

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

RE:**Maria Cimonetti, R.N.****License No. 101-0020627**

)

)Docket No: NU18-0900 & 51-0201

)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Maria Cimonetti, R.N. who stipulate and agree as follows:

Board Authority

- 1) The Vermont State Board of Nursing ["the Board"] has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
- 2) Failing to follow a Board rule is grounds for disciplinary action against a licensee. 3 V.S.A. §129a(a)(3).
- 3) The Board may revoke, suspend, or refuse to renew the endorsement of any nurse in advanced practice if the Board finds that the person fails to meet requirements as set forth in the Vermont Nursing Board's Administrative Rules, Advanced Practice Registered Nurse Rules [hereinafter "Rule"] and with 26 V.S.A. Chapter 28 §1572 and §1574 and §1582.
- 4) APRN performs medical acts independently within a collaborative practice with a licensed physician under practice guidelines which are mutually agreed upon between the APRN and collaborating physician and which are jointly acceptable to the medical and nursing professions. Chapter IV, Rule 8(c)(4)(a).

Facts

- 5) Respondent, Maria Cimonetti is an advanced practice registered nurse, holding license number 101-0020627 issued by the State of Vermont.
- 6) Respondent was originally licensed on or about July 9, 1992 and Respondent's license is currently extended.

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- 7) At all times relevant, Respondent was practicing under her "Practice Guidelines for Welcoming Home Family Nurse-Midwifery (WHNM)" dated March 27, 2000, and mutually agreed upon between Respondent and Dr. William Ellis, M.D..

COUNT ONE / NU 18-0900, L.Y. COMPLAINT

- 8) Paragraphs 1-7 are incorporated and re-alleged.
- 9) On or about March 30, 2000 Respondent saw L.Y. as a patient.
- 10) In providing care to L.Y., the Board has charged that Respondent deviated from her guidelines in that Respondent:
- a) Failed to respond appropriately, by transfer to a hospital setting or consult with a hospital practitioner, when L.Y. had uncontrolled hemorrhaging; and
 - b) Failed to respond appropriately, by transfer to a hospital setting or consult with a hospital practitioner, when L.Y. had a retained placenta.
- 11) The circumstances described above constitute unprofessional conduct pursuant to 3 V.S.A. §129a(a)(3)(failure to follow a rule of the board), specifically Chapter 4, Rule 8(c)(4)(a)(APRN follows guidelines...).

COUNT TWO / C.B. COMPLAINT

- 12) Paragraphs 1-7 above are incorporated and re-alleged.
- 13) In providing care to C.B., the Board has charged that Respondent deviated from her guidelines in that Respondent:
- a) Failed to conduct antibody screening and blood type testing at the onset of prenatal care;
 - b) Failed to respond appropriately, by consulting with an appropriate health care provider to evaluate plans for appropriate follow-up, when C.B. condition and symptoms indicated polyhydramnios;
 - c) Provided, as an assessment, reassurance to C.B. that her fetus was progressing properly when Respondent did not have the pertinent objective and subjective data to support such an assessment, thus depriving C.B. of information pertinent to the childbearing cycle; and
 - d) Failed to inform C.B. that a further assessment, including surveillance or further testing, should promptly be initiated, thus depriving C.B. of information pertinent to the childbearing cycle.

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- 1) The circumstances described above constitute unprofessional conduct pursuant to 3 V.S.A. §129a(a)(3)(failure to follow a rule of the board), specifically Chapter 4, Rule 8(c)(4)(a)(APRN follows guidelines...).

Understandings

- A. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- E. Respondent waives any notification period and requests that this be heard at the next available Board meeting. 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.
- C. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- E. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- E. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- F. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- C. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

- F. Based on the above stipulations, it is **ADJUDGED** as follows:
- (1) The Board finds the above "facts" as true, although Respondent denies the "facts" above, Respondent agrees that the State has sufficient evidence that the Board could find the above "facts" occurred had the matter proceeded to an evidentiary hearing; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent has:
- i) Violated 3 V.S.A. §129a(a)(3)(failure to follow a rule of the board), specifically Chapter 4, Rule 8(c)(4)(a)(APRN follows guidelines...).

