

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

IN RE:)
DEBRA L.FITZPATRICK, RN) **Docket No: NU 17-0902**
License No. 026-0026526)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Debra L. Fitzpatrick, R.N., who stipulate and agree as follows:

Board Authority

- 1) The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and to approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.

Facts

- 2) The Respondent is a Registered Nurse under License Number 026-0026526.
- 3) Respondent was originally licensed on July 13, 2001 and Respondent's license is currently set to expire on March 31, 2005.
- 4) At all times relevant to these Charges, the Respondent was employed by the Mount Ascutney Hospital (the "Hospital") in Windsor, Vermont.
- 5) On or about July 15, 2002, S.F., another nurse working at the Hospital with the Respondent, made a medication error by administering 5 mg of Valium to a patient rather than the 2.5 mg ordered. This was allegedly S.F.'s fifth medication error.
- 6) Respondent, along with S.F., crossed out the amount actually administered and changed the record(s) to indicate that the proper amount of Valium had been administered. This was allegedly done in order to protect S.F.'s position at the Hospital.
- 7) The Respondent alleges that shortly after altering the records, she notified supervisory personnel at the Hospital of the alterations.
- 8) Falsely indicating the amount of medication administered is a false record.



Charges

- 9) By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has:
- a. shown she is unable to practice nursing competently by reason of any cause, in violation of 26 V.S.A. §1582(a)(3), specifically Respondent:
 - i. performed unsafe or unacceptable patient care; and
 - ii. failed to conform to the essential standards of acceptable and prevailing nursing practice in violation of ARBN Chapter 4, Rule IV(B)(1) and (2).
 - b. falsified or altered clinical records or made inaccurate or misleading entries in violation of ARBN Chapter IV, Rule IV(II)(D)(3); and
 - c. willfully made or filed a false report or record in the practice of the profession in violation of 3 V.S.A. §129(a)(7).

Understandings

- 10) Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
- 11) 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.
- 12) Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 13) Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
- 14) Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
- 15) Respondent agrees that the Board may enter the Order set forth below.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. Respondent's actions described in paragraphs 5 through 8 demonstrate grounds for discipline because Respondent has:



- a. shown she is unable to practice nursing competently by reason of any cause, in violation of 26 V.S.A. §1582(a)(3), specifically Respondent:
 - i. performed unsafe or unacceptable patient care; and
 - ii. failed to conform to the essential standards of acceptable and prevailing nursing practice in violation of ARBN Chapter 4, Rule IV(II)(B)(1) and (2).
- b. falsified or altered clinical records or made inaccurate or misleading entries in violation of ARBN Chapter IV, Rule IV(II)(D)(3); and
- c. willfully made or filed a false report or record in the practice of the profession in violation of 3 V.S.A. §129(a)(7).

B. Respondent Debra L. Fitzpatrick's license is hereby **REPRIMANDED** and **CONDITIONED** for a period of one (1) year commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Length of Time Conditions Imposed.

These conditions shall remain in place until Respondent has completed **one (1) year** of supervised nursing practice in which Respondent works at least forty (40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Stipulation and Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(3) Pharmacology Course.

Respondent shall, at her own expense, complete one (1) ~~three credit~~ course in pharmacology. Respondent must submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee. The requirements of this paragraph shall be in addition to the continuing education requirements for license renewal. Respondent shall complete this course within three (3) months of the date of entry of this Order.

(4) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

the conditions in the Consent Order.

In the event Respondent is attending a nursing program which has a clinical portion which involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with its conditions during clinical experience.

(5) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Stipulation and Consent Order or within one (1) month of the commencement of employment, and every month thereafter for the year the conditions are in place, Respondent shall cause every employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(6) Practice Under Supervision.

Respondent shall practice only in a setting where Respondent has on-site supervision for the entire shift by a registered nurse that is licensed and in good standing. ~~with the Vermont Board of Nursing.~~

(7) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order. However, the Respondent may continue to work in her capacity as a traveling nurse at the Dartmouth Hitchcock Medical Center. If the Respondent ceases to be employed at Dartmouth Hitchcock, then she may no longer work as a traveling nurse or in any of the categories above. If the Respondent does continue to work for her traveling nurse agency and the employment is not at Dartmouth Hitchcock, the employment shall be considered a violation of this Order.

(8) Violation of the Consent Order.

If Respondent violates the terms of this Stipulation and Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(9) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior

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to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(10) Modification, Amendment and/or Removal of Conditions.

Respondent may petition the Board to modify, amend and/or remove her conditions prior to the termination of the one year conditioned period. Upon such petition, it shall be at the discretion of the Board to modify, amend or eliminate any and/or all conditions. Before such petition, the Respondent must have at a minimum completed six (6) months of supervision and all required coursework.

(11) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

C. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

D. By signing this Stipulation and Consent Order, Respondent authorizes her employer and nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Stipulation and Consent Order is in effect.

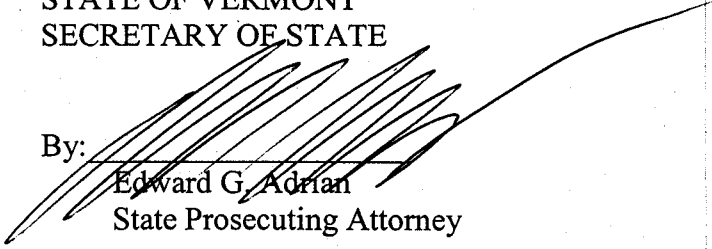
E. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

F. 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: 12/8/03

By: 
Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



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DEBRA L. FITZPATRICK
RESPONDENT

Dated: 11-28-03

By: Debra L. Fitzpatrick
Debra L. Fitzpatrick

ATTORNEY FOR RESPONDENT
APPROVED AS TO FORM:

Dated: 11/28/03

By: [Signature]
Attorney for Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Dec 8, 2003

By: Jane Farrell
Chairperson

Date of Entry: 12/11/03

nu.fitzpatrick.stip

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