

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

IN RE:

JUDITH PIKE DEROSIA, R.N.

License No. 026-0008039

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Docket No: NU 34-0200

STIPULATION AND CONSENT ORDER

The Respondent, Judith Pike Derosia, RN, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

Board Authority

- A. 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).
- B. 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).
- C. Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(7).
- D. Conduct of a character likely to deceive, defraud or harm the public includes falsifying or altering clinical records or making inaccurate or misleading entries. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(4)(c).

Facts

- E. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 10 Harrow Way, Middlebury, Vermont, 05753) is a Registered Nurse under License Number 026-0008039.
- F. Respondent was originally licensed on August 7, 1968 and Respondent's license has a current expiration date of March 31, 2001.

- G. At all times relevant, the Respondent was employed by Porter Hospital in Middlebury, Vermont.
- H. Respondent was responsible for completing a 'Triage Assessment Form' for patients entering the emergency room.
- I. On or about February 3, 2000, Respondent admitted a patient and failed to properly complete the assessment form.
- J. Unrelated to Respondent's failure to properly complete the form, the patient died.
- K. Per the hospital policy, the hospital reviewed the file since the patient had died.
- L. As a result of this review the Nurse Manager and the Vice-President of Patient Care Services noticed that Respondent failed to properly complete the 'Triage Assessment Form'.
- M. The Nurse Manager and the Vice-President of Patient Care Services subsequently requested to speak to Respondent concerning this matter and requested that the Respondent bring the file with her.
- N. Respondent then located the file, made four changes to the 'Triage Assessment Form' and produced the record to the Nurse Manager and the Vice-President of Patient Care Services as the original record.
- O. Respondent admitted adding the four changes to the file when confronted.

Charges

- P. By falsifying and altering clinical records, the Respondent has:
 - (1) Failed to comply with the provisions of state statutes or rules governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3) and
 - (2) Engaged in conduct of a character likely to deceive, defraud or harm the public in violation of 26 V.S.A. §1582(a)(7), specifically falsifying or altering clinical records or making inaccurate or misleading entries in violation of the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(4)(c).

Understandings

- Q. 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.
- R. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

- S. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- T. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- U. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- V. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

W. 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:
 - (a) Failed to comply with federal or state statute or rules governing the practice of the profession; and
 - (b) Engaged in conduct of a character likely to deceive, defraud or harm the public in violation of 26 V.S.A. §1582(a)(7), specifically falsifying or altering clinical records or making inaccurate or misleading entries in violation of the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(4)(c).

X. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

The Respondent's license is hereby **REPRIMANDED**.

- Y. 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)(8).
- Z. 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: JUDITH PIKE DEROSIA
RESPONDENT

Date: 6-19-00


Judith Pike Derosia

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

Date: 6/22/00

George C. Haegele IV
George C. Haegele IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: July 10, 2000

Susan Farrell
Chairperson

Dated entered: 7-11-00