

**STATE OF VERMONT
BOARD OF NURSING**

In re: Cathy L. Einglett
License No. 026-28418

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Docket No. 2012-273(RN)

Appearances:

Prosecuting the case: S. Lauren Hibbert
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on June 10, 2013 at the Office of Professional Regulation Conference Room in Schulmaier Hall at the Vermont College of Fine Arts in Montpelier, Vermont. Ms. Einglett did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Einglett was licensed as a registered nurse. Her license expired on March 31, 2013. She remains subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d), 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On April 8, 2013 Ms. Einglett was sent a Notice of Charges in this matter by certified mail to her last known address. A copy of the Specification of Charges is attached to this Default Order.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. The notice of charges was not received. The envelope did contain a forwarding address. Notice of today's Default Hearing was mailed to Ms. Einglett's new address. The Notice of Default Hearing was not claimed.
6. Ms. Einglett has not filed an answer to the charges.
7. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Ms. Einglett to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Einglett has received adequate or constructive notice of the charges in this matter as

indicated by the Board's file and the Prosecution's presentation. Because Ms. Einglett has failed to answer the charges, the factual allegations in the Stipulation and Consent Order are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Einglett has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Einglett's privilege to reinstate her license is hereby **Suspended Indefinitely** effective as of the date of the hearing. Should Ms. Einglett apply for reinstatement, the Board at that time will determine whether any conditions can permit her to resume practice while protecting public health and safety.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2, Montpelier, VT 05620-3402 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By: *Jeanine Carr*
Jeanine Carr, RN, Chair

Date: June 10, 2013

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 6/10/13

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

IN RE:
CATHY L. EINGLETT
License No. 026.0028418

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Docket No. 2012-273

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Cathy L. Einglett, RN:

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. Cathy L. Einglett (the "The Respondent") of Colchester, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0028418. This license was originally issued on or about July 27, 2003 and expired on or about March 31, 2013.
3. At all times relevant, the Respondent was employed as a Registered Nurse at Rowan Court Health and Rehabilitation (the "Facility"), located in Barre, Vermont.
4. On or about April 24, 2012, the following occurred:
 - a. Respondent lost the keys to the medication cart because she set them down and could not remember where she placed them.
 - b. Respondent poured insulin and placed it on top of the medication cart and then she could not remember when she had done it nor which patient it was for.
 - c. Respondent attended morning report at the Facility. At that report Respondent was told that a resident had a newly fractured arm. Respondent was observed taking resident's blood pressure on the arm that was fractured. When it Respondent was told that she was taking the blood

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pressure on a broken arm and the resident was clearly in pain. Respondent stated "oh, I didn't know that."

5. On or about April 26, 2012, the following occurred:
- a. Respondent frequently appeared spaced out while being trained on how to do the medication pass at the facility.
 - b. Respondent lost the keys to the medication cart because she set them down and could not remember where she placed them.
 - c. Respondent drew insulin without gloves and did not administer the medication subcutaneously instead Respondent injected the insulin into the deltoid muscle.
 - d. Respondent quickly forgot an LNA's report that resident was in pain.
 - e. Respondent left a used needle by a resident's bed.
 - f. Respondent took an order over the phone with a doctor, when she was off the phone call she could not remember the doctor's name. When asked it was discovered the doctor was giving an order for a resident not under Respondent's care.
6. When confronted, Respondent admitted to Facility's Director of Nursing that she had noticed she had been having some memory problems.

Charges

7. 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(a)(3) (Practicing the profession when medically or psychologically unfit to do so);
 - 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).
 - c. 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);

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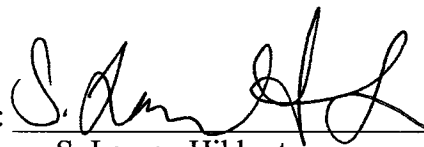
- d. 26 V.S.A. § 1582(a)(6) (has a mental, emotional, or physical disability, the nature of which interferes with the ability to practice nursing competently); and,
- e. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performing unsafe or unacceptable 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).

Relief Requested

WHEREFORE, the license of Cathy L. Einglett, RN, should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 5 day of April, 2013.

STATE OF VERMONT
SECRETARY OF STATE

By: 
S. Lauren Hibbert
State Prosecuting Attorney

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