

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

IN RE:)
SUSANNE HARVEY DUNN) **Docket No: NU 74-0404**
License No. 025-0002975)

STIPULATION AND CONSENT ORDER

The Respondent, Susanne Harvey Dunn, L.P.N. and the State of Vermont, by State Prosecuting Attorney, Angela B. Stanski, stipulate to the statements 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

- 1) The Vermont State Board of Nursing ("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); the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
- 2) 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).
- 3) Practicing professional or practical nursing in Vermont without a current license to practice, unless specifically exempted by 26 V.S.A. §§ 1583 and 1601 is unprofessional conduct upon which the Board can base disciplinary action. ARBN Chapter 4, Rule IV(II)(D)(9).

Facts

- 4) The Respondent is a Licensed Practical Nurse holding license number 025-0002975, issued by the State of Vermont. The Respondent's license lapsed on February 11, 2000.
- 5) On April 13, 2004, the Board of Nursing received a Licensed Practical Nurse Renewal Application from the Respondent. The Respondent indicated on the application that she had been working as an L.P.N. at The Meadows in Rutland, Vermont from September 1993 through April 13, 2004.

Charges

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

6) By failing to renew her L.P.N. license as required and by practicing without a current Vermont license the Respondent has:

(i) Failed to comply with federal or state statute or rules governing the practice of the profession in that she practiced as a L.P.N. in Vermont without a current license to practice in violation of 3 V.S.A. §129a(a)(3) and ARBN Chapter 4, Rule IV(II)(D)(9).

Understandings

7) The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board of Nursing and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.

8) The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.

9) This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.

10) The Respondent is voluntarily waiving her right to charges and a contested hearing before the Board of Nursing.

11) The Respondent agrees that the Facts alleged above are true and the Order set forth immediately below may be entered by the Board of Nursing.

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

A) Based upon 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 in that she practiced as a L.P.N. in Vermont without a current license to practice in violation of 3 V.S.A. §129a(a)(3) and ARBN Chapter 4, Rule IV(II)(D)(9).

B) Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** as follows:

The Respondent's license to practice nursing is hereby **WARNED**.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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 the 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: 5/17/04

By: Angela B. Stanski
Angela B. Stanski
State Prosecuting Attorney

SUSANNE HARVEY DUNN
RESPONDENT

Dated: 5/11/04

By: Susanne Harvey Dunn
Susanne Harvey Dunn

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: June 14, 2004

By: Susan Farrell
Chairperson

Date of Entry: 6/16/04

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STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602