is free to argue for what she feels are the appropriate sanctions, if any.
- F. The State and the Respondent agree to abide by the decision of the Board concerning sanctions.
- G. The Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation.
- H. The 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.
- I. Respondent voluntarily waives her right to a contested hearing on the merits before the Board of Nursing.

AGREED TO:

Dated

1/30/06

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Addison
State Prosecuting Attorney

GINGER CHIAPPETTA
RESPONDENT

By:

Ginger Chiappetta
Ginger Chiappetta

Dated

1/25/06

nu.chiappetta.factstip

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

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

IN RE:

GINGER CHIAPPETTA)
License No. 026-0024725)

Docket No: NU 73-0605

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Ginger Chiappetta, 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.

Statement of Facts

2. The Respondent, Ginger Chiappetta, is licensed in the State of Vermont as a registered nurse under license number 026-0024725. This license was originally issued on April 26, 1999 and is currently set to expire on March 31, 2007.

3. At all times relevant, the Respondent was employed as an R.N. at Brookside Nursing Home located in White River Junction, Vermont.

4. Respondent made the following errors in medication documentation on resident L.O.'s MAR:

i. On or about May 21, 2005, Respondent indicated on resident L.O.'s MAR that she had administered three orders of Seroquel and one order of vitamin C to L.O. on that day.

ii. On or about May 22, 2005, Respondent again indicated on resident L.O.'s MAR that she had administered three orders of Seroquel and one order of vitamin C to L.O. on that day.

iii. On or about May 23, 2005, L.N.A. T.M. discovered that there were twelve more Seroquel pills and six more vitamin C pills on L.O.'s medication card than there should have been if these medications had been given.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

iv. When confronted about the discrepancy between the number of pills recorded as given and the number of pills left for L.O., Respondent first claimed that she had given L.O. the medication, but later claimed that L.O. refused the medication. No refusal was noted on L.O.'s MAR.

v. On or about May 26, 2005, Respondent altered L.O.'s MAR to indicate that L.O. had refused her medication on May 22 and 23.

5. Respondent made the following errors in medication documentation on resident E.A.'s MAR:

i. On or about May 21, 2005, Respondent indicated on resident E.A.'s MAR that she had administered two orders of Trazadone to E.A. on that day.

ii. On or about May 21, 2005, Respondent again indicated on resident E.A.'s MAR that she had administered two orders of Trazadone to E.A. on that day.

iii. On or about May 23, 2005, L.N.A. T.M. discovered that there were two more Trazadone pills on E.A.'s medication card than there should have been if these medications had been given.

iv. When confronted about the discrepancy between the number of pills recorded as given and the number of pills left for E.A., Respondent could not account for the extra pills.

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 performing unsafe or unacceptable patient care and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2);

(ii) 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public) which includes, but is not limited to, falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN Chapter 4, Rule IV(II)(D)(3);

(iii) 3 V.S.A. § 129a(a)(7) (willfully making or filing false reports or records in the practice of the profession); and

(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).

STATE OF VERMONT



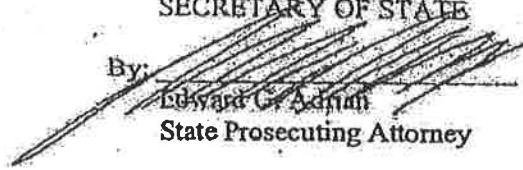
Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Relief Requested

WHEREFORE, the license of Ginger Chiappetta should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 26th day of October 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adnan
State Prosecuting Attorney

nu.chiappetta.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107