

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

In re:	Janice D. Hutt	}	Docket No. NU14-0804
License No.	025-0008477	}	
		}	

DEFAULT ORDER

The Nursing Board held a hearing on the above matter on 13 February 2006 at Central Vermont Hospital 130 Fisher Road, Berlin, Vermont.

Findings of Fact

1. Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28, the Administrative Rules of the Board of Nursing and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a Specification of Charges against the Respondent on 28 November 2005.
3. The Respondent's license is currently conditioned and requires that the Respondent notify all employers of the terms of her conditioned license. The State alleges that the Respondent, in applying for a job, gave a false name and false social security number.
4. The Office of Professional Regulation served Respondent with notice of the charges by certified mail and first class mail to the Respondent's last known address as provided by the Respondent to the Office of Professional Regulation. The notice of charges contained instructions detailing the Respondent's legal obligation to answer the charges and explaining the consequences of failure file a timely answer. The Respondent was also sent a notice of the default hearing on this matter by certified mail.
5. The Respondent did not answer the charges within the time permitted by Office of Professional Regulation Rule 3.3 or at any time thereafter.
6. Upon hearing the State's presentation and taking notice of its own file pursuant to 3 V.S.A. 810(4), the Board found the Respondent to be in default. The allegations contained in the State's specification of charges (copy attached) are therefore treated as proven and serve as the factual basis for the Board's order. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

The Respondent received adequate and legal notice of the charges as indicated by the Board's file and the State's presentation of the case to the Board. Because the Respondent failed to answer the charges of unprofessional conduct, the Board finds the Respondent in default and will treat the State's factual allegations as if proven pursuant to Office of Professional Regulation Rule 3.4. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in unprofessional conduct as alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the Board of Nursing orders the license of the Respondent to be INDEFINITELY SUSPENDED effective as of the date of entry by the Office of Professional Regulation.

Vermont Board of Nursing:

By:

Susan O. Farrell
Susan O. Farrell, RN, Chairperson

Dated:

06/13/03
March 13, 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY:

3/14/06

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STATE OF VERMONT
BOARD OF NURSING

In re: Janice D. Hutt
License No. 025-0008477

Docket No. NU14-0804

SUMMARY SUSPENSION ORDER

On 14 November 2005, this matter came before the Vermont State Board of Nursing on the prosecution's Request for Summary Suspension pursuant to 3 V.S.A. § 814(c). The Board has authority to summarily suspend a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action.

Findings of Fact:

Based on a review of the pleadings, the file, and the evidence presented to the Board at the hearing on this matter, the Board finds:

1. The Respondent is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a), and the Administrative Rules of the Office of Professional Regulation.
2. The State filed a "Request for Summary Suspension" dated 2 November 2005 (attached) alleging that Respondent violated a Stipulation and Consent Order by the Board that was entered into on 18 March 2004. Further, the State alleges that the Respondent provide a false name and false social security number to subvert the findings of a background check of a Vermont hospital.
3. The State alleges that public health, safety or welfare imperatively requires emergency action, and the state asks this Board to summarily suspend the Respondent's license.
4. The State provided the Respondent with notice of this matter, but the Respondent did not appear at the hearing.
5. The Board has considered the evidence related to the allegations in the State's Request for Summary Suspension.
6. The Board finds that the State, in presenting evidence in support of its Request for Summary Suspension, has shown that emergency action is needed to protect the public health, safety and welfare.

Conclusions of Law:

The prosecution's Request for a Summary Suspension is supported by the evidence as required by 3 V.S.A. § 814(c). The Board concludes that protection of the public health, safety and welfare imperatively requires emergency action.

Order:

Pursuant to 3 V.S.A. § 814(c), the Board issues the following order which shall remain in effect until further action by the Board.

The Respondent's license is summarily suspended pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, RN, Chair

Date: November 28, 2005

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 11/30/05

IN RE: JANICE D. HUTT) DOCKET No. NU14-0804
License No. 025-0008477)

Board Authority

- ## Statement of Facts

- STATE OF VERMONT



Request for Relief

7. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.

