

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Harry Gray

License No: 26-19750

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Docket No. NU65-0301

MODIFIED STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Harry Gray, who stipulate and agree as follows:

1. The Vermont Board of Nursing ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Harry Gray, of Bradford, Vermont, is a registered nurse holding license number 26-19750, issued by the State of Vermont. This license was originally issued on about September 17, 1990 and it was conditioned for three years pursuant to a Stipulation and Consent Order entered by the Board on about May 13, 2002 (incorporated by reference).
3. Respondent will no longer practice nursing, wants his license suspended and in fact, has returned his license and marked it suspended.
4. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

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109 State Street
Montpelier, VT
05609

5. 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.
6. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
7. Respondent waives notification and requests the Board to hear this matter at the next available meeting. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
8. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
9. 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.
10. Respondent voluntarily waives his right to charges and a contested hearing before the Board of Nursing.
11. Respondent agrees that the Board may set forth the order below.

ORDER

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

- A. By engaging in the conduct described in the paragraphs above, including the referenced May 13, 2002 Stipulation and Consent Order, Respondent committed unprofessional conduct and violated: Nursing Board Rules Chapter 4,

Rule IV(B)(2)(a) (performance of unsafe or unacceptable nursing care) and Chapter 4, Rule IV(B)(2)(b) (failure to conform to the essential standards of acceptable and prevailing nursing practice), and; 3 V.S.A. §129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

B. The Nursing Board hereby **SUSPENDS** the Respondent's license. If, in the future, Respondent requests re-activation, the decision would be at the Board's discretion and if approved, the three years of conditions would commence upon entry of appropriate Board action.

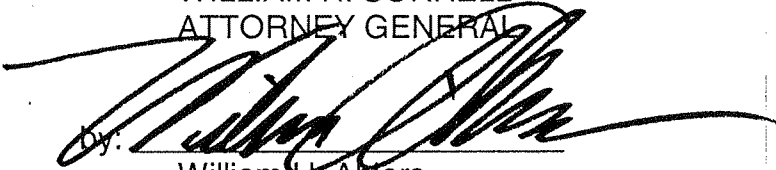
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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.

STATE OF VERMONT

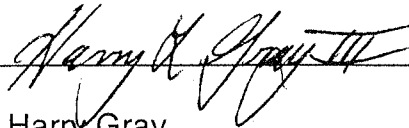
WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: June 4, 2002

by: 
William H. Ahlers
Assistant Attorney General

RESPONDENT
HARRY GRAY

Dated: May 30th 2002

by: 
Harry Gray

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6/10/02

by: Susan Farrell
Chairperson

Date of entry: 6/11/02

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109 State Street
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**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

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Docket No. NU65-0301

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Harry Gray, who stipulate and agree as follows:

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Harry Gray, of Bradford, Vermont, is a registered nurse holding license number 26-19750, issued by the State of Vermont. This license was originally issued on about September 17, 1990 and it is currently active.
3. At all times relevant, Respondent was employed by or associated with Woodridge Nursing Home, of Barre, Vermont.
4. Respondent admits the following:
 - a. On or about December 29, 2000, Respondent did not administer ibuprofen to patient "L.D." at 1700 (5:00 p.m.) as had been ordered.
 - b. On or about January 10, 2001, Respondent administered patient "C.F.'s" 1700 (5:00 p.m.) dose of insulin at the time when her 0700 (7:00 a.m.) dose had been ordered.

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c. On or about January 17, 2001, Respondent did not administer fosamax to patient "Y.A." as had been ordered.

d. On or about January 24, 2001, Respondent administered darvocet to patient "C.C.", when percocet had been ordered.

e. On or about January 24 and/or 25, 2001, Respondent did not document administration of the ordered dose(s) of sinemet and/or proamatine for patient "M.L."

f. On or about February 3, 2001, Respondent did not administer lovenox to patient "S.M." as had been ordered.

g. On or about February 20, 2001, Respondent did not administer darvocet to resident "G.E." as had been ordered.

h. On or about March 12, 2001, Respondent gave patient "L.C." tylenol tablets when percocet had been ordered.

5. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

6. 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.

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

8. Respondent waives notification and requests the Board to hear this matter at the next available meeting. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have

prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

9. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
10. 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.
11. Respondent voluntarily waives his right to charges and a contested hearing before the Board of Nursing.
12. Respondent agrees that the Board may set forth the order below.

ORDER

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

A. By engaging in the conduct described in the paragraphs above, Respondent committed unprofessional conduct and violated: Nursing Board Rules Chapter 4, Rule IV(B)(2)(a) (performance of unsafe or unacceptable nursing care) and Chapter 4, Rule IV(B)(2)(b) (failure to conform to the essential standards of acceptable and prevailing nursing practice), and; 3 V.S.A. §129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

B. The Nursing Board, commencing on the date of entry, imposes the following **CONDITIONS**, upon Respondent's license:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed **twenty four (24) months** of supervised nursing practice in which he 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) Board Approved Theory Pharmacology Course and N.L.N. Test.

Respondent shall, at his own expense, complete a pharmacology course, with prior written approval by the Board or its designee, and then submit written documentation (certificate of completion, etc.) to the satisfaction of the Board or its designee to verify successful completion, within sixty days of entry.

Respondent shall, at his own expense, re-take and receive a passing grade in the N.L.N. test, within sixty days of entry of this order. Extensions for completion, if any, shall be at the discretion of the Board or its designee.

(3) Administration of Medications.

Respondent's license is conditioned to prohibit him from administering any medications until after successful completion of the pharmacology course and N.L.N. test outlined above, then obtaining written acknowledgement of successful completion from the Board or its designee.

(4) Interview with the Board or its designee.

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

(5) Re-issue of License.

Within five (5) days of entry, Respondent shall submit his license to the Board of Nursing for a re-issued license labeled "conditioned".

(6) 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 notify the Board before beginning such practice. If Respondent fails to notify the Board before, none of the time spent in out-of-state practice will be credited toward the fulfillment of the terms and conditions of this Consent Order.

(7) 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 his current place of nursing employment (if he is employed as a nurse), 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.

(8) 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 he practices as a nurse and inform them of his conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any such subsequent employment,

Respondent shall cause his 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.

(9) 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 for which he has been employed as a nurse during that 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 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. Reports must indicate, to the satisfaction of the Board, that Respondent can safely and competently administer medications.

Respondent shall authorize his employer and/or his 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.

(10) Practice Under Supervision.

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

(11) 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.

(12) 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.

(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) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on his license and after formal review by the Board, Respondent's nursing license may be fully restored by

appropriate Board action. Furthermore, Respondent must demonstrate, to the Board's satisfaction, that he can safely return to unrestricted practice, that he has safely and competently administered medications and that he has fully complied with all the terms of this Consent Order.

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. The educational and testing requirements herein shall be in addition to any licensing requirements.

E. 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.

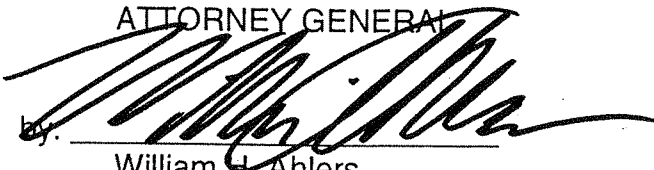
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated:

4/24/02

by:

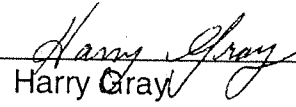

William H. Ahlers
Assistant Attorney General

RESPONDENT
HARRY GRAY

Dated:

April 17 2002

by:


Harry Gray

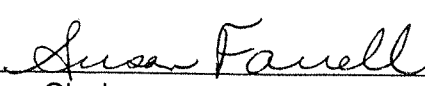
APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated:

5/13/02

by:


Chairperson

Date of entry:

5/13/02

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109 State Street
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