

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

IN RE:

CONSTANCE FLETCHER, L.P.N.
License No. 025-0006508

Docket No: NU 30-1002

STIPULATION AND CONSENT ORDER

STIPULATION

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

Board Authority

- 1) The Vermont State Board of Nursing ("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) Being unable to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
- 3) Inability to practice nursing competently includes the failure to conform to the essential standards of acceptable and prevailing nursing practice and is unprofessional conduct upon which the Board can base disciplinary action. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV (II)(B)(2).
- 4) Falsifying or altering clinical records or making inaccurate or misleading entries is unprofessional conduct upon which the Board can base disciplinary action. Administrative Rules of the Board of Nursing ("ARBN") Chapter IV, Rule IV(II)(D)(3).
- 5) Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129(a)(7).
- 6) Having a mental, emotional or physical disability, the nature of which interferes with the ability to practice nursing is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(6).

Facts

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- 7) The Respondent is a Licensed Practical Nurse under License Number 025-0006508.
- 8) Respondent was originally licensed on April 2, 1990 and Respondent's license is currently set to expire on January 31, 2004.
- 9) At all times relevant to these Charges, the Respondent was employed by Fletcher Allen Health Care in Burlington, Vermont.

False Record

- 10) On or about October 6, 2002, Respondent signed another nurse's initials in the medical records of a resident falsely indicating that the other nurse had administered the medication.
- 11) Signing another nurse's name as administering a medication when that nurse, in fact, did not administer the medication is a false record.

Inaccurate Record

- 12) On or about October 6, 2002, Respondent failed to document the effect(s) of the medication(s) administered.
- 13) The essential standards of acceptable and prevailing nursing practice require the above to be documented.

Morphine IV Push

- 14) On or about October 6, 2002, Respondent gave a morphine IV push when the facility prohibited the same on that unit.

Medical Concerns

- 15) On or about April 28, 2003, Respondent disclosed to the Office of Professional Regulation that she suffers from a thyroid condition and that she has severe memory problems.

Charges

- 16) By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has:

- (1) 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. Failed to conform to the essential standards of acceptable and prevailing nursing practice.
- (2) Falsified or altered clinical records or made inaccurate or misleading entries;
and

STATE OF VERMONT



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- (3) Willfully made or filed a false report or record in the practice of the profession;
and
- (4) Shown that she has a mental, emotional or physical disability, the nature of
which interferes with her ability to practice nursing competently.

Understandings

- 17) Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
- 18) 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.
- 19) Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 20) 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.
- 21) Respondent voluntarily waives her right a contested hearing before the Board of Nursing.
- 22) 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 demonstrate grounds for discipline because Respondent has:

- (1) 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. failed to conform to the essential standards of acceptable and prevailing nursing practice in violation of ARBN Chapter 4, Rule IV(II)(B)(2).
- (2) falsified or altered clinical records or made inaccurate or misleading entries in violation of ARBN Chapter IV, Rule IV(II)(D)(3); and
- (3) 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).
- (4) shown that she has a mental, emotional or physical disability, the nature of which interferes with her ability to practice nursing competently in violation of 26 V.S.A. §1582(a)(6).

STATE OF VERMONT



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B. Respondent Constance Fletcher's license is hereby **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) Medication Administration Course.

Respondent shall, at her own expense, complete one (1) course in medication administration, which must be pre-approved by the Board. Respondent must submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee. Respondent shall complete this course within three (3) months of the date of entry of this Order.

(3) 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 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.

(4) 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 one year period 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.

(5) Practice Under Supervision.

Respondent shall practice only in a setting where Respondent has direct

STATE OF VERMONT



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supervision for the entire shift by a registered nurse that is licensed and in good standing with the Vermont Board of Nursing.

(6) 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.

(7) Letter from Treating Physician.

Respondent must submit to the Board a detailed letter from Respondent's treating physician addressing Respondent's physical and cognitive abilities, including (a) Respondent's memory problems, (b) Respondent's thyroid condition, and (c) an acknowledgment that the Respondent does not present a risk to the health, safety or welfare of the Respondent's patients. This letter must be received by the Board within two (2) weeks of the date of entry of this Stipulation and Consent Order. If the letter is not received within two (2) weeks of the date of entry of this Stipulation and Consent Order, or the letter indicates that the Respondent presents a risk to her patients, then after notice and an opportunity to be heard, **the Respondent's license will be INDEFINITELY SUSPENDED until the letter has been provided to the Board.**

(8) 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.

(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 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) 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.

(11) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition

STATE OF VERMONT



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the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be formally restored by appropriate Board action. Respondent shall demonstrate, to the Board's satisfaction, that Respondent fully complied with all the terms of this Consent Order. If Respondent demonstrates to the Board's satisfaction that she has fully complied with the terms of this Stipulation and Consent Order, her license will be reinstated.

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:

Dated:

11/10/03

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

CONSTANCE FLETCHER
RESPONDENT

Dated:

10/31/03

By:

Constance Fletcher
Constance Fletcher

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Prosecuting Attorney
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Montpelier, VT 05602

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: November 10, 2003

By: Lisen Farrell
Chairperson

Date of Entry: 11/17/03

nu.fletcher.stip

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