

STATE OF VERMONT
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

Re: Mae Conrad
License No.: 75-4662

) Docket No.: APP-NA 17-1096
)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell,
and Applicant Mae Conrad who stipulate and agree as follows:

- 1) The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders for licensees and applicants for licenses pursuant to 3 V.S.A. §§129 and 129a, and 26 V.S.A. §§1595 and 1598.
- 2) The Board of Nursing has jurisdiction to determine if sufficient restitution or rehabilitation for prior conduct has occurred. 26 V.S.A. §1593(1)(B).
- 3) Applicant Mae Conrad (hereinafter 'Applicant'), of St. Johnsbury, Vermont, has requested nursing assistant license reinstatement in the State of Vermont. By way of history, Respondent previously held nursing assistant license no. 75-4662, issued by the State of Vermont.
- 4) Applicant acknowledges and admits that she was revoked for the following:
 - a. conviction in January 1995 of two counts of welfare fraud (for failure to report income in 1992 and 1993) and altering a certificate of title for an automobile (for forging the name of a patient on an automobile certificate of title in order to release a lien held by the patient), then providing an inaccurate application (for answering "no" when asked about such convictions in January, 1995). (Docket No.: NA35-0396).
 - b. roughly pushing a combative patient, who suffered from Alzheimer's disease and whom recently prosthetic hip replacement, back into the patient's chair in August 1996 (Docket No.: NA17-1096).
- 5) Applicant represents that she has no subsequent convictions.
- 6) Applicant represents that she has been making monthly payments of welfare fraud restitution since it happened.

- 7) Applicant represents that she is currently working as a para-educator in the St. Johnsbury Schools, and has submitted several letters of recommendation from coworkers and superiors that would tend to substantiate rehabilitation.

UNDERSTANDING

- 8) Applicant admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
- 9) Applicant 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.
- 10) Applicant has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 11) Applicant is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 12) Applicant 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.
- 13) Applicant voluntarily waives her right to a contested hearing before the Board of Nursing.
- 14) Applicant waives any notification period and requests that the Board hear this matter at its next meeting. Applicant 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.
- 15) Applicant agrees that the order set forth below may be entered by the Board.

ORDER

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

- A. By engaging in the acts, omissions and/or circumstances described above, the Board concludes that Applicant has acted unprofessionally pursuant to, and in

violation of, 26 V.S.A. §1595(5)(unable to function as a nursing assistant by reason of any cause which constitutes unprofessional conduct pursuant to) and 26 V.S.A. §1595(1) (Conviction of a crime that evidences an unfitness to act as a nursing assistant.

B. In the event that Applicant successfully undertakes all requirements to have her license re-instated, including a Nursing Assistant Competency Evaluation Program (commonly called "N.A.C.E.P.") and all testing, the Board **CONDITIONS** Applicant's license to practice as a nursing assistant **for a minimum period of three (3) years.** The **CONDITIONS** on Applicant's license would be as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Applicant has completed all conditions ordered. Applicant shall be subject to the conditions until Applicant completes three (3) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a nurse assistant. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Compliance with Restitution

Applicant shall fully comply with all terms, conditions and requirements of her restitution, and document same to the satisfaction of the Board's designee.

(3) Interview with the Board or its designee.

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

(4) Re-issue of License.

Upon the imposition of these conditions, and successful completion of the NACEP and testing, Applicant shall be issued a license labeled "conditioned".

(5) Out of State Practice/Residence.

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

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

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

(7) Notification to Employers.

Applicant 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 nursing assistant and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Applicant shall cause her 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.

(8) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Applicant shall cause every employer she has worked for during the month to submit to the Board an evaluation of Applicant's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

Applicant shall sign a consent, upon request of the Board, to authorize her employer 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.

(9) Practice Under Supervision.

Applicant shall practice only in a setting where she has on-site supervision for the entire shift by a registered and/or licensed nurse in good standing with the Vermont Board of Nursing.

(10) License Renewal.

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

(11) Costs.

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

(12) Violation of the Consent Order.

If Applicant violates the terms of this Consent Order in any respect, the Board, after giving Applicant 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 Applicant during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(13) Reevaluation of Conditions.

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

(14) Completion of Conditional License Period.