8. The above acts and circumstances, alone or in combination, violate: 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); 3 V.S.A. § 129a(a)(4)(failing to comply with an order of the board or violating any term or condition of a license restricted by the board); 3 V.S.A. § 129a(a)(7) (willfully making or filing false reports or records in the practice of the profession); 26 V.S.A. § 1582(a)(3)(is unable to practice nursing competently by reason of any cause); 26 V.S.A. § 1582(a)(7)(engages in conduct of a character likely to deceive, defraud or harm the public);

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026-0018399 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 2nd day of November, 2005.

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

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STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

IN RE: JANICE D. HUTT) DOCKET No. NU14-0804
License No. 025-0008477)

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Janice D. Hutt, R.N.:

1. The Vermont State Board of Nursing (“the Board”) has authority to issue warnings or reprimands, suspend, revoke, limit, 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)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); the Administrative Rules of the Board of Nursing (“ARBN”); and the Rules of the Office of Professional Regulation.

2. Janice D. Hutt (the "Respondent") of Hartland, Vermont is a licensed nurse holding license number 025-0008477, issued by the State of Vermont. This license was originally issued on or about March 18, 2004 and is set to expire on January 31, 2006.
3. On or about July 20, 2005 the Respondent was placed on a Stipulation and Consent Order by this Board. Attachment A. The Stipulation requires the Respondent to notify all her employers of the terms of the Stipulation and Consent Order.
4. The Respondent was employed by Springfield Hospital (the "Hospital") in Springfield, Vermont on or about September 26, 2005. The Respondent did not disclose the Stipulation to her employer.
5. As part of the application process for employment at the Hospital, the Respondent was required to give her social security number and name. The Respondent provided a false name and false social security number. This information provided by the Respondent was to be used in part for obtaining a background check of her past nursing history.

The Seal of the State of Vermont is located at the top center of the page. It features a shield with a landscape scene: a large evergreen tree in the center, a small building to the left, and a cow grazing in the foreground. Above the shield is a crest showing a bent arm holding a broadsword. A ribbon banner at the bottom of the shield contains the word "VERMONT". Below the shield, the words "PROCEDES" and "EST 1777" are visible on either side of a central decorative element.

**Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107**

6. Respondent's nursing license was summarily suspended by this Board on or about November 14, 2005.

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
- i. 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);
 - ii. 3 V.S.A. § 129a(a)(4) (failing to comply with an order of the board or violating any term or condition of a license restricted by the board);
 - iii. 3 V.S.A. § 129a(a)(7) (willfully making or filing false reports or records in the practice of the profession);
 - iv. 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause); and
 - v. 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public).

Relief Requested

WHEREFORE, the license of Janice D. Hutt should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 28th day of November, 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.hutt.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

IN RE:

Case File No. NU14-0804

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, July 11, 2005, at 81 River Street in Montpelier, Vermont. Board members Susan Farrell, Ellen Leff, Donarae Metcalf, Alan Weiss, Laurey Tyo, De-Ann Welch and Elayne Clift participated in the decision. Edward Adrian, Prosecuting Attorney, appeared for the State. Janice Hutt ("the Respondent") was present. Christopher Winters was the Presiding Officer.

The parties requested the Board determine whether the Respondent could practice under the direct supervision of a licensed practical nurse in her current work setting, when the typical conditioned license requires the supervision be by a registered nurse.

A. In light of the above findings and conclusions, the Board determined the Respondent may be supervised by her current supervisor, Martha Chesley, who is a licensed practical nurse. In support of this, the Board finds that the practice setting (assisted living) does not have the same level of acuity of most other settings and the types of errors made by the Respondent did not involve nursing judgment. Further, Ms. Chesley is an experienced licensed practical nurse.

C. As part of this supervision requirement, the Respondent must demonstrate to the Board that she is able to administer medications safely and competently. She shall, within the two (2) year conditioned license period, perform medication passes at least sixty (60) times for her shift under the supervision of a registered nurse.

