

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

IN RE:)
ELIZABETH G. DIETTE) **Docket No. 2010-258 (NU)**
License No. 026.0014291)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Elizabeth G. Diette, RN, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Elizabeth G. Diette (the "Respondent") of St. George, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0014291. This license was originally issued on or about September 3, 1981 and expires on March 31, 2011.
3. At all times relevant, Respondent was employed as a Registered Nurse at Fletcher Allen Health Care (the "Facility") which is located in Burlington, Vermont.
4. On or about May 7, 2010, the Office of Professional Regulation received a Mandatory Report of Unprofessional Conduct stating that on or about April 22, 2010, the Respondent called in a prescription on a patient that was not documented in the Outpatient Medication Reconciliation form or in the Physician's notes.
5. On or about May 7, 2010, K.H., the Human Resources Specialist for the Facility, wrote in the Mandatory Report of Unprofessional Conduct that on or about April 22, 2010 the Respondent called in a prescription for "Ativan 0.5mg take 2 tabs by mouth every 6 hours as needed."

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

6. On or about April 23, 2010, Dr. D.S. wrote in an internal email that the Respondent called in an Ativan prescription for a patient and that the patient had a history of alcohol abuse, and that there "was no indication or documentation supporting prescription of this medication."
7. On or about December 21, 2010, in an interview with State Investigator Laura Pezzulo, the Respondent stated that she "totally blew it," and that should not have called in the prescription. The Respondent stated that she knows that Ativan is a controlled substance; however, the Respondent states that April 23, 2010 she misidentified the prescription she was supposed to call in. The Respondent after making this mistake immediately removed herself from the profession and is currently disabled.
8. Respondent has committed unprofessional conduct because when she called in a prescription for a controlled substance for a patient without a doctor's order she performed unacceptable patient care, she did not conform to essential standards of suitable care, and she therefore failed to comply with the rules governing the practice of profession.

Charges

9. 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:
 - a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performing unsafe or unacceptable patient care pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(1); and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(2); and
 - b. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

1. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
2. 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.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

3. Respondent 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.
4. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
5. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
6. 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.
7. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
8. 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 changes Respondent's license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. If, in the future, Respondent requests reinstatement of her nursing license, her license will be **CONDITIONED** by the Board pursuant to whatever terms the Board finds reasonable at the time of Respondent's request for reinstatement.
- 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.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

AGREED TO:

Dated: 7/1/11

STATE OF VERMONT
SECRETARY OF STATE

By: S. Lauren Hibbert
S. Lauren Hibbert

State Prosecuting Attorney

ELIZABETH G. DIETTE
RESPONDENT

Dated: 6/30/11

By: Elizabeth G. Diette
Elizabeth G. Diette

nu.diette.stp

Ellen Ruff . Bond
chairperson

7.11.11

DATE

ENTERED 7/11/11

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602