

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Kathleen M. Horne
License No: 26-24306

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Docket No. NU82-0601

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Kathleen M. Horne, 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 and 814; 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 Kathleen M. Horne, of Woodsville, New Hampshire, is a registered nurse holding license number 26-24306, issued by the State of Vermont. This license was originally issued on about September 29, 1998, it was summarily suspended by Order entered July 12, 2001 and it was indefinitely suspended by Order entered September 25, 2001 (attached and incorporated).
3. At all times relevant, Respondent was employed by Brookside Nursing Home, of Bradford, Vermont, from about April 24, 2000 to May 30, 2001.
4. Respondent admits that on or about May 30, 2001, she left her nursing assignment, during a shift, without properly advising appropriate personnel.
5. Respondent admits that during the first half of '2001, on occasions including about April 3, April 4 and/or May 3, she willfully falsified, altered and made

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inaccurate entries, and failed to make the proper entries, in medical records related to prescription medication wasting.

6. Respondent represents that subsequent to September 25, 2001, she has been in contact with the Board's staff and has complied with a recommendation to undergo an independent alcohol and drug abuse evaluation. Respondent further represents that the evaluation did not substantiate the presence of an addiction disorder, however, the evaluator did make a recommendation outlined in paragraph B of the Consent Order, below.
7. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
8. 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.
9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent waives any notification period and agrees to have this document reviewed by the Board during 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 her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

12. 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.
13. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
14. 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 above, Respondent acted unprofessionally pursuant to, and in violation of: 3 V.S.A. §129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the making of proper reports or records or willfully failing to file the proper reports or records); Nursing Board Rules: Chapter 4, Rule IV, B.4.f (leaving a nursing assignment without properly advising appropriate personnel) and Chapter 4, Rule IV, B.4.c (falsifying or altering clinical records or making inaccurate or misleading entries), which further constitutes unprofessional conduct within the meaning of, and also further violates: 26 VSA §1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public) and 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

B. The Nursing Board, cognizant that Respondent's license has been suspended since about July 12, 2001, further **INDEFINITELY SUSPENDS** the Respondent's license, commencing on the date this order is entered, continuing until

she presents to the satisfaction of the Board or its designee, a report (not less than five pages in length, typed and single-spaced) on alcohol and drug addiction in the nursing profession, demonstrating that Respondent has undertaken reading on the subject, has an understanding of why this is a problem, how diversion happens and how not to enable addicted peers.

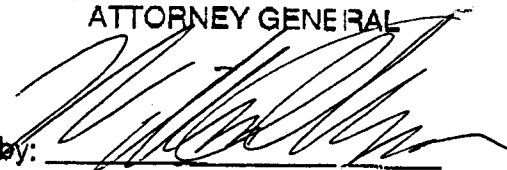
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).

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. SORFELL
ATTORNEY GENERAL

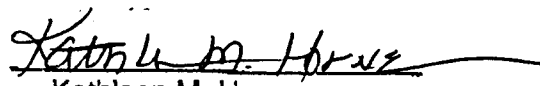
Dated: 10/28/02

by: 

William H. Ahlers
Assistant Attorney General

RESPONDENT
KATHLEEN M. HORNE

Dated: 10/28/02

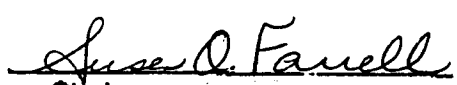
by: 

Kathleen M. Horne

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Nov 4, 2002

by: 

Chairperson

Date of entry: 11/6/02

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE: Kathleen Horne)
Case File No. NU82-0601) DEFAULT ORDER
License No. 26-24306)

Introduction

The Board of Nursing held a default hearing in the above matter on September 12, 2001 at 81 River Street in Montpelier, Vermont. Board members Larry Kingsbury, Elayne Clift, Alan Weiss, Diane Dowgiewicz, Susan Farrell, Laurey Tyo and Pat Rock participated in the decision. Assistant Attorney General William Ahlers appeared for the State. The Respondent was not present.

The Board took official notice of its own files in making the default determination.

Findings of Fact

1. The Respondent was sent notice of the Charges against her by certified mail to her last known address on July 18, 2001. The certified mail return receipt came back to the Office of Professional Regulation bearing the signature of Richard Horne, signed for on July 21, 2001.
2. Notice of the default hearing was mailed to the same address.
3. The Respondent has not answered the Charges against her.
4. Upon hearing the State's presentation and taking notice of its own file, the Board found the Respondent to be in default. The allegations contained in the State's Specification of Charges dated July 17, 2001 (copy attached) are therefore treated as the facts on which the Board's order is based.

