

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

IN RE:

JANICE MARIE COATES

License No. 026.0038175

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Docket No. 2009-602

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Betsy Ann Wrask, and the Respondent, Janice Marie Coates, RN, 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 (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Janice Marie Coates (the "Respondent") of Bourbonnais, Illinois is licensed by the State of Vermont as a Registered Nurse under license number 026.0038175. This license was originally issued on or about June 27, 2007 and is currently set to expire on or about March 31, 2011.
3. At all times relevant, Respondent was employed as a Registered Nurse at Rutland Regional Medical Center (the "Facility"), located in Rutland, Vermont. Respondent worked in the Facility's Psychiatric Services Inpatient Unit (the "PSIU"), and on the date in question was scheduled as charge nurse.
4. On or about May 1, 2009, Respondent – along with all PSIU staff – participated in a mandatory training regarding patient searches. On or about September 6, 2009, Respondent completed a competency on patient searches.
5. It is Facility policy that upon admission to PSIU, all patients and patient belongings will be searched. Pursuant to policy, a search includes the patient removing all clothing and putting on a PSIU gown while patient clothing can be examined. Before a patient completes the safety search process, s/he cannot be left unsupervised.

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6. Moreover, Facility policy dictates that if a patient in the PSIU refuses the safety search procedure and is not reasonably believed to present an imminent risk to self or others, the patient needs to remain under continuous direct staff supervision at all times until a search has taken place or the physician orders a different level of observation.
7. On or about December 23, 2009 in a Mandatory Report of Unprofessional Conduct to the Board, Director of Nursing Support C.E. reported that Respondent had created a patient safety issue by failing to follow Facility policy regarding safety searches, and that Respondent had committed insubordination by failing to follow a leader's directives regarding this matter. Respondent's conduct at issue is described below.
8. On or about December 20, 2009, Patient S.B. was admitted to the PSIU after two (2) medication overdoses, and with admitted suicidal ideations. Upon admission, S.B. refused to be searched.
9. On this date at approximately 17:30, Respondent contacted Facility RN N.H. by phone requesting advice on Patient S.B. N.H. advised Respondent that S.B. needed to be searched.
10. Thereafter, S.B. again refused to be searched, but allowed a security guard to wand him/her.
11. On this date at approximately 18:00, Respondent contacted Facility PSIU Director of Nursing Services L.C. by phone and described S.B.'s admission and S.B.'s refusal to be searched. L.C. advised Respondent that S.B. either needed to be searched or to be under 1:1 supervision continuously.
12. Respondent did not thereafter ensure 1:1 supervision of S.B.; did not advise S.B.'s doctor that S.B. was refusing a search; and did not review the search policy.
13. On or about March 4, 2010 in an interview with State Investigator Jeffrey Jones, Respondent admitted that she neither searched S.B. nor conducted a 1:1 with S.B., despite the instructions of L.C. Respondent advised she did not feel S.B. was dangerous, though she admitted she had not dealt with S.B. prior to the date in question.
14. By failing to provide continuous 1:1 supervision of S.B. after S.B. refused to be searched, despite Facility policy requiring this process and despite the direction of L.C., Respondent has violated the essential standards of psychiatric nursing practice; 3 V.S.A. § 129a(b)(1) and (2); and 3 V.S.A. § 129a(a)(3).
15. A review of Respondent's personnel file from the Facility reveals in part the following:

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- a. On or about June 3, 2008, Respondent was suspended without pay for three (3) days after it was determined that Respondent violated the Facility's policies and procedures for medication administration. (Upon information and belief, this discipline was due in part to Respondent administering medication to a vulnerable adult without his/her knowledge, when the Respondent knew this patient had refused the medication in the past.) After a subsequent 30 day monitoring period that resulted in the finding of additional work performance issues, Respondent was required to participate in additional training on patient rights and medication administration; was required to administer medication only under direct supervision; and was restricted from assuming the role of charge nurse for a period of time.
 - b. On or about May 19, 2009 in a Record of Counseling, Respondent was found to have violated Facility policy regarding event reporting on three (3) occasions, two of which related to a patient engaging in self-injurious behavior, and one regarding a patient accessing confidential information. Respondent admitted this conduct.
16. Respondent does not intend to practice nursing in the State of Vermont at this time.

Charges

17. 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. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - b. 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

18. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
19. 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.

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20. 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.
21. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
22. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
23. 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.
24. 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.
25. 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 changes Respondent's registered nursing license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. If, in the future, Respondent requests and is granted reinstatement of her registered nursing license, her license will be **CONDITIONED FOR A MINIMUM OF TWO (2) YEARS commencing with the date of license reinstatement**. The conditions will be as follows:

(1) Re-issue of License.

Upon the imposition 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 two (2) years of supervised nursing practice in which she works at least 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. The Respondent shall be prohibited from working more than forty (40) hours per week during the conditioned period.

(3) Medication Administration Course.

Respondent must successfully complete (i.e., receive a passing grade, if applicable) a medication administration course focusing on medication administration with prior approval by the Board or its designee, and then submit written documentation of completion

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(certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This course must be completed within ninety (90) days of the date of license reinstatement.

(4) Documentation Course.

Respondent must successfully complete (i.e., receive a passing grade, if applicable) a documentation course focusing on documentation with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This course must be completed within ninety (90) days of the date of license reinstatement.

(5) Patient Rights Course.

Respondent must successfully complete (i.e., receive a passing grade, if applicable) a patient rights course focusing on patient rights with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This course must be completed within ninety (90) days of the date of license reinstatement.

(6) 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 status.

Within ten (10) days of the date of license reinstatement 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 the 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.

(7) Reports from Employers/Program Directors.

Within one (1) month of the date of license reinstatement or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (i.e., consistently meeting all standards of nursing practice) and attendance.

In the event the 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 her performance and attendance. These reports shall be submitted in writing on forms issued by

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the Board. All nursing program reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

(8) Practice Under Supervision.

Respondent shall practice nursing only in a setting where Respondent has direct supervision for the entire shift by a registered nurse that is licensed and in good standing with the Board.

(9) 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, home health care agency, temporary nursing employment agency or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.

(10) Out-of-State Practice.

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 the Respondent can still comply with the provisions of this Consent Order.

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

Within ten (10) days of the date of license reinstatement, 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.

(12) License Renewal.

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

(13) Costs.

The Respondent shall bear all costs of complying with the educational requirements of this Consent Order.

(14) 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 extend, after hearing, until the unprofessional conduct matter is concluded.

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(15) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

- 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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

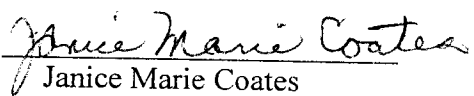
Dated: 10.12.10

By: 

Betsy Ann Wrask
State Prosecuting Attorney

JANICE MARIE COATES
RESPONDENT

Dated: 10-7-10

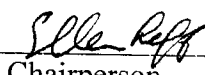
By: 

Janice Marie Coates

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11-8-10

By: 

Chairperson

Date of Entry: 11/9/10

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