

IN RE: Christopher Steven Harter) **Docket No.: NU82-0502**
License No.: 026-0027030)

license was originally issued on March 8, 2002 and should have expired on March 31, 2003, but has been extended.

6. At all times relevant to these charges, the Respondent was practicing as a registered nurse at Fletcher Allen Health Care in Burlington, Vermont.

7. Kathleen Sacciafero, nurse manager at Fletcher Allen Health Care, advised the Respondent is a "traveler" who works on a thirteen-week contract basis.

Count I

Patient J.B.

8. On or about May 8, 2002, Respondent was assigned to 66-year-old patient J.B., who was sensitive to low potassium. J.B. was prescribed 20-40 mEq potassium if J.B.'s potassium level dropped below 4.3-4.5. This medication was already ordered and available to be administered to J.B.

9. At 2:00 a.m., a laboratory sample was taken to determine J.B.'s potassium chloride level.

10. Respondent has acknowledged that at 5:00 a.m. he knew that J.B.'s potassium level had dropped 3.5 well below the acceptable range of 4.3-4.5. The Respondent's oversight left J.B. with a dangerously low potassium level for several hours.

11. Respondent did not administer the potassium to J.B. during his shift. Another nurse on the next shift administered the potassium to J.B. at or around 6:45 am.

12. Kathleen Sacciafero, nurse manager, advised J.B. was sensitive to low potassium level, which could have resulted in J.B.'s heart going into afibrillation.

13. Respondent documented that patient J.B. was "fighting ventilator" at 12:40a.m. and 12:50a.m.

14. In response, the Respondent gave J.B. Versed and J.B. "quieted down." The relief nurse noted at 8:45a.m. that J.B. was fighting the "ET" tube because it was obstructed.

15. On information and belief, the Respondent never checked to see if the tube was obstructed.

Count II

Patient K.C.

16. On or about May 7, 2002, the Respondent was assigned a 49 year old patient K.C., who was prescribed Hydromorphone (Dilaudid) in tablet form to be given orally for pain.

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17. Respondent administered the Dilaudid in an IV ampule liquid form to patient K.C. by squirting the ampule in K.C.'s mouth. K.C. reported nausea after the Dilaudid was administered.
18. Respondent acknowledged his error in administering the Dilaudid.
19. Respondent did not complete the pain portion of K.C.'s record until the day nurse pointed out his omission.
20. K.C. had a doctor's order stating that if K.C. did not have a urine output of 20 cc's the resident on call should be contacted. Respondent did not indicate that K.C. had any urine output during an eleven-hour period.
21. A resident conducting rounds noted that K.C. did not have any urine output and instructed that a catheter be used.
22. Nurse Manager Kathleen Sacciafero advised that the Respondent's oversight could have resulted in K.C. having renal failure.
23. Respondent failed to open a patient plan for K.C. in the computer. Respondent advised he did not know the patient plan had not been opened and did not know the patient plan needed to be opened.
24. Although the Respondent does not admit to the truth of the facts above, the Respondent does not contest that the State would be able to prove these facts by a preponderance of the evidence at a hearing.

Charges

25. By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has:
 - a. Committed unprofessional conduct by in the course of practice, gross failure to use and exercise on a particular occasion or the failure to use and exercise on repeated occasions that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, and prudent professional engaged in similar practice under the same or similar conditions, whether or not actual injury to a client, patient or customer has occurred in violation of 3 V.S.A. §129a(a)(10);
 - b. Committed unprofessional conduct by failing to conform to the essential standards of acceptable and prevailing practice in violation of 3 V.S.A. §129a(b)(2) and Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2);

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- c. Committed unprofessional conduct by the performance of unsafe or unacceptable patient or client care in violation of 3 V.S.A. §129a(b)(1) and Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1).

Understandings

26. 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.
27. 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.
28. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
29. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
30. 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.
31. Respondent voluntarily waives his right to charges and a contested hearing before the Board of Nursing.
32. 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 Respondent's conduct described in the paragraphs above, taken alone, together or in any combination, constitutes unprofessional conduct in that the Respondent has:
- i. Committed unprofessional conduct by in the course of practice, gross failure to use and exercise on a particular occasion or the failure to use and exercise on repeated occasions that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, and prudent professional engaged in similar practice under the same or similar conditions, whether or not actual injury to a client, patient or customer has occurred in violation of 3 V.S.A. §129a(a)(10);
 - ii. Committed unprofessional conduct by failing to conform to the essential standards of acceptable and prevailing practice in violation of 3 V.S.A.

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§129a(b)(2) and Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2);

- iii. Committed unprofessional conduct by the performance of unsafe or unacceptable patient or client care in violation of 3 V.S.A. §129a(b)(1) and Administrative Rules of the Board of Nursing Chapter 4, Rule IV(II)(B)(1).

B. The Board of Nursing hereby **CONDITIONS** Respondent's license for A **MINIMUM PERIOD OF ONE (1) YEAR** from the date of entry of this Order. The **CONDITIONS** are as follows:

(1) License to be labeled "Conditioned".

Any license issued to the Respondent by this Board shall be labeled "Conditioned".

(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 total of **one (1) year** of supervised nursing practice in which he 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.

(3) Health Assessment Course.

Respondent must complete (i.e.: receive a passing grade, if applicable) a course on health assessment with prior approval by the Board or its designee, and then submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee. This course must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order.

(4) 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 during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent 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 Respondent is attending a nursing program which has a clinical portion which involves actual patient care, he 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 its conditions during clinical experience.

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(5) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Stipulation and Consent Order and every month thereafter for the year the conditions are in place, Respondent shall cause every nursing employer Respondent 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 is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his 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.

(6) Practice Under Supervision.

Respondent shall practice only in a nursing setting where Respondent has on-site supervision for the entire shift by a registered nurse that is licensed and in good standing with the Board.

(7) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period 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 his 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) 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 he has otherwise complied with the requirements for license renewal.

(10) Costs.

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

(11) 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.

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(12) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on his license. The Respondent must present proof that he has fully complied with the terms of this 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. 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:

Dated: 3/

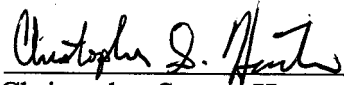
STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

CHRISTOPHER STEVEN HARTER
RESPONDENT

Dated: 3.23.04

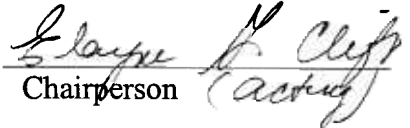
By: 

Christopher Steven Harter

APPROVED AND SO ORDERED:

Dated: 4-12-04

VERMONT BOARD OF NURSING

By: 

Chairperson (acting)

Date of Entry: 4/14/04

ru.harter.stip

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