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

E. This Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

Appeal Rights

This is a final administrative determination by the Vermont 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, RN
Chair

Date: July 15, 2005

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 7/20/05

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

IN RE:

JANICE D. HUTT

License No: 025-0008477

)
) Docket No: NU 14-0804
)

STIPULATION AND CONSENT ORDER FOR REINSTATEMENT

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent, Janice D. Hutt, L.P.N., who stipulate and agree as follows:

Board Authority

1) The Vermont State Board of Nursing ("the Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing ("ARBN"); Rules of the Office of Professional Regulation.

Facts

- 2) The Respondent, Janice D. Hutt, is a Licensed Practical Nurse in the State of Vermont holding License Number 025-0008477. Respondent was originally licensed on March 18, 2004 and Respondent's license is currently set to expire on January 31, 2006.
- 3) The Respondent's license is currently suspended pursuant to a Default Order entered by the Board on April 21, 2005, and the Respondent is now seeking reinstatement of her license. The discipline imposed was based upon the facts below.
- 4) At all times relevant, the Respondent was employed as an L.P.N. at Cedar Hill Continuing Care Community located in Windsor, Vermont.
- 5) The Respondent failed to give resident E.S. the prescribed 8:00 a.m. tablet of Prevacid each day from July 22, 2004 through July 26, 2004, however, the Respondent indicated on the MAR that she had given the medication.
- 6) The Respondent failed to feed resident N.G. via a feeding tube as frequently as ordered between July 24, 2004 and July 26, 2004, however the Respondent signed off on the MAR as having fed N.G.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

- 7) Between July 24, 2004 and July 26, 2004, the Respondent failed to give resident W.T. a total of five tablets of Dilantin, however the Respondent signed off on the MAR as having given the medication. W.T. had an order for Dilantin 100 mg three times per day.

Charges

- 8) The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:
- i. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and
 - ii. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public), which includes making inaccurate or misleading entries pursuant to ARBN, Chapter 4, Rule IV(II)(D)(3); and
 - iii. 3 V.S.A. §129a(a)(3) (Failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

- 9) 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.
- 10) Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 11) 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.
- 12) 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.
- 13) The Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

- A. The Board of Nursing hereby reinstates the Respondent nursing license. This license shall be **CONDITIONED FOR A MINIMUM PERIOD OF TWO (2) YEARS** from the date of entry of this Order. The **CONDITIONS** are as follows:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

(1) Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license 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 **two (2) years** of supervised nursing practice in which she 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. The Respondent is prohibited from working more than forty (40) hours per week.

(3) Medication Administration and Documentation Course.

Respondent must complete (i.e.: receive a passing grade, if applicable) a course focusing on medication administration and documentation 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. Respondent shall complete this course within sixty (60) days of the date of entry of this 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 nursing 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, she 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.

(5) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Stipulation and Consent Order or within one (1) month of the commencement of nursing employment, and monthly thereafter for the period 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 Respondent's 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.

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Prosecuting Attorney
Office of
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Montpelier, VT 05602

(6) Practice Under Supervision.

Respondent shall practice only in a setting where Respondent has direct supervision for the entire shift. The Respondent would like for a licensed practical nurse to be able to provide this supervision. The State believes it is appropriate only for a registered nurse to provide this supervision. The parties request that the Board decide the requirements as part of a disposition hearing.

(7) Types of Employment Prohibited.

Respondent shall not work in a supervisory role, with the exception of supervising LNAs and other unlicensed assistive persons. 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 her 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 Respondent's employment, personal address, or telephone number.

(9) Notification to Other States.

In the event that the Respondent is licensed as a nurse in any other state(s), she must inform the licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(10) 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.

(11) Costs.

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

(12) 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.

