

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

IN RE:)
ANGELA BERNADETTE CROTO)
License Nos. 025.0007246, 026.0042062)

Docket No. 2009-212

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Angela Bernadette Croto, RN, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction over Respondent to issue warnings or reprimands; suspend, revoke, limit, or condition her current license; or prevent the renewal of a lapsed license

Statement of Facts

2. Angela Bernadette Croto (the "Respondent") of Essex Junction, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0042062. This license was originally issued on or about May 16, 2008 and is currently set to expire on or about March 31, 2011. Respondent was also licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0007246. Respondent's LPN license was originally issued on or about August 8, 1995 and lapsed on or about January 31, 2010.
3. Respondent states she worked as an LPN from 1994 until two (2) years ago when she completed the R.N. program at Vermont Technical College. Respondent states that during the time that she worked as an LPN she worked, almost exclusively, in a nursing home/rehabilitation setting.
4. After obtaining her R.N. license, Respondent was employed as a Registered Nurse at Fletcher Allen Health Care (the "Facility"), located in Burlington, Vermont. Respondent's orientation period with registered nurse preceptors at the unit where she worked at the Facility extended from on or about May 19, 2008 through on or about August 1, 2008. Respondent states she successfully completed her probationary period.

STATE OF VERMONT



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

5. It is Respondent's position that FAHC assigned her to 12 hour shifts, 5 days a week, in an acute care setting in Baird III despite her lack of experience in that setting. It is Respondent's position that she was overwhelmed by the work load and pace of acute care and requested a transfer to another FAHC unit more compatible with her skills, and where she would only have to work eight (8) hours a day in normal circumstances.
6. On or about May 8, 2009, Human Resources Specialist M.M. asserted in an unprofessional conduct report that Respondent had had ongoing performance issues, including clinical documentation issues; "inappropriate behavior"; and failure to properly dispense medication. Respondent largely disputes the report and the assertions contained in it.
7. A review of Respondent's personnel file and Respondent's own testimony reveals in part the following:
 - a. On or about September 23, 2008, FAHC verbally warned Respondent regarding not following Facility policies. It was discussed that Respondent performed poor charting of PRN (as needed) narcotics; poor documentation of pain scale; over-medicating patients for discharge; and not entering medication wastes into the Pyxis (an electronic medication dispensing machine).

Respondent disputes this allegation and the verbal warning, and its contents. In accordance with the attending physicians orders, it is Respondent's position that she administered two (2) percocets to a patient who had just undergone a prostatectomy, was about to be discharged and undertake a two (2) hour ride home. Due to the multiple acute matters that were facing her that day, Respondent did not enter the waste into the pyxis, which Respondent states is the first and only occasion when this occurred, to the best of her recollection.
 - b. On or about November 24, 2008, Respondent received a verbal warning for being rude to patients. It is Respondent's position that FAHC offered no explanation of what she said or did to offend the patients.
 - c. On or about December 18, 2008, FAHC administration met with Respondent to discuss Respondent's alleged failure to meet hygiene standards with patients and "inappropriate communication" with patients.

Respondent denies that she violated FAHC's hygiene standards, which Respondent states require gown and glove when "extensive contact with patient is expected." Respondent states that she was in the room for less than one minute, and the only thing she touched was the draw sheet with her hands and then she exited the room. After leaving the room, Respondent states she went to the sink and washed her hands with soap and hot water.

STATE OF VERMONT



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

- d. On or about December 31, 2008 in a Letter of Understanding, Nurse Manager R.C. reviewed how Respondent had not previously met expectations, and clarified the expectations that Respondent follow hospital policies and procedures at all times, and that Respondent use positive and professional communication at all times.

Respondent believes the document speaks for itself and simply rehashes issues discussed in subparagraphs a through c above.

- e. In or around early February 2009, R.C. met with Respondent regarding a patient complaint and discussed Respondent's improper charting of a medication being refused; that caring/patient teaching opportunities had been neglected; and that Respondent had not been following through with medication orders.

With respect to the charting issue, Respondent states that she had gone to the Charge Nurse for clarification of the order because there was a miscommunication concerning what Respondent should administer. With regard to "caring/patient teaching opportunities" Respondent states that a man in his thirties had a fractured left arm (he was right-hand dominant) and he had been in the hospital for four (4) hours and was demanding a bath from her. Respondent states that she did not believe it was prudent to put more pressing patient needs aside to bathe him.

- f. On or about February 13, 2009, Respondent received a written warning after Respondent dispensed medications without a MAR, and failed to perform hand hygiene by going into three (3) patients' rooms without washing her hands. It was documented that Respondent was expected to:
- i. Follow hospital policies and procedures at all times to insure patient safety;
 - ii. Use positive and professional communication at all times;
 - iii. Assure herself of consistent, accurate documentation and transcription of orders; and
 - iv. Perform hand hygiene following hospital policy.

Respondent disputes these allegations about dispensing medications without a MAR. The Respondent's position is as follows:

Respondent tried to remove the pain meds from the Pyxis. There were none stocked, it was still empty, so Respondent called the pharmacy. A while later, Respondent checked to see if the Pyxis was stocked and it was still empty. A third time Respondent checked and the medication was there. The Pyxis advised Respondent that no one else had administered the medication for that patient. Respondent removed the medication from the Pyxis and before entering the patient's room Respondent wrote it on the MAR. The patient was on precautions

STATE OF VERMONT



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

so Respondent checked the name band after entering the room but did not bring the chart to the room due to precautions.

