

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

**IN RE: Lou Ann Cioffi, R.N.
License No.: 026-0012138**

) **Docket NU21-0902**
)

**CONSENT ORDER AND
STIPULATION**

NOW COMES the State of Vermont, through its State Prosecuting Attorney, Edward G. Adrian, and Respondent Lou Ann Cioffi, R.N., by and through her attorneys, Ryan Smith & Carbine, Ltd. who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129(a).
2. Respondent Lou Ann Cioffi, R.N., of Rutland, Vermont, is a licensed Registered Nurse by the State of Vermont holding License No. 026-0012138.
3. Respondent worked as a licensed Registered Nurse at Haven Health Care Residential Care Home.
4. The State of Vermont alleges that on August 27, 2002, the Respondent improperly delegated to an unlicensed assisting person ("UAP") at Haven Health Care Residential Care Home, a Level III facility, certain duties with respect to passing medications.
5. Respondent admits that procedures for delegation of duties to the UAP and training of the UAP could have been more detailed and, in fact, did implement more detailed procedures immediately after the question was raised.
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 has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
8. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.

9. Respondent voluntarily waives the right to a contested hearing before the Board of Nursing on the Specification of Charges.

10. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

11. Respondent agrees that the Board may enter the order set forth below.

ORDER

Based on the stipulation above it is **ORDERED** and **ADJUDGED** as follows:

A. By having engaged in the conduct described in paragraph 4 above, Respondent has engaged in unprofessional conduct.

B. The Board of Nursing hereby issues a Reprimand to Lou Ann Cioffi.

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).

State of Vermont

~~William H. Sargent, Attorney General~~

Secretary of State

By:

Edward G. Adrian

4/22/04

Respondent

Lou Ann Cioffi, R.N.

Sinda Rice
BD CHAIR

Thomas M. Dowling, Esq.
Attorney for Respondent
Ryan Smith & Carbine, Ltd.
PO Box 310
Rutland, VT 05702-0310

4/19/04

5-10-04
DATE

DATE OF ENTRY 5/12/04

**Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602**

5. Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct and is a basis upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(7).
6. Inability to practice nursing competently by failure to conform to the essential standards of acceptable and prevailing nursing practice is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. Administrative Rules of Nursing, Chapter 4, Rule IV(II)(B)(2).

Statement of Facts

7. Lou Ann Cioffi ("Respondent") of Rutland, Vermont is a registered nurse holding license number 026-0012138 issued by the State of Vermont. Respondent's license was issued on April 17, 2003 and is set to expire on March 31, 2005.
8. At all times relevant to these charges, the Respondent was practicing as a registered nurse and Director at Haven Health Care Residential Care Home (the "Facility") located in Rutland, Vermont. Respondent is the only registered nurse at the Facility.
9. In late July 2002, E. D., a nurses aide, working as an unlicensed assistive ("UAP") person at Haven Health Care Center, was requested by the Assistant Director Barbara Tuttle to supervise another UAP, B.K.
10. E. D. explained to Barbara Tuttle that she, E. D., was aware that B. K. had not completed the medication training course and that she had made medication errors.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

11. Ms. Tuttle relayed the information to the Respondent who agreed that UAP B. K. should take the medication training course before beginning to administer medication.
12. On or about August 27, 2002, Respondent, knowing that B.K. had not completed the medication training course, instructed Ms. Tuttle to have E.D. supervise B.K. on a medication pass.
13. On or about August 27, 2002, Ms. Tuttle instructed E.D. to provide keys for medication supply to B.K. and to have B.K. begin administering the medications without supervision.
14. Ms. Tuttle is not a licensed nurse.
15. As the Director of the Facility, Respondent failed to ensure that B. K. had the proper training and course work before being given the authority to administer medications.
16. Ms. Dolan filed a complaint with the Department of Aging and Disabilities regarding the medication dispensing.
17. As a result of this complaint, an investigation of Haven Health Care Residential Care Home was performed and the facility was cited a deficiency concerning medication management and a failure to directly monitor and evaluate a new employee's competency prior to assigning the employee a group of residents requiring medication administration.

Charges

18. By committing the above act(s), circumstance(s) and/or omission(s),
the Respondent has:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

- a. Committed unprofessional conduct by failing to comply with provisions of federal or state statutes or rules governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3);
- b. Committed unprofessional conduct by delegating responsibilities to a person whom the licensed professional knows, or has reason to know, is not qualified by training, experience, education or licensing credentials to perform them in violation of 3 V.S.A. §129a(a)(6);
- c. Committed unprofessional conduct by failing to conform to the essential standards of acceptable and prevailing practice in violation of 3 V.S.A. §129a(b)(2);
- d. Committed unprofessional conduct by engaging in conduct of a character likely to deceive, defraud or harm the public in violation of 26 V.S.A. §1582(a)(7);
- e. Committed unprofessional conduct by failing to conform to the essential standards of acceptable and prevailing nursing practice in violation of Administrative Rules, Chapter 4, Rule IV(II)(B)(2).

Relief Requested

WHEREFORE, the nursing license should be revoked suspended or otherwise disciplined.

Dated at Montpelier, Vermont this 29th day of September 2003.

State of Vermont
Secretary of State

By:

Edward Adrian
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

m.cioffi.soc