(13) Completion of Conditional License Period.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

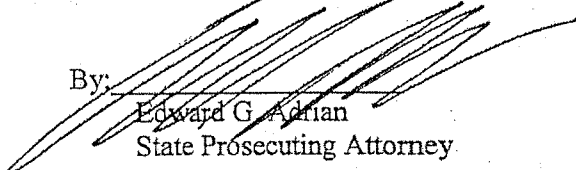
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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:

STATE OF VERMONT
SECRETARY OF STATE

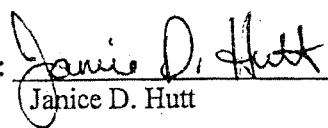
Dated: 7/7/05

By: 

Edward G. Adrian
State Prosecuting Attorney

JANICE D. HUTT
RESPONDENT

Dated: 7/5/05

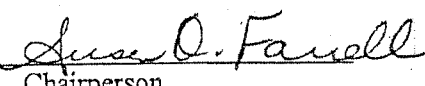
By: 

Janice D. Hutt

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: July 11, 2005

By: 

Chairperson

Date of Entry: 7/20/05

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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Hartland

**STATE OF VERMONT
BOARD OF NURSING**

In re: Janice D. Hutt
License No. 025-0008477

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Docket No. NU 14-0804

Appearances:

Petitioner, State of Vermont: Edward G. Adrian
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on April 11, 2005 at the Central Vermont Medical Center in Berlin, Vermont. The Respondent did not attend and was not represented.

Findings of Fact

1. Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. §§ 1595 and 1598, the Administrative Rules of the Board of Nursing and the Rules of the Office of Professional Regulation.
2. The Respondent was sent notice of the Charges against her by certified mail on February 16, 2005 at her last known address.
3. The returned envelope shows that three notices were sent to the respondent, but that the letter was unclaimed.
4. Ms. Hutt has not filed an answer to the charges.
5. Notice of the default hearing scheduled for April 11, 2005 was mailed to that same address by certified mail on March 30, 2005. The file contains no return on this mailing.
6. The Respondent has still not answered the charges against her.
7. Upon hearing the State's presentation and taking notice of its own file, the Board finds the Respondent to be in default. The allegations contained in the State's specification of charges dated February 8, 2005 (copy attached) are therefore treated as the facts on which the Board's order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

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 against her, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in the 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 **suspended indefinitely**.

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: Laury M. Tyo RN
~~Susan Farrell, R.N.~~
Chair

Date: 4-11-05

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 4/21/05

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

IN RE:)
JANICE D. HUTT) Docket No: NU 14-0804
License No: 025-0008477)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Janice D. Hutt, L.P.N.:

Board Authority

- 1) The Vermont State Board of Nursing ("the Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing ("ARBN"); Rules of the Office of Professional Regulation.
- 2) The inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
- 3) The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2).
- 4) Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(7).
- 5) Conduct of a character likely to deceive, defraud, or harm the public includes making inaccurate or misleading entries. ARBN, Chapter 4, Rule IV(II)(D)(3).
- 6) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

- 7) The Respondent, Janice D. Hutt, is a Licensed Practical Nurse in the State of Vermont holding License Number 025-0008477.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

8) Respondent was originally licensed on March 18, 2004 and Respondent's license is currently set to expire on January 31, 2006.

9) At all times relevant, the Respondent was employed as an L.P.N. at Cedar Hill Continuing Care Community located in Windsor, Vermont.

10) The Respondent failed to give resident E.S. the prescribed 8:00 a.m. tablet of Prevacid each day from July 22, 2004 through July 26, 2004, however, the Respondent indicated on the MAR that she had given the medication.

11) The Respondent failed to feed resident N.G. via a feeding tube as frequently as ordered between July 24, 2004 and July 26, 2004, however the Respondent signed off on the MAR as having fed N.G.

12) Between July 24, 2004 and July 26, 2004, the Respondent failed to give resident W.T. a total of five tablets of Dilantin, however the Respondent signed off on the MAR as having given the medication. W.T. had an order for Dilantin 100 mg three times per day.

Charges

13) The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

- i. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and
- ii. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public), which includes making inaccurate or misleading entries pursuant to ARBN, Chapter 4, Rule IV(II)(D)(3); and
- iii. 3 V.S.A. §129a(a)(3) (Failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Janice D. Hutt should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this

day of

January 2004.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

STATE OF VERMONT
SECRETARY OF STATE

By: _____
Edward G. Adrian
State Prosecuting Attorney

nu.hutl.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602