

**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:

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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.

3. 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.

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- 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. Adrian
State Prosecuting Attorney

GINGER CHIAPPETTA
RESPONDENT

Dated

1/25/06

By:

Ginger Chiappetta
Ginger Chiappetta

nu.chiappetta.factstip

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**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.

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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



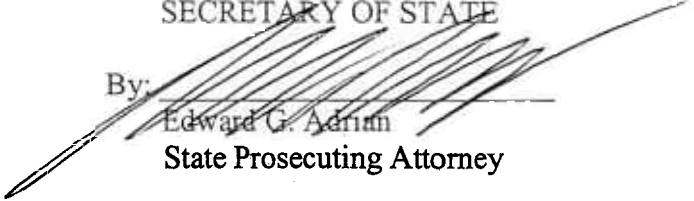
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Relief Requested

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. Adrain

State Prosecuting Attorney

nu.chiappetta.soc

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