

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

|                         |   |                      |
|-------------------------|---|----------------------|
| IN RE:                  | ) |                      |
| PATRICIA B. GRACE       | ) | Docket No. M2009-198 |
| License No. 025.0008888 | ) |                      |

STIPULATION AND CONSENT ORDER

**STIPULATION**

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent Patricia B. Grace, LPN, 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. Patricia B. Grace (the "Respondent") of Petersburg, New York is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0008888. This license was originally issued on or about April 14, 2006 and lapsed on or about January 31, 2008.
3. By way of history, Respondent's license is currently suspended pursuant to a Default Order (the "Order") entered by the Board on or about August 14, 2007. Attachment A. The Order was based on the State's Specification of Charges alleging that the Respondent made several medication and practice errors. Attachment B.
4. On or about September 25, 2009 in a letter to the Board, Respondent requested that her license be reinstated without conditions. Respondent indicated that she would like her license reinstated, but then placed on inactive status.
5. On or about October 16, 2009, a committee of the Board preliminarily denied Respondent's request to have her license reinstated without conditions.

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6. Thereafter, on or about November 6, 2009, Respondent appealed that decision in writing and requested a hearing in front of the Board.
7. However, in an effort to resolve this matter, and based on Respondent's indication that she does not plan to practice nursing in the State of Vermont, the Parties have reached the agreement below.

#### Understandings

8. 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.
9. 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.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
12. 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.
13. 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.
14. 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 changes Respondent's license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. If, in the future, Respondent requests and is granted reinstatement of her license, Respondent's license shall be **CONDITIONED FOR A MINIMUM OF ONE (1) YEAR**. The conditions will be as follows:

- (1) Re-issue of License

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

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(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a **minimum of one (1) year** of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. The Respondent shall be prohibited from working more than forty (40) hours per week during the conditioned period.

(3) Notification to Employers/Program Director.

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 license reinstatement or of any subsequent nursing 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 the Respondent is attending a nursing program which has a clinical portion that 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 the ability of the program to comply with the conditions in the Consent Order during clinical experience.

(4) Reports from Employers/Program Director.

Within one (1) month of the date of license reinstatement and **monthly** thereafter, Respondent shall cause every nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance and attendance.

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. All Program Director reports shall indicate satisfactory performance and attendance.

(5) Practice Under Supervision.

Respondent shall practice as a nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.

(6) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.

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(7) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

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

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

(9) Out-of-State Practice.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent practicing nursing outside the State of Vermont. If Respondent fails to receive such approval before practicing nursing outside the State of Vermont, none of the time spent practicing nursing 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 nursing practice so long as the Respondent can still comply with the provisions of this Consent Order.

(10) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of license reinstatement. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(11) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(12) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(13) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(14) 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.

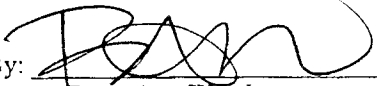
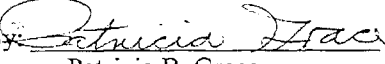
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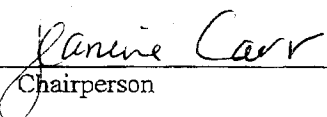
- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. 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 STATEDated: 1.11.10By:   
Betsy Ann Wrask  
State Prosecuting AttorneyPATRICIA B. GRACE  
RESPONDENTDated: 1/9/10By:   
Patricia B. Grace

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 1/11/10By:   
ChairpersonDate of Entry: 1/12/2010  
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VERMONT SECRETARY OF STATE  
OFFICE OF PROFESSIONAL REGULATION  
BOARD OF NURSING

*In re* Patricia Grace } Docket No. NU31-1106  
License No. 025-0008888 }

**DEFAULT ORDER**

Upon the filing of a *Notice of Hearing for Default Judgment* by the Secretary of State, the Nursing Board heard this matter on Monday 13 August 2007 at the Secretary of State's office, Montpelier, Vermont.