Upon completion of the conditional license period, Applicant may petition the Board to remove any and all conditions on her license and after formal review by the Board, Applicant's nursing assistant license may be fully restored by appropriate Board action. Applicant, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a nursing assistant. Such proof shall include appropriate support from her treating professional and employer. Furthermore, Applicant shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

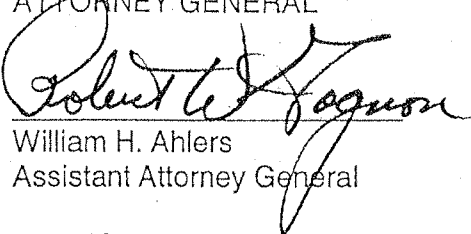
- C. Notwithstanding any provision above, Applicant must meet all Nursing Board requirements for license renewal and license reinstatement.
- D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- E. This Stipulation and Consent Order will remain part of Applicant's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 7-15-00

by:


William H. Ahlers
Assistant Attorney General

APPLICANT
Mae Conrad

Dated: 7/15/00

by:


Mae Conrad

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Aug. 18, 2000

by:


Chairperson

Date of entry: 8/22/00

STATE OF VERMONT
BOARD OF NURSING

In re Mae L. Conrad, Nursing Asst. } Case File No. NA17-1096
Fair Haven, Vermont }
License No. 75-4662 }

DEFAULT ORDER

Introduction

The Board of Nursing held a hearing on the Attorney General's motion for default judgment on Monday, March 10, 1997, at 133 State Street in Montpelier. Members Brenda Smith, Marjorie Allard, Margaret Luce, Catherine McGee, and Raymond Phillips participated. Ad hoc member Michele Walker also participated. Diane Zamos appeared for the Attorney General. The respondent, Mae L. Conrad, did not attend and was not represented.

The Board granted the motion. The allegations of the specification of charges dated January 14, 1997 (copy attached) are therefore treated as the facts on which the Board's order is based.

The Board also took official notice of the proceedings involving Conrad in Docket No. NA35-0396 (order revoking Conrad's license entered January 13, 1997). The Board has jurisdiction to take disciplinary action in the instant case under 3 V.S.A. § 814(d) (agency having jurisdiction to conduct proceedings and impose sanctions in connection with conduct occurring during time license is operative shall not lose jurisdiction if license is not renewed or is surrendered or otherwise terminated prior to initiation of such proceedings).

Additional Findings of Fact

1. When Conrad picked up R.G. and slammed him back into his chair, she knew that R.G. had recently had surgery for a prosthetic hip replacement due to a fractured femoral head.
2. Conrad's actions constitute abuse of R.G., an elderly resident of a nursing home.
3. Conrad is unfit to function as a nursing assistant, pursuant to 26 V.S.A. § 1595(5).

Order

The nursing assistant license of Mae L. Conrad is hereby REVOKED.

Dated: March 10, 1997

VERMONT BOARD OF NURSING

By: Brenda B. Smith
Hearing Panel Chair

Date of entry: 3-12-97

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
MAE CONRAD) Docket No: NA17-1096
License Number 75-4662)
_____)

SPECIFICATION OF CHARGES

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate complaints of unprofessional conduct by nursing assistants pursuant to 3 V.S.A. §129; 26 V.S.A. §§1574, 1595 and 1598.

2. Respondent Mae Conrad, of St. Johnsbury, Vermont, is a nursing assistant holding license number 75-4662 issued by the State of Vermont.

3. At all times relevant Respondent was employed at Pine Knoll Nursing Home in Lyndonville, Vermont.

COUNT I

4. Paragraphs 1 through 3 are incorporated.

5. R.G. is an 81 year old male resident of Pine Knoll Nursing Home suffering from Alzheimer's disease.

6. R.G. is considered a combative resident.

7. On August 24, 1996 Respondent, on repeated occasions, spoke harshly and roughly pushed R.G. back into his chair.

8. On August 24, 1996 Respondent, in response to R. G. 's repeated attempts to rise from his chair, picked R.G. up and slammed R. G. back into his chair.

9. R.G. had surgery for a prosthetic hip replacement due to a fractured femoral head on August 11, 1996.

10. The acts and circumstances described above constitute unprofessional conduct pursuant to 26 V.S.A. §1595(4)(abuse of a patient).

COUNT II

11. Paragraphs 1 through 3 and 5 through 9 are incorporated.

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

12. The acts and circumstances described above constitute unprofessional conduct pursuant to 26 V.S.A. §1595(5)(unfit to function as a nursing assistant by reason of any cause).

WHEREFORE the nursing assistant's license of Mae Conrad should be revoked, suspended or otherwise disciplined.

Dated at Montpelier, Vermont this 14 day of January, 1997.

STATE OF VERMONT

JEFFREY L. AMESTOY
ATTORNEY GENERAL

by: Diane E. Zamos
Diane E. Zamos
Assistant Attorney General