

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

IN RE:

JODI LYNN JONES

License No. 026.0017220

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Docket No. 2009-191

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Betsy Ann Wrask, and the Respondent, Jodi Lynn Jones, 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. Jodi Lynn Jones (the "Respondent") of Proctor, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0017220. This license was originally issued on or about August 22, 1986 and is currently set to expire on or about March 31, 2011. Respondent has been a practicing registered nurse for 24 years. Prior to this complaint, Respondent has never been charged with or found to have engaged in unprofessional conduct.
3. At all times relevant, Respondent was employed as a Registered Nurse in the Surgical Care Unit at Rutland Regional Medical Center (the "Facility"), located in Rutland, Vermont.
4. It is Facility policy that whenever a discrepancy occurs in the count of a controlled substance, the charge nurse will be notified immediately.
5. It is Facility policy that when a controlled substance is removed for a patient, the nurse needs to sign out the medication in the Omnicell (electronic drug dispensing machine) indicating the patient's information, dose, date/time, prescribing physician, and waste, if any.

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6. On or about December 18, 2008, Anesthesiology ordered Dilaudid IV 0.2mg every ten (10) minutes to a maximum of 2mg every four (4) hours as needed for pain for Patient D.K., who had just undergone abdominal surgery.
7. The smallest amount of Dilaudid IV that can be removed from the Omnicell is a 2mg syringe.
8. The State contends that on or about December 20, 2008 at 08:17, Respondent removed from the Omnicell one (1) Dilaudid IV 2mg syringe for D.K., then entered in the Omnicell that she was cancelling this removal, but did not thereafter return this syringe to the Omnicell. This caused a discrepancy in the Omnicell record, which Respondent did not immediately report to her charge nurse. Moreover, when Respondent removed this narcotic but then cancelled the transaction without returning the narcotic, Respondent effectively failed to sign out this controlled substance in Omnicell. Respondent took this action because she did not want to waste 1.8mg Dilaudid after every ordered 0.2mg Dilaudid administration.
9. Respondent on the other hand contends that on or about December 20, 2008 at 08:17, after assessing his pain and determining he would need the full 2mg amount ordered, she removed from the Omnicell one (1) Dilaudid IV 2mg syringe for D.K. Because the Pharmacy entered into the Omnicell for D.K. an order of just 0.2mg of the Dilaudid, the Omnicell was programmed to prompt a waste of the remaining 1.8mg of the medication. When this prompt came up on the screen calling for a 1.8mg waste, Respondent thought she cancelled the waste, but instead she took an action that was recorded in the Omnicell as a NOI (meaning the bin was opened without a removal), thereby causing an unintended discrepancy in the Dilaudid count.
10. According to D.K.'s Medication Administration Record (the "MAR"), Respondent then used this Dilaudid 2mg syringe to administer "[0].2" to D.K. on or about December 20, 2008 at 08:30; 08:40; 08:50; 09:00; and 09:10. Although D.K.'s order called for the administration of 0.2mg Dilaudid every ten (10) minutes, Respondent's documentation did not specify whether her "[0].2" administration was in cc's or mg's. Respondent did note in the MAR for D.K., however, that she gave the full 2mg of Dilaudid as ordered.
11. The State contends that at approximately 09:15 on this date, Registered Nurse M.F. noticed that the Dilaudid count was off in the Omnicell (due to Respondent's removal of the Dilaudid, despite her entered cancellation). M.F. asked Respondent whether she had removed any Dilaudid from the Omnicell. At that point, Respondent advised M.F. and Registered Nurse L.O. of her cancellation.
12. Respondent on the other hand contends that because she thought she was only cancelling the waste of the Dilaudid and not the entire transaction, she did not believe she was causing a discrepancy that needed to be reported to her charge nurse. She contends that a discrepancy in the Dilaudid count was not discovered until M.F. next

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accessed it from the Omnicell for one of her patients, and then she and M.F. jointly reported the discrepancy to both her charge nurse and the Pharmacy.

13. Respondent admits that in converting mg's to cc's, she inadvertently doubled the dose from 0.2mg to 0.4mg in each ten (10) minute interval. Because there is 0.1 milliliter in 1cc, but double that amount in milligrams, i.e. 0.2mg, and Respondent contends that she pushed the syringe five (5) times – each push being 0.2mg of the syringe – Respondent admits that she inadvertently administered to D.K. 0.4mg every ten (10) minutes five (5) times, instead of 0.2mg each time. In any event, Respondent contends that she did not administer to D.K. more than the 2mg Dilaudid ordered, and there was no indication that any harm was caused to the patient as a result of Respondent's dosage calculation error.
14. The conduct described above involves Respondent's nursing practice in regard to one patient, and does not depict an ongoing pattern of practice issues. Moreover, the conduct at issue is not alleged to be related to the diversion of any narcotics.

Charges

15. The State contends that 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 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).

Understandings

16. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below.
17. 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.

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18. 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.
19. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
20. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
21. 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.
22. 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.
23. Even though some of the above facts are contested, Respondent does not contest that the State could prove facts sufficient to merit the reprimand and conditions below, and therefore agrees that the following Order 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 **REPRIMANDS** and **CONDITIONS** the Respondent's license to practice registered nursing **from the date of entry below**. The conditions are as follows:

(1) Re-issue of License.

Upon the imposition 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 meets the coursework requirements described below in A(3) and (4).

(3) Documentation Course.

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Respondent must successfully complete (i.e., receive a passing grade, if applicable) a documentation course focusing on documentation with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This course must be completed within sixty (60) days of the date of entry of this Stipulation and Consent Order.

(4) Management and Administration of Controlled Substances Course.

Respondent must successfully complete (i.e., receive a passing grade, if applicable) a controlled substances course focusing on the management and administration of controlled substances with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This course must be completed within sixty (60) days of the date of entry of this Stipulation and Consent Order.

(5) 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 as a nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(6) Costs.

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

(7) 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.

(8) Completion of Conditional License Period.

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.

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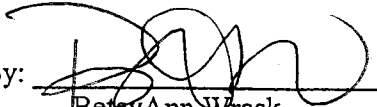


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AGREED TO:

Dated: 12-13-10

STATE OF VERMONT
SECRETARY OF STATE

By: 
Betsy Ann Wrask
State Prosecuting Attorney

JODI LYNN JONES
RESPONDENT

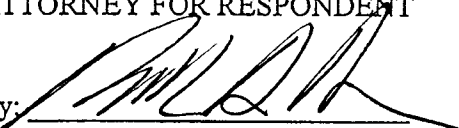
Dated: 11-22-10

By: Jodi Lynn Jones RN
Jodi Lynn Jones

APPROVED AS TO FORM:

Dated: 11-29-10

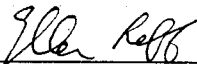
ATTORNEY FOR RESPONDENT

By: 
Beth A. Danon, Esq.

APPROVED AND SO ORDERED:

Dated: 12-13-10

VERMONT BOARD OF NURSING

By: 
Chairperson

Date of Entry: 12/14/10
nu.jones.stip4

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