Findings of Fact

1. Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129 and 129a; 26 V.S.A. Chapter 28; Board of Nursing Administrative Rules and Office of Professional Regulation Administrative Rules.
2. The State filed a Specification of Charges (attached) against the Respondent on 25 May 2007 alleging unprofessional conduct.
3. The Office of Professional Regulation ("OPR") served Respondent with notice of the charges by certified mail and first class mail to the Respondent's last known address as provided by the Respondent to OPR. The notice of charges contained instructions detailing the Respondent's legal obligation to answer the charges and explaining the consequences of failure to file a timely response. OPR served a notice of this default hearing to the Respondent by certified mail.
4. The Respondent did not answer the charges within the legally prescribed time as required by OPR Admin. Rule 3.3 or at any time thereafter.
5. Upon hearing the State's presentation and taking notice of its own file pursuant to 3 V.S.A. § 810(4), the Board finds the Respondent to be in default. The allegations contained in the State's specification of charges (copy attached) are therefore treated as proven and serve as the factual basis for the Board's order. OPR Admin. Rule 3.4; 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Attachment A

Conclusions of Law

The Respondent received adequate and legal notice of the charges as indicated by the Board's file and the State's presentation of the case to the Board. Because the Respondent failed to answer the charges of unprofessional conduct, the Board finds the Respondent in default and will treat the State's factual allegations as established pursuant to OPR Admin. Rule 3.4. The Board concludes, in this default hearing held pursuant to 3 V.S.A. § 809(d), that the Respondent has engaged in unprofessional conduct as alleged by the State of Vermont.

Order

In accordance with the above findings of fact and conclusions of law and effective the date of this order, the Board of Nursing ORDERS that the Respondent's license be SUSPENDED INDEFINITELY.

- END -

Vermont Board of Nursing:

By:

Laurey M. Tyo R.N.  
Laurey Tyo, RN  
Board Secretary

Dated at: Montpelier, VT 13 August 2007

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/14/07

- 2 -

*In re Patricia B. Grace*

### 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 the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Building, North, FL 2 Montpelier, Vermont 05620-3402, within 30 days of the entry of the order.

If a party files an appeal, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The appellate officer shall review the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, the appellate officer may receive additional evidence related to the allegations of procedural defects in the record created before the board. 3 V.S.A. § 130a.

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

IN RE:

PATRICIA B. GRACE  
License No. 025-0008888

)  
)  
)  
Docket No: NU31-1106

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Patricia B. Grace, L.P.N.:

**Board Authority**

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

**Statement of Facts**

2. The Respondent, Patricia B. Grace, is licensed in the State of Vermont as a practical nurse under license number 025-0008888. This license was originally issued on or about April 14, 2006 and is currently set to expire on January 31, 2008.

3. At all times relevant, the Respondent was employed as a licensed practical nurse at Centers for Living and Rehabilitation (the "Facility") located in Bennington, Vermont.

4. The Respondent was terminated from her employment with the Facility on or about October 20, 2006 due to a cumulative number of medication errors and the Respondent's failure to follow standards of nursing practice.

5. On or about July 13, 2006, a nursing assistant informed the Respondent that resident J.C. had made a suicidal comment. The Respondent failed to notify the director of nursing of the resident's suicidal comment and initiate a watch until the resident was counseled, pursuant to the Facility's policy.

6. On or about September 18, 2006, the Respondent was responsible to intake resident medications. During the intake, the Respondent placed resident M.G.'s Vicoden in the regular medication drawer, not the locked narcotics drawer as required.

7. On or about October 16, 2006, the Respondent was directed not to administer resident J.G.'s dose of Coumadin. Although the resident had a current order for Coumadin, the order

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Attachment B

was temporarily on hold due to the resident's high PT/INT (prothrombin time/international normalization ratio). Despite directions to hold the resident's Coumadin, the Respondent administered the medication to J.G.

8. In an interview conducted by State Investigator Steve Kennedy on or about December 14, 2006, the Respondent admitted to the conduct set out in paragraphs 5, 6, and 7 above.

#### Charges

9. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- i) 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 and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2);
- ii) 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. Failure to practice competently includes: 1) performance of unsafe or unacceptable patient care and 2) failure to conform to the essential standards of acceptable and prevailing practice); and
- iii) 3 V.S.A. § 129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

#### Relief Requested

**WHEREFORE**, the license of Patricia B. Grace should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 25<sup>th</sup> day of May, 2007.

STATE OF VERMONT  
SECRETARY OF STATE

By:

Edward G. Adrian  
State Prosecuting Attorney

STATE OF VERMONT



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