

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

IN RE:)
PAUL MATTHEW CROTEAU) Docket No: NU 18-0904
License No. 026-0027718)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Paul Matthew Croteau, 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); Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Facts

2. The Respondent, Paul Matthew Croteau, is licensed in the State of Vermont as a Registered Nurse under license number 026-0027718.
3. The Respondent's license was originally issued on November 5, 2002 and the Respondent's license is currently set to expire on March 31, 2007.
4. At all times relevant, the Respondent was employed as an R.N. by Fletcher Allen Health Care (the "Facility") located in Burlington, Vermont.
5. On or about August 27, 2004, the Respondent incorrectly gave a patient the medication Adenosine instead of Aminophylline during a routine stress test. The patient was not harmed by the Respondent's error.
6. The Respondent failed to report the medication error to appropriate staff at the Facility, nor did the Respondent document the error in the patient's chart. Additionally, the Respondent failed to report the error in the "Safe Event Reporting System" as required by Facility policy.

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Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent did not adhere at all times to standards of acceptable, safe and prevailing nursing practice pursuant to 26 V.S.A. § 1582(a)(3) and ARBN, Chapter 4, Rule IV(II)(B)(1) and (2).

Understandings

8. 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.

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

10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

11. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.

12. 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.

13. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing.

14. 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 **CONDITIONS** Respondent's license for A **MINIMUM PERIOD OF ONE (1) YEAR** commencing with the date of entry of this Order. The **CONDITIONS** are 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 a total of one (1) year of supervised nursing practice in which he works

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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. After Respondent has completed six (6) months of supervised practice, Respondent may petition the Board to remove any and all conditions on his license. The Respondent must provide proof that he has complied with the terms of this Order.

(3) 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 during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's 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.

In the event Respondent is attending a nursing program which has a clinical portion which involves actual patient care, he shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with its conditions during clinical experience.

(4) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Stipulation and Consent Order or within one (1) month of the subsequent commencement of nursing employment, and monthly thereafter for the period the conditions are in place, Respondent shall cause every nursing employer Respondent 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 is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(5) Practice Under Supervision.

Respondent shall practice only in a setting where Respondent has on-site supervision for the entire shift by a registered nurse that is licensed and in good standing.

(6) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse, with the exception of LNAs and other unlicensed assistive persons. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary

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nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(7) 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 his current place of employment if the Respondent is employed under his nursing license, the Respondent's personal address, and telephone number. The Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in Respondent's employment if the Respondent is commencing or leaving employment under his nursing license, the Respondent's personal address, or telephone number.

(8) Notification to Other States.

In the event that the Respondent is licensed as a nurse in any other state(s), he must inform the licensing board of the state(s) in which the Respondent is licensed of the conditional status of his Vermont license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(9) 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 he has otherwise complied with the requirements for license renewal.

(10) Costs.

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

(11) 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 shall be automatically extended until the unprofessional conduct matter is concluded.

(12) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on his license. The Respondent must present proof that he 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.

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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: 6/7/05

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

PAUL MATTHEW CROTEAU
RESPONDENT

Dated: 06/05 PC

By: [Signature]
Paul Matthew Croteau

Approved as to Form:

ATTORNEY FOR RESPONDENT

Dated: 6-6-05

By: [Signature]
Thomas H. Somers, Esq.

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: June 13, 2005

By: [Signature]
Chairperson

Date of Entry: 6/15/05

nu.croteau.stip

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IN RE:)
PAUL MATTHEW CROTEAU) **Docket No: NU 18-0904**
License No. 026-0027718)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Paul Matthew Croteau, R.N.:

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); Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. The inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
3. The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2).
4. Engaging in conduct of a character likely to harm the public is unprofessional conduct upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(7).
5. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

6. The Respondent, Paul Matthew Croteau, is licensed in the State of Vermont as a Registered Nurse under license number 026-0027718.

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Montpelier, VT 05602

7. The Respondent's license was originally issued on November 5, 2002 and the Respondent's license is currently set to expire on March 31, 2005.

8. At all times relevant, the Respondent was employed as an R.N. by Fletcher Allen Health Care (the "Facility") located in Burlington, Vermont.

9. On or about August 27, 2004, the Respondent incorrectly gave a patient the medication Adenosine instead of Aminophylline during a routine stress test. The patient was not harmed by the Respondent's error.

10. The Respondent failed to report the medication error to appropriate staff at the Facility, nor did the Respondent document the error in the patient's chart. Additionally, the Respondent failed to report the error in the "Safe Event Reporting System" as required by Facility policy.

Charges

11. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

i. 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and

ii. 26 V.S.A. §1582(a)(7) (engaging in conduct of a character likely to harm the public); and

iii. 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Paul Matthew Croteau should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 8 day of February 2005.

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SECRETARY OF STATE

By.

Edward G. Adrian
State Prosecuting Attorney