

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

IN RE:)
SUSAN DANIELS, R.N.) Docket No: NU 48-0201
License No. 026-0023632)

STIPULATION FOR REINSTATEMENT AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Susan Daniels, 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).
2. Having a license revoked, suspended, limited or conditioned by a licensing agency in another jurisdiction for an offense which would constitute unprofessional conduct in this state is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129(a)(6).
3. Fraudulent or deceptive procurement or use of a license is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(1).

Facts

4. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 348 South Main Street, Apt. 14, White River Junction, Vermont 05001) is a Registered Nurse under License Number 026-0023632.
5. Respondent was originally licensed on September 25, 1997 and Respondent's license is currently revoked.

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Montpelier, VT
05609

6. At all times relevant to these Charges, the Respondent was employed by the Lebanon Center in Lebanon, New Hampshire.
7. On or about, March 28, 2001, Respondent completed an application to the Vermont Nursing Board in which Respondent answered "no" to the question of "Has any State... licensing authority... taken any... disciplinary action against a license, certificate, or registration that you hold or held in any profession or occupation."
8. On or about February 21, 1997, Respondent received a reprimand on her registered nurse license under a Consent Order adopted by the New Hampshire Board of Nursing due to her failing to accurately record administration of medication.
9. On or around December 21, 1999, the Lebanon Center made a complaint to the New Hampshire Board of Nursing alleging the Respondent had "stated she had given Baclofen P.O., without an order, to a resident because she thought it would help. No consultation with M.D./or A.R.N.P. occurred. No documentation noted at time of discovery."
10. Respondent admitted to administering the above-mentioned medication without a physician's order during the facilities internal investigation.
11. The New Hampshire Board of Nursing, on or about September 21, 2000, alleged violations of the following New Hampshire Statutes and/or Rules (In the Matter of: Susan Daniels, Doc. No. 00-0823-0123):
 - a "Dishonest or unprofessional conduct, including, but not limited to, intentionally harming, abusing or exploiting a patient, defrauding or harming the public in matters related to the practice of nursing, willfully failing to maintain accurate and complete nursing records, acts of omission or commission when practicing nursing as set forth in rules adopted by the board pursuant to RSA 541-A...". R.S.A. 326-B:12(II)(c);
 - b "Failure to maintain standards of practice or education pursuant to RSA 326-B:2, XIX". New Hampshire Board of Nursing, Rule 215.01(b)(8);
 - c "Administering therapeutic agents, treatments or activities, or recording of same, in an inaccurate or negligent manner." New Hampshire Board of Nursing, Rule 215.01(b)(10); and
 - d "Performing nursing activities or interventions, or providing nursing-related activities beyond the authorized scope of practice". New Hampshire Board of Nursing, Rule 215.01(b)(13).

12. Respondent was not present for the New Hampshire Board of Nursing hearing scheduled for September 21, 2000 and as a result her registered and practical nursing licenses were suspended until she appeared before the Board in November 2000.
13. Respondent was subsequently subpoenaed by the New Hampshire Board of Nursing to attend a hearing on November 16, 2000.
14. Respondent did not appear before the New Hampshire Board of Nursing and as a result her registered and practical nursing licenses were suspended until she appeared before the Board.
15. Respondent was revoked by the Vermont Board of Nursing following a default hearing on November 5, 2001 for the above conduct committed in this State as well as in the State of New Hampshire.

Charges

16. Having a license revoked, suspended, limited or conditioned by a licensing agency in another jurisdiction for an offense which would constitute unprofessional conduct in this state is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129(a)(6).
17. Fraudulent or deceptive procurement or use of a license is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(1).

Understandings

18. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
19. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
20. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
21. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
22. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
23. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

A. Based on the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent has:
 - i Had a license revoked, suspended, limited or conditioned by a licensing agency in another jurisdiction for an offense which would constitute unprofessional conduct in this state in violation of 3 V.S.A. §129(a)(6); and
 - ii Was fraudulent or deceptive in her procurement of a license in violation of 3 V.S.A. §129a(a)(1).

B. Based on the above stipulation and on the above findings and conclusions of this Board, it is **ORDERED** follows:

C. The Board hereby **CONDITIONS** Respondent's license to practice nursing **for a minimum period of two (2) years**. The **CONDITIONS** on Respondent's license would be as follows:

1) 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. Respondent's license is additionally conditioned as follows.

2) Interview with the Board or its designee.

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

3) Re-issue of License.

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned".

4) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent 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. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

5) 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 her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number. Respondent shall provide a copy of this Consent Order to all employers, current and future, and shall inform them of the conditional status of her license.

6) Notification to Employers.

Respondent 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 nurse 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, Respondent 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.

7) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she 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 Respondent is not employed in nursing during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities. In the event the Respondent is attending a nursing program, she shall provide a copy of the Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

Respondent 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.

8) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision by a registered nurse in good standing with the Vermont Board of Nursing.

9) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

10) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent 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.

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

12) Violation of the Consent Order.

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

13) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof 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 nurse. Such proof shall include appropriate support from her employer and/or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

D. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

E. At any time after the entry of this Order, the Respondent may petition the Board to reinstate her license and/or modify the conditions.

- F. 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).
- G. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

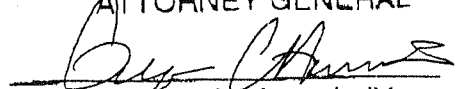
BY: SUSAN DANIELS
RESPONDENT

Date: 3/29/02


Susan Daniels

AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

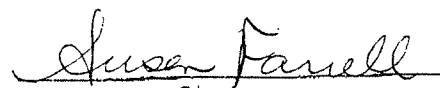
Date: 4/1/02


George C. Haegeler IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 4/8/02


Chairperson

Dated entered: 4/9/02

Office of the
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109 State Street
Montpelier, VT
05609