

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

IN RE:

**COLLEEN RAE FISK
License No. 026.0022196**

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Docket No. 2010-166

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Colleen Rae Fisk, 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. Colleen Rae Fisk (the "Respondent") of Langdon, New Hampshire, is licensed by the State of Vermont as a Registered Nurse under license number 026.0022196. This license was originally issued on or about June 21, 1995 and is currently set to expire on or about March 31, 2011.
3. At all times relevant, Respondent was employed as a Registered Nurse at Mt. Ascutney Hospital (the "Facility"), located in Windsor, Vermont. Respondent worked in the Facility's psychiatric unit.
4. Facility policy requires that verbal/telephone orders may only be given by a Facility member who is licensed to prescribe the ordered medication.
5. On or about February 19, 2010, Facility Director of Patient Care Services J.L. submitted to the Board a Mandatory Report of Unprofessional Conduct regarding Respondent. As a result, subsequent investigation revealed Respondent's conduct, described in part below.

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9 Baldwin Street
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6. On or about February 2, 2010, Respondent wrote medication orders for a patient in Physician's Orders by copying the orders from a Progress Note written by APRN V.W.
7. Thereafter, because the pharmacy did not have available the strength of one of the medications ordered, the pharmacy contacted RN V.L. to clarify the dosage. Therefore, V.L. telephoned Respondent, who was listed as the contact person for her unit. Respondent, instead of having APRN V.W. speak directly with V.L. to clarify the order, put V.L. on hold and asked APRN V.W. to clarify the order, and then Respondent personally passed the clarified order information on to V.L.
8. On or about February 16, 2010, Respondent received a Warning from the Facility as a result of the conduct described above in ¶¶ 6 and 7.
9. On or about June 26, 2010 in a letter to State Investigator Jeffrey K. Jones, Sr., Respondent stated that on the date in question, she transcribed the medication orders for APRN V.W. at APRN V.W.'s request from APRN V.W.'s Progress Notes into a Physician's Orders. Furthermore, Respondent admitted that thereafter, upon a telephone call from RN V.L., Respondent clarified the order with APRN V.W. and personally relayed the clarified order information to RN V.L.
10. By writing medication orders for a patient in Physician's Orders by copying the orders from a Progress Note written by APRN V.W., Respondent has violated her RN scope of practice, essential standards of nursing practice, and 3 V.S.A. § 129a(b)(1) and (2); and 3 V.S.A. § 129a(a)(3).
11. By personally clarifying this order over the phone with RN V.L. instead of having APRN V.W. clarify this order, Respondent has violated her RN scope of practice, essential standards of nursing practice, Facility policy, and 3 V.S.A. § 129a(b)(1) and (2); and 3 V.S.A. § 129a(a)(3).

Charges

12. 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); 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).

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Understandings

13. 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.
14. 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.
15. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
16. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
17. 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.
18. 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.
19. 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:

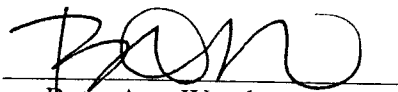
- A. The Board of Nursing hereby **REPRIMANDS** Respondent's license to practice registered nursing.
- B. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).
- C. This Stipulation and Consent Order will remain 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: 10.20.10

By:


Betsy Ann Wrask

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State Prosecuting Attorney

COLLEEN RAE FISK
RESPONDENT

Dated: 10/25/10

By: Colleen Rae Fisk
Colleen Rae Fisk

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11-8-10

By: Jean Rapp
Chairperson

Date of Entry: 11/9/10
nu.fisk.stip2

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