

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:

DIXIE RAY HUBBARD

License No. 026.0017847

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Docket No. 2008-274 (NU15-0708)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Dixie Ray Hubbard, RN, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Dixie Ray Hubbard (the "Respondent") of Swanton, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0017847. This license was originally issued on or about August 18, 1987 and is currently set to expire on or about March 31, 2011.
3. At all times relevant, Respondent was employed as a Registered Nurse at Northwestern Medical Center (the "Facility"), located in St. Albans, Vermont.
4. On or about July 25, 2008 in a Mandatory Report of Unprofessional Conduct, Nurse Manager C.L. reported that on or about July 15, 2008, Respondent was terminated from the Facility for Respondent's inappropriate behavior, which occurred on or about June 25, 2008. C.L. reported that Respondent gestured at Dr. B. with her middle finger and stated, "Right there" to him, while arguing with Dr. B. about the completion of a patient's consent form. C.L. advised that this event occurred in front of the patient and the patient's spouse, as well as other staff members.
5. On or about January 23, 2009 in a written statement, Respondent stated that on the date in question, she was working as a circulator in the operating room and had been

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advised by APRN H.L. that a consent form had not been located for a patient who was about to undergo surgery. Respondent stated that based on her previous training, she was aware that surgery should not be performed unless a valid consent was obtained. Therefore, Respondent paged the anesthesiologist to find out whether he had the document. At the time, Respondent's page went unanswered.

6. In her statement, Respondent indicated that she then stood at the foot of the patient's bed and began to review the file in an effort to locate the consent form, while Dr. B., an ambulatory nurse, and the patient's wife were in the room. Respondent advised that Dr. B. then pushed the patient's stretcher in an effort to move the patient to the operating room, which caused the bed to hit Respondent in the leg. Thereafter, Respondent stated that she and Dr. B. engaged in communication regarding the consent form, with Respondent informing Dr. B. that she needed to have the form in the patient's file and Dr. B. informing Respondent that he had already gone over the form with the patient. Respondent stated that she ultimately took their communication personally, and Respondent admitted to thereafter holding up her middle finger to Dr. B. and saying, "Right there." Respondent stated that upon reflection, it was clear to her that aside from offending Dr. B., the patient and his wife could have seen her gesture. Respondent stated that her reaction was "totally inappropriate" and that she "immediately felt remorse."

Charges

7. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
- a. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - b. 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).

Understandings

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 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.

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10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
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 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.
13. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
14. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

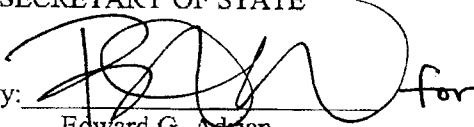
Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **WARNS** Respondent's license to practice registered nursing.
- B. 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).
- C. 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:

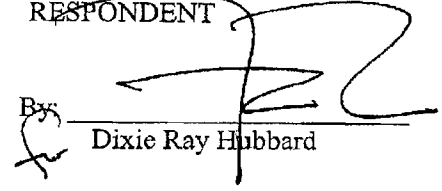
STATE OF VERMONT
SECRETARY OF STATE

Dated: 7-13-09

By:  for
Edward G. Adrian
State Prosecuting Attorney

DIXIE RAY HUBBARD
RESPONDENT

Dated: 7/13/09

By: 
Dixie Ray Hubbard

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7.13.2009

By: *Glen Riff*
Chairperson

Date of Entry: 7/14/09

nu.hubbard.stip

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