

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

IN RE:
SARAH ELY, L.P.N.
License No. 025-0007009

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Docket No: NU 77-0402

STIPULATION AND CONSENT ORDER

The Respondent, Sarah Ely, LPN, 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

- 1) 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).
- 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. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(4)(i).

Facts

- 4) The Respondent is a Licensed Practical Nurse under License Number 025-0007009.
- 5) Respondent was originally licensed on October 13, 1993 and Respondent's license lapsed as of January 31, 2000.
- 6) Respondent has been employed part-time for a period of approximately five (5) years prior to her license lapsing and continued to be employed part-time for the time her license was lapsed.
- 7) Respondent has resided in the same location for the last eight (8) years.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

- 8) Due to recent 9-1-1 address changes, Respondent did not receive her license renewal form because it was sent to her last known address and was undeliverable.
- 9) Around March 2002, Respondent contacted the Board of Nursing seeking her license number and was informed that her license had lapsed as of January 31, 2000.
- 10) Respondent, thereafter, applied to renew her license.
- 11) At all times, Respondent was responsible to providing the Office of Professional Regulation with her current address.

Charges

- 12) By failing to renew her nursing license as required and by practicing without a current Vermont nursing license the Respondent has:
 - a) Failed to comply with federal or state statute or rules governing the practice of the profession in that she practiced professional or practical nursing in Vermont without a current license to practice and without being specifically exempted.

Understandings

- A. 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.
- B. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- C. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- D. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- E. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- F. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

- G. Based on the above stipulations, it is **ADJUDGED** as follows:
 - a. The "Facts" listed above are true; and

b. The Respondent has engaged in unprofessional conduct in that the Respondent has:

- i. Failed to comply with federal or state statute or rules governing the practice of the profession in that she practiced professional or practical nursing in Vermont without a current license to practice and without being specifically exempted.

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

a. Respondent is hereby issued a **REPRIMAND**.

- I. 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).
- J. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in separate future disciplinary matters.

AGREED TO:

BY: SARAH ELY
RESPONDENT

Date: 5/13/02

Sarah Ely
Sarah Ely

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

Date: 5/15/02

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

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 6-10-02

Linda Rice APRN, FNP
Chairperson

Dated entered: 6/11/02