

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Mary Guyette, RN
License No. 101-08427

Docket No. NU16-1099

STIPULATION AND CONSENT ORDER**STIPULATION**

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Mary Guyette 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 is an advance practice registered nurse licensed by the State of Vermont holding license No. 101-08427.
3. Respondent admits that on/or about September 1, 1999, she met with a new patient, T.P., at the Pearl Street Urology Office. During that conversation, Respondent told the patient that he might be on the wrong medication and that it had to be changed right away. This resulted in his becoming anxious, light headed and loosing consciousness for a time.
4. Respondent admits that on/or about February 16, 2000, she administered the wrong medication to a patient, D.G. The computer schedule called for BCG but the patient chart called for Mitomycin. Respondent administered the BCG. The patient called the error to Respondent's attention because patient had had prior administrations of the correct medication, Mitomycin. Respondent administered the wrong medication because Respondent did not check the patient chart. If

Respondent had checked the chart, she should have noted the conflict and sought clarification/resolution of the conflict.

5. Respondent admits that on/or about these same dates, despite being aware of the error, she did not chart the error. Respondent did not notify her supervisor. Respondent did not notify the patient's physician. Instead Respondent notified an LPN in the office and Respondent called the pharmacist who recommended the correct medication be given.

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 is not under the influence of any drugs or alcohol at the time she 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 her right to a contested hearing before the Board of Nursing.

11. 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 hereby **CONDITIONS** Respondent's license to practice nursing for a minimum 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 thirty-seven (37) hours every two (2) weeks in nursing. Part time hours of less than thirty-seven (37) hours every two (2) weeks shall be credited on a prorated basis. It is understood that this required supervised nursing involves direct patient care.

(2) Prescribing Medications.

Respondent's authority to prescribe medications is suspended until further order of the Board.

(3) Administration of Medications.

Respondent's authority to administer all medications is conditioned. Respondent may only administer medications where there is on-site supervision.

(4) Advanced Practice Nurse Certification.

Respondent's certification to practice as an advanced practice nurse is suspended until further order of the Board.

(5) Interview with the Board or its designee.

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

(6) Re-issue of License.

Upon imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(7) 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.

(8) 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.

(9) Notification to Employers/Nursing School/Collaborating Physician.

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 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. Advance Practice Registered Nurses shall cause a copy of the Stipulation and Consent Order to be provided to their collaborating physician and have that individual notify the Board in writing of their receipt of same, on their professional letterhead

(10) 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. 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

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.

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In the event Respondent is not employed in nursing, Respondent shall file a self report indicating her activities during that month.

(11) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing. The persons who will be supervising Respondent shall be given a copy of this stipulation and consent order by Respondent.

It is understood that Respondent is currently employed as a nursing instructor. It is further understood that Respondent supervises LPN students in performing clinical nursing services. For the duration of the stipulation, Respondent may only supervise nursing students if there is a registered nurse on site supervising Respondent at the same time.

(12) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(13) 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.

(14) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(15) 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.

(16) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with (1) treating professionals for substance abuse treatment, and with (2) treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Any revocation by Respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(17) Costs.

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

(18) 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.

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(19) Re-evaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(20) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on Respondent's license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof and demonstrate, to the satisfaction of the Nursing Board, that Respondent poses no danger to the practice of nursing and that she can safely and competently perform the duties of a registered 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.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

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 GENERALDated: 3/14/01

by:

Robert W. Gagnon
Robert W. Gagnon
Senior Assistant Attorney GeneralRESPONDENT
MARY GUYETTEDated: 03/05/2001

by:

Mary L. Guyette
Mary Guyette

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 4/19/01

by:

Susan Farrell
ChairpersonDate of entry: 4.12.01