

STATE OF VERMONT
BOARD OF NURSING

In Re:
PAMELA M. GRATTON
License Number 26-782 & 26-22406

Docket No. NU58-0496

STIPULATION AND MODIFICATION OF CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Pamela Gratton, Respondent, and stipulate as follows:

1. Respondent and the State entered into a Stipulation and Consent Order, which was approved by the Board of Nursing on November 4, 1997.
2. On May 6, 1998, Respondent requested that the Board modify the Consent Order. The State will not oppose that request.
3. The parties have reached agreement on a modification of the Consent Order that grants Respondent the changes requested and submit those modifications to the Board for approval.
4. Respondent waives her right to a hearing before the Board on her petition for modification of the Consent Order. Respondent also waives notice of the hearing to consider this Stipulation and Consent Order and wishes it to be heard as expeditiously as possible. Respondent waives her attendance at said hearing.

5. The parties understand that the terms of this Stipulation are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation shall be null and void.

6. Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.

7. At the time Respondent signs this Stipulation Respondent is not under the influence of drugs or alcohol.

8. This consent order is entered into voluntarily by Respondent after the opportunity to consult with legal counsel. Respondent has not been coerced by anyone into signing this Stipulation.

9. The parties agree to the entry of the following Modification of Consent Order.

MODIFICATION OF CONSENT ORDER

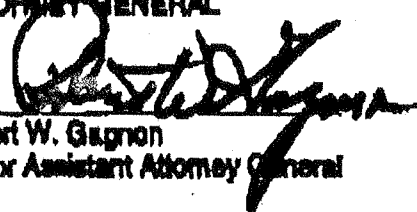
- A. The November 4, 1987, Consent Order in this case is hereby modified as follows: Paragraph D(10) relating to prohibited types of employment is modified by deletion of the language "or as a personal care provider". It is the intent of this modification to allow Respondent to work as a personal care provider.
- B. This Stipulation is public and the Board may notify other states of its disposition as provided in 2 V.S.A. §129(a)(7).

C. Respondent understands that this Stipulation and Consent Order will remain part of her licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. BORRELL
ATTORNEY GENERAL

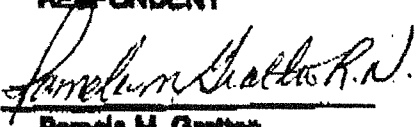
Dated: 5/7/98

by: 

Robert W. Gagnon
Senior Assistant Attorney General

PAMELA M. GRATTON
RESPONDENT

Dated: 5/8/98

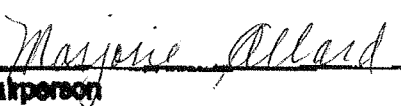
by: 

Pamela M. Gratton

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: May 11 '98

by: 

Chairperson

Date of entry: 5-11-98

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
PAMELA GRATTON) Docket No: NU56-0496
License Number 25-6782)
26-22405)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont through its Attorney General and Respondent Pamela Gratton who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent Pamela Gratton, of Burlington, Vermont is a registered nurse (RN) holding license number 26-22405 issued by the State of Vermont. Respondent also is licensed by the State of Vermont as a licensed practical nurse (LPN), license number 25-6782, although the LPN license is inactive.
3. At all times relevant Respondent was employed by Burlington Health and Rehabilitation Center in Burlington, Vermont.
4. The Board of Nursing received a mandatory report of unprofessional conduct from Burlington Health and Rehabilitation Center on or about April 12, 1996.
5. The State filed its Specification of Charges alleging two counts of unprofessional conduct on or about June 19, 1997.

The charges are attached and incorporated into this agreement.

6. Respondent admits that in 1992 and 1993, while an LPN, she did make errors in administering and documenting medications for which she was counselled by her employer.

7. Respondent admits that during November 1995, after receiving her RN license, she was again counselled by the facility and placed on probation for documentation errors and carelessness in handling and administering medications.

8. In order to avoid the time and expense of litigating this matter, Respondent makes no admissions, but does not contest the factual allegations in Count I of the Specification of Charges.

9. The State agrees to dismiss Count II of the Specification of Charges.

10. 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.

11. Respondent specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing if future hearings are necessary if this agreement is rejected by the Board.

12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

14. 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.

15. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing on the pending Specification of Charges.

16. 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. By engaging in the conduct alleged in Count I, the board concludes that Respondent is unable to practice nursing competently as defined by Board of Nursing Rule IV.B which constitutes unprofessional conduct pursuant to 26 V.S.A. §1582(a)(3)(unable to practice nursing by reason of any cause).

