

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

<i>In re</i>	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. §§s 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).

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

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**

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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

STATE OF VERMONT



Prosecuting Attorney
Office of
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9 Baldwin Street
Montpelier, VT
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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 25th day of May, 2007.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.grace.soc

STATE OF VERMONT



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