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I. Based on the above stipulation and on the above findings and conclusions of this Board, it is **ORDERED** follows:

(a) The Board hereby **CONDITIONS** Respondent's license to practice nursing for a minimum period of one (1) year. The **CONDITIONS** on Respondent's license would be as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed one (1) year of supervised nursing practice as an APRN Nurse Midwife in which she works at least forty (40) hours every two (2) weeks in nursing and conducts a minimum of twenty (20) supervised births. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Privilege as Nurse Midwife/ APRN Status

Respondent's certification and privilege granted by the State of Vermont to practice as an advance practice registered nurse and nurse midwife is hereby conditioned. Respondent will not practice as an advanced practice nurse or nurse midwife until she has successfully completed the coursework outlined in paragraph (3) that follows. Upon successful completion of said coursework and the filing of appropriate certification that said coursework has been successfully completed with the Board or its designee, this condition shall be removed. During the period Respondent is completing the coursework outlined in paragraph (3), Respondent may practice as a registered nurse subject to all other conditions set forth in this order.

(3) Coursework Requirement

Respondent shall take and successfully complete the following courses of study: the Perinatal Continuing Education Program (PCEP as developed

by the University of Virginia). The course shall be approved in advance by the Board or its designee. Respondent shall cause the program directors of the above-described courses of study to certify such successful completion to the Board or its designee.

(4) Evaluations by supervisor

Respondent shall cause her immediate supervisor to provide to the Nursing Board a detailed evaluation of Respondent's performance covering the first six months of this stipulation term, including but not limited to prenatal management and intrapartum care. This shall be in addition to the monthly employer reports.

(5) Interview with the Board or its designee.

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

(6) Re-issue of License.

Upon imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(7) Out of State Practice/Residence.

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

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

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(9) Notification to Employers/Nursing School/Collaborating Physician.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status so long as these conditions remain in effect. Within ten (10) days of the date of entry of this Consent Order or on any subsequent employment, Respondent shall cause her immediate supervisor, if any, 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, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director, if any, to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience. Advance Practice Registered Nurses shall cause a copy of the Stipulation and Consent Order to be provided to their collaborating physician, if any, and have that individual notify the Board in writing of their receipt of same, on their professional letterhead.

(10) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

Additionally, Respondent shall cause her supervisor/employer to report to the Board, or its designee, a detailed report concerning Respondent's management of her prenatal caseload.

(11) Practice Under Supervision.

Respondent shall practice only in a setting where she has direct supervision for the entire shift by her collaborating physician, other physician, or an Advanced Practice R.N. Respondent shall give the persons who will be supervising Respondent a copy of this stipulation and consent order.

(12) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(13) Release of Information Forms.

Respondent shall execute all release of information forms which are deemed necessary to the Board of Nursing, its investigators, and the Attorney General's Office in furtherance of this stipulation and consent order. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding Respondent to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by Respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(14) Costs.

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

(15) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action.

If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(16) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(17) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order and that she may safely be returned to the practice of nursing without condition.

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

K. 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).

L. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

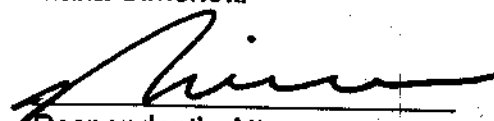
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AGREED TO:

Date:

5/22/03

Approved to form:

BY: MARIA CIMONETTI
RESPONDENT
Maria Cimonetti
Respondent's Attorney

AND BY:

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

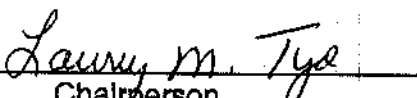
Date:

5/22/03
George C. Haegels IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date:

5/26/03
Laurie M. Tye
Chairperson

Dated entered:

5/27/03