B. The Nursing Board **REPRIMANDS** Respondent and **CONDITIONS** her license to practice nursing for the period of one year commencing on the date this order is entered by the Vermont Board of Nursing and as outlined in paragraph D below.

C. Respondent shall immediately surrender her nursing

license to the Vermont Board of Nursing. Failure to surrender the license within 5 days of the entry date shall be considered a violation of this Order. The Board shall promptly issue a license labelled "CONDITIONED."

D. Respondent's license to practice nursing shall be **CONDITIONED** for a period of one (1) year. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed one (1) year of supervised nursing practice in which she 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) Interview with the Board or its designee.

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

(3) Conditional License.

Respondent's license shall be labelled conditioned.

(4) 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.

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

Within five (5) days of the date of entry of this 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.

(6) 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 she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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, 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 the conditions in the Consent Order during clinical experience.

(7) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she 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 and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's 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.

Respondent shall authorize her employer and her 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 the Consent Order is in effect.

(8) Practice Under Supervision.

Respondent shall practice only in a setting where she is under the direction of a registered nurse in good standing with the Vermont Board of Nursing.

(9) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(10) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float--pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(11) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(12) Costs.

Respondent shall bear all costs, if any, of complying with this Consent Order.

(13) Violation of the Consent Order.

If Respondent violates the terms of this 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.

(14) Reevaluation of Conditions.

In the event Respondent does not work in nursing within one year of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the

conditions of this Consent Order.

(15) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a licensed nurse. Such proof shall include appropriate support from her employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

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

F. 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)(7).

G. 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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 10/24/97

by: Diane E. Zamos
Diane E. Zamos
Assistant Attorney General

PAMELA GRATTON
RESPONDENT

Dated: 10/23/97

by: Pamela Gratton
Pamela Gratton

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11-3-97

by: Marjorie Allard
~~Chairperson~~

Date of entry: 11-4-97

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
PAMELA GRATTON) Docket No: NU56-0496
License Number 25-6782)
26-22405)

SPECIFICATION OF CHARGES

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct by nurses pursuant to 3 V.S.A. §129; 26 V.S.A. §§1574 and 1582.

2. Respondent Pamela Gratton, of Burlington, Vermont is a registered nurse holding license number 26-22405 issued by the State of Vermont. Respondent also is licensed by the State of Vermont as a licensed practical nurse, license number 25-6782, although this license is inactive.

3. At all times relevant Respondent was employed by Burlington Health and Rehabilitation Center in Burlington, Vermont.

COUNT I
(INABILITY TO PRACTICE NURSING COMPETENTLY)

4. Paragraphs 1 through 3 are incorporated.

5. During November 1995, Respondent failed to properly document the administration of insulin to resident M.D. in the medication book.

6. During November 1995, Respondent failed to document the administration of medications to resident T.T. in the medication book.

7. During November 1995, Respondent failed to administer medication to resident F.S. as per order.

8. On or about February 29, 1996, Respondent failed to document the administration of medication to a resident until instructed to do so by a competency evaluator at the end of medication pass.

9. On or about February 29, 1996, during a medication pass observed by a competency evaluator, Respondent discovered that she had failed to document the administration of an antibiotic

two days prior.

10. A subsequent check of antibiotic remaining revealed that the resident had missed doses

11. During March 1996, Respondent failed to promptly, properly and completely document the administration of morphine to resident E.S.

12. Respondent's failure to promptly and completely document the administration of morphine to E.S. caused another dose to be administered outside the parameters of the ordered dosage.

13. The conduct described above constitutes unprofessional conduct pursuant to 26 V.S.A. §1582(a)(3) (inability to practice nursing competently by reason of any cause) and Nursing Board Rules IV.B.2 (inability includes failure to conform to the essential standards of acceptable and prevailing nursing practice).

COUNT II
(CONDUCT LIKELY TO HARM THE PUBLIC)

14. Paragraphs 1 through 3, 5 through 12 are incorporated.

15. The conduct described above constitutes unprofessional conduct pursuant to 26 V.S.A. §1582(a)(7) (conduct of a character likely to deceive, defraud or harm the public) and Nursing Board Rules IV.B.4 (making inaccurate or misleading entries in clinical records).

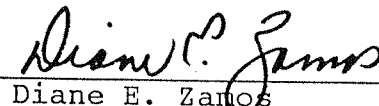
WHEREFORE, the license of PAMELA GRATTON should be revoked, suspended or otherwise disciplined.

Dated this 19 day of June, 1997 at Montpelier, Vermont.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:



Diane E. Zamos
Assistant Attorney General

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609