Conclusions of Law

The Respondent has received adequate notice of the Charges against her as indicated by the Board's file and the State's presentation. Because the Respondent has failed to answer the Charges, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in a default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby REVOKED, effective as of the date of entry of this Order, below.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell
Chair

Date: 9/24/01

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9/25/01

STATE OF VERMONT
BOARD OF NURSING

In re: Kathleen Horne
License No. 26-24306

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Docket No. NU82-0601

SUMMARY SUSPENSION ORDER

On July 9, 2001, this case came before the Board of Nursing for a hearing on the State's request for summary suspension.

Based upon the evidence presented by the parties, the Board finds that the allegations in the request for summary suspension have been established to the necessary degree. Therefore, the Board finds that the public health, safety, or welfare imperatively require emergency action against the Respondent's license.

Pursuant to 3 V.S.A. § 814(c), Respondent Kathleen Horne's nursing license is SUMMARILY SUSPENDED until a hearing on charges has been held and determined, or other resolution of this case.

BOARD OF NURSING

By: Diane Dzugrewicz
Chair

Dated: 7-9-01

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7-12-01

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Kathleen M. Horne

License No: 26-24306

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Docket No. NU82-0601

SPECIFICATION OF CHARGES

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 and 814; 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 Kathleen M. Horne, of Woodsville, New Hampshire, is a registered nurse holding license number 26-24306, issued by the State of Vermont. This license was originally issued on about September 29, 1998 and it was summarily suspended by Order of Nursing Board, entered on July 12, 2001.
3. At all times relevant, Respondent was employed by Brookside Nursing Home, of Bradford, Vermont, from about April 24, 2000 to May 30, 2001.

Count 1

4. Paragraphs 1 to 3 are incorporated.
5. On or about May 30, 2001, Respondent left her nursing assignment, during a shift, without properly advising appropriate personnel.
6. The above act(s), omission(s) and/or circumstance(s) violate: Nursing Board Rules: Chapter 4, Rule IV, B.4.f (leaving a nursing assignment without properly advising appropriate personnel) and 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

Count 2

7. Paragraphs 1 to 3 are incorporated.
8. During the first half of '2001, on an occasion or on multiple occasions, including but not necessarily limited to about, April 3, April 4 and/or May 3, Respondent falsified, altered and/or made inaccurate entries in medical records related to prescription medications (and/or failed to make the proper entries). Further, upon information and belief, Respondent did so willfully.

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9. The above act(s), omission(s) and/or circumstance(s) violate: 3 V.S.A. §129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the making of proper reports or records or willfully failing to file the proper reports or records) and/or Nursing Board Rules: Chapter 4, Rule IV, B.4.c (falsifying or altering clinical records or making inaccurate or misleading entries), which further constitutes unprofessional conduct within the meaning of, and also further violates: 26 VSA §1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public) and 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

Count 3

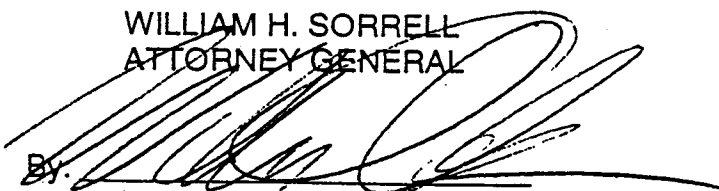
10. Paragraphs 1 to 3 are incorporated.
11. During the first half of '2001, on an occasion or on multiple occasions, including but not necessarily limited to about, April 3, April 4 and/or May 3, while in the course of her work, Respondent diverted, without authorization, regulated medication(s). Upon information and belief, said regulated medication(s) included, but were not necessarily limited to, Tylenol with Codeine, Clonazepam and/or Diazepam.
12. The above act(s), omission(s) and/or circumstance(s) violate: Nursing Board Rules: Chapter 4, Rule IV, B.4.d (diverting supplies, equipment, or drugs for personal use or other unauthorized use), which constitutes unprofessional conduct within the meaning of, and also further violates: 26 VSA §1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public) and 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

WHEREFORE, the license of Kathleen M. Horne should be revoked, suspended or otherwise disciplined.

Dated this 16th day of July, 2001 at Montpelier, Vermont.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 

William H. Ahlers
Assistant Attorney General

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