

**STATE OF VERMONT
BOARD OF NURSING**

In re: Rachael Coax
License No. 026-80430

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(M2013-78)

Docket No. 2012-297(RN)
2012-194

**Decision on
UNPROFESSIONAL MOTION TO MODIFY CONDITIONS**

Participating Board Members:

Jeanine Carr, RN, Chair
Ellen Watson, APRN, Vice Chair
John Todd, APRN
Alan Weiss, Public Member
William G. White, Jr., Public Member
Deborah Swartz, RN

Appearances:

Prosecuting the case: S. Lauren Hibbert
for Respondent: Jason J. Sawyer

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on November 18, 2013 at the Office of Professional Regulation conference room at the City Center in Montpelier, Vermont.

Ms. Coax has asked the Board to modify Condition #4, direct supervision, of the Stipulation and Consent Order approved by the Board at last month's meeting October 14, 2013.

Background

Condition #4 of the Stipulation and Consent Order states: 'Ms. Coax shall practice nursing only in a setting where Ms. Coax has on-site supervision for the entire shift by a registered nurse that [sic] is licensed and in good standing with the Board. The Prosecutor opposes Ms. Coax's motion and argues that it is barred by Rule 60(b) of the Vermont Rules of Civil Procedure.

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. Ms. Coax is a licensed registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On October 14, 2013 Ms. Coax's license was conditioned when the Board accepted a Stipulation and Consent Order. The unprofessional conduct on which the discipline was based was set forth in Paragraphs 4 and 6. "6. On or about March 8, 2012, while on orientation Ms. Coax failed to accurately record in Patient A's record a doctor's order with regard to a blood transfusion abnormality and Ms. Coax did not record when the transfusion was complete." Par. 4: "4. On or about April 26, 2012, Patient 2 reported that he and Ms. Coax had a frustrated exchange about insulin medication and Patient 2 asked that Ms. Coax not provide care to him."
3. Ms. Coax was employed at Wake Robin since May 5, 2012. There are no allegations that she has failed to meet acceptable standards of nursing.
4. Ms. Coax provided the Board with two letters stating that her work has been satisfactory.
5. Wake Robin does not always have another registered nurse on site when Ms. Coax is working. Ms. Coax can not work at Wake Robin under her current conditions.
6. Ms. Coax submitted letters from Wake Robin personnel attesting to her medical administration skills noting that she has made no errors while employed there.
7. The October 2013 Stipulation and Consent Order was negotiated by her attorney and the prosecuting attorney. Ms. Coax's attorney did not realize that the conditions set forth would make it impossible for his client to maintain her employment at Wake Robin.
8. Ms. Coax has complied with all conditions imposed upon her.
9. Requiring supervision at this time is not necessary.

Order

Ms. Coax's request to strike the supervision condition is **granted**.

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, Office of Professional Regulation, 89 Main Street, Fl 3, Montpelier, Vermont 05620-3402 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.

Vermont Board of Nursing

By:

Jeanine Carr
Jeanine Carr, RN, Chair

Date November 19, 2013

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 11/22/13