

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

IN RE:

Michelle K. Dunne

License No. 026.0041076

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Docket No. 2015-356

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through State Prosecuting Attorney Rachel Allen, and the Respondent, Michelle K. Dunne, represented by Peter Joslin, Esq., who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Michelle K. Dunne (the "Respondent") of Hartland, Vermont, is licensed by the State of Vermont as a Registered Nurse under license number 026.0041076. This license was originally issued on or about February 22, 2008, and expires on or about March 31, 2017.
3. During the relevant time period, Respondent was employed as a member of the Girl Scout Camp Farnsworth health staff in Thetford, Vermont.
4. On or about July 18, 2015, a camper, eleven years old, ("Patient") was experiencing labored breathing, but was able to speak and was not in a panicked state. The Patient was brought to the Program Center to be evaluated by Respondent and Emergency Medical Services (EMS) were called. The Patient had a diagnosis of asthma and was in possession of a prescribed Flovent Diskus 50 to be used daily at camp.
5. When presented to the Respondent, Respondent used the prescribed Flovent Diskus 50 and then administered an albuterol inhaler prescribed to another camper as a rescue inhaler.
6. EMS arrived at the camp within eight minutes of the call. EMS monitored the camper with a finger monitor and listened to her lungs. Air was moving through her lungs and her oxygen saturation was fine.

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7. The essential standards of acceptable and prevailing RN practice require that the RN properly administer medications prescribed by an authorized prescriber to the patient, especially when administering durable medical equipment to prevent cross-contamination.

Violations

13. 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. 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).

Understandings

14. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
15. 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.
16. 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.
17. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
18. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
19. 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.
20. 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.
21. Respondent agrees that the Order set forth below may be entered by the Board.

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ORDER

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

- A. The Board of Nursing hereby **WARNS** the Respondent's license.
 - B. Respondent must successfully complete (i.e., receive a passing grade, if applicable) the following course that has prior approval of the Board or its designee, and then submit written documentation of completion:
 - a. **Medication Errors: Causes & Prevention**, through the National Council of State Boards of Nursing.
- This course must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order. Failure to complete such courses within the prescribed timeframe shall constitute a violation of this Order.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
 - D. 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).
 - E. 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: 4/5/10

By: 
Rachel Allen
State Prosecuting Attorney

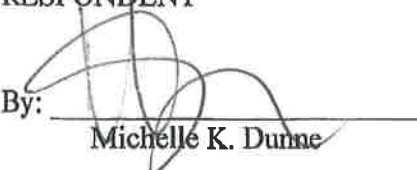
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Dated: 03.30.10

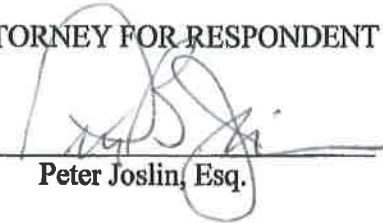
MICHELLE K. DUNNE
RESPONDENT

By: 
Michelle K. Dunne

APPROVED AS TO FORM:

Dated: 4/4/2016

ATTORNEY FOR RESPONDENT

By: 
Peter Joslin, Esq.

APPROVED AND SO ORDERED:

Dated: 4/14/16
Date of Entry: 4/12/16

VERMONT BOARD OF NURSING

By: 
Chairperson

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