Respondent's position regarding hand hygiene is as follows:

There was alcohol foam inside the room as well as outside. Respondent had recently had a patient with OCD so she was in the habit of using the foam inside the room so the patient could see it applied. Upon departure Respondent used soap and hot water. The manager did not observe Respondent use the foam before going in or coming out and did not watch long enough to see Respondent go to the sink to wash her hands.

- g. On or about April 24, 2009, Respondent failed to complete a patient's discharge paperwork, and further refused to do so after being asked to complete the paperwork by another nurse.

It is Respondent's position that she had to prioritize patient care on 4/24/09. Respondent states she had a patient who had not voided in 6 hours, so she had to catheterize her. Respondent states her intent was to finish the paperwork after the catheterization but her manager Rosemary had confiscated the paperwork and left the unit. Respondent states the secretary and the charge paged her but she did not return the call so the discharge coordinator/social worker, the secretary and Respondent completely recreated the paperwork and had it taken by courier to the nursing home where the patient was taken to.

- h. In or around the end of April, 2009, Respondent failed to administer antibiotics to Patient B.R. as ordered. Respondent stated that she could not find the antibiotic in the Facility refrigerator and therefore contacted the pharmacy via a pharmacy communication tool; however, the pharmacy had no record of a pharmacy communication tool coming from the unit where Respondent worked. The Facility concluded that the refrigerator would have been appropriately stocked at the time ordered for administration and that Respondent forgot to give at least one dose.

Respondent disputes the allegations in subparagraph 5(h). Respondent states FAHC had a new policy where nurses were supposed to send a communication tool to the pharmacy, which is a form she faxed to them twice on the same patient and then she called them. Respondent states that she also told the charge nurse, Cassandra, that the antibiotic was missing. Respondent states that she checked the refrigerator three (3) times. Respondent states that FAHC's assertion that Respondent was not telling the truth is based on nothing but their assertion and no proof. Respondent states no doses were forgotten. Respondent states they were not provided to Ms. Croto to administer.

STATE OF VERMONT



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

- i. On or about May 1, 2009, Respondent was terminated from the Facility in part due to failing to meet the expectations outlined in the written warning given to Respondent on or about February 13, 2009.

Respondent believes the real reason she was terminated was because of her supervisor's personal animus towards her.

Charges

8. The State contends that 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 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.).
9. Ms. Croto takes responsibility for her actions and her inability to perform at acceptable professional levels in the acute care setting.

Understandings

10. 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 and inadmissible in any future proceeding of any kind.
11. The Parties specifically waive any claims that any disclosures made to the full Board during its review of this agreement have prejudiced their rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
12. The Parties have read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. The Parties voluntarily enter into this agreement after the opportunity to consult with legal counsel and are not being coerced by anyone into signing this Stipulation and Consent Order.
14. The Parties voluntarily waive their right to a contested hearing before the Board of Nursing and waive any right to appeal from this Stipulation and Consent Order.
15. The Parties agree that the Order set forth below may be entered by the Board.

ORDER

STATE OF VERMONT



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

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **CONDITIONS** Respondent's licenses to practice nursing **FOR A MINIMUM OF ONE (1) YEAR** from the date of entry below. 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 one (1) year 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) Communication Course.

Respondent must successfully complete (i.e., receive a passing grade, if applicable) a communication course focusing on communication 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 entry of this Stipulation and Consent Order.

(4) Infection Control Course.

Respondent must successfully complete (i.e., receive a passing grade, if applicable) an infection control course focusing on infection control 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 entry of this Stipulation and Consent Order.

(5) 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 (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 entry of this Stipulation and Consent Order.

(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 during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

STATE OF VERMONT



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

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, Respondent 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.

(7) Reports from Employers/Program Directors.

Within one (1) month of the date of entry of this Order 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. Moreover, within three (3) months of the date of entry of this Order or within three (3) months of the commencement of nursing employment and **quarterly** thereafter, Respondent shall cause every nursing employer the Respondent has worked for during the quarter to submit to the Board results of the employer's quarterly audits of Respondent's charting. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance 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; and on a quarterly basis, the results of the Program Director's audit of Respondent's charting. These reports shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead. All nursing program reports shall indicate satisfactory performance 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

STATE OF VERMONT



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

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 five (5) days of the date of entry of this Order, 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.

(15) Completion of Conditional License Period.

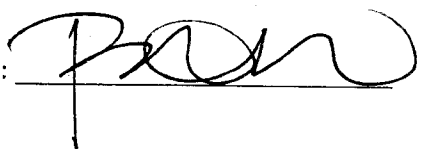
After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

- 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: 5.10.10

By: 

STATE OF VERMONT



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

BetsyAnn Wrask
State Prosecuting Attorney

ANGELA BERNADETTE CROTO
RESPONDENT

Dated: 5/7/10

By: Angela B. Croto
Angela Bernadette Croto

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: May 6, 2010

By: Thomas H. Somers
Thomas H. Somers, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5-10-10

By: 3llh Roff
Chairperson

Date of Entry: 5/12/10
nu.croto.stip2

STATE OF VERMONT



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