

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:)
Donna Lee Keehn-Fields) Case File No. NU34-1102
License No. 26-27576)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, April 26, 2004, at 81 River Street in Montpelier, Vermont. Board members Sandra Norton, Ellen Leff, Alan Weiss, Laurey Tyo and *ad hoc* members Margaret Luce and Brenda Smith participated in the decision. Edward Adrian, Prosecuting Attorney, appeared for the State. Donna Lee Keehn-Fields ("the Respondent") was present, and was represented by Attorney Davis Buckley.

The parties had been prepared to proceed to a contested hearing, but rather submitted a proposed resolution of the case to the Board for its consideration. The Respondent agreed not to contest the State's Specification of Charges dated November 13, 2003 ('the Charges'), with some modifications to those Charges, as set forth in the Findings of Fact section, below. The State moved to strike Paragraph 9 of the Charges. The Respondent agreed to accept the sanction of a conditioned license for a period of three months, as set forth in the Order section, below. The Respondent does not admit to the truth of the allegations, but does not contest that the Board would have a basis to find in favor of the State at a merits hearing.

After deliberation, the Board approved the parties' proposal as set forth in this document.

Findings of Fact

The Board incorporates the facts from the State's Charges as the facts upon which its conclusions and Order are based, repeated here with some slight modifications as negotiated by the parties:

1. The Respondent is a Registered Nurse holding License Number 26-27576.
2. Respondent's license lapsed March 31, 2003.
3. At all times relevant, the Respondent was employed by Fletcher Allen Health

Care in Burlington, Vermont.

4. On or about the last week of October, 2002, Respondent failed to provide any hygienic services to several patients in her care. When checked by the next nurse on duty "dry stool" was found on a patient indicating that the patient had not been checked for some time.

5. On or about October, 2002, Nurse Elizabeth Riley asked the Respondent why a patient had not received hygienic care during the Respondent's shift. Respondent stated that she was too busy and did not have time to care for the patient.

6. On or about October 29, 2002, Nurse Deb Bumgardner arrived for her shift at 7:00 PM. Respondent's shift was scheduled to go to 7:30 PM on that date. Respondent left at 7:10 PM. By leaving early, Respondent precluded Nurse Bumgardner from obtaining the information necessary to provide acceptable patient care.

Conclusions of Law

Based on the above facts, the Respondent has committed unprofessional conduct in that Respondent has shown she is unable to practice nursing competently by reason of any cause, in violation of 26 V.S.A. §1582(a)(3). More specifically, Respondent:

Performed unsafe or unacceptable patient care; and
Failed to conform to the essential standards of acceptable and prevailing nursing practice, which is also a violation of Board of Nursing Administrative Rule Chapter 4, Rule IV(B)(2).

Order

A. Based on the above findings and conclusions, the Board of Nursing hereby **CONDITIONS** Respondent's license for **A MINIMUM OF THREE MONTHS**, effective as of the date of the hearing, April 26, 2004. The **CONDITIONS** are as follows:

(1) **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 three (3) months of supervised nursing practice in which Respondent 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.

(2) **Notification to Employers.**

Respondent shall provide a copy of this Order to all employers in any current or future setting 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 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 Order and the ability to comply with the conditions in the Order.

(3) Reports from Employers.

Within one (1) month of the effective date of this Order and monthly thereafter, Respondent shall cause every employer Respondent has worked for during the relevant time period to submit to the Board an evaluation of Respondent's performance and attendance during that time period. 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 write to the Board, on school letterhead, acknowledging receipt of the Order and ability of the program to comply with the conditions in the Order during clinical experience.

Respondent shall sign a consent, upon request of the Board, to authorize Respondent's employer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Order is in effect.

(4) Practice Under Supervision.

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

(5) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice as a nurse in the State of Vermont.

(6) Costs.

Respondent shall bear all costs of complying with this Order.

(7) Violation of the Consent Order.

If Respondent violates the terms of this Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Order, the conditional license period shall be extended until the matter is final.

(8) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions and after formal review by the Board, Respondent's nursing

license may be formally restored by appropriate Board action. Respondent shall demonstrate, to the Board's satisfaction that Respondent fully complied with all the terms of this Order. If the Respondent demonstrates to the Board's satisfaction compliance with all conditions, then any and all conditions shall be removed.

B. 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).

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

By: Laurey Tyo
Laurey Tyo
Acting Chair

Date: 5-7-04

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 5/18/04

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

IN RE:)
DONNALEE KEEHN-FIELDS, R.N.)
License No.'s 26-27576

Docket No: NU34-1102

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont, by and through its State Prosecuting Attorney Edward G. Adrian and makes the following Charges against the Respondent, Donnalee Keehn-Fields, RN:

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)(6); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
2. Being unable 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. Inability to practice nursing competently includes performance of unsafe or unacceptable patient care and failure to conform to the essential standards of acceptable and prevailing nursing practice. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(2).

Facts

4. The Respondent is a Registered Nurse under License Number 26-27576.
5. Respondent's license lapsed on March 31, 2003.
6. At all times relevant to these Charges, the Respondent was employed by Fletcher Allen Heath Care in Burlington, Vermont.
7. On or about the last week of October, 2002, Respondent failed to provide any hygienic services to several patients in her care. When checked by the next nurse on duty "dry stool" was found on patient D.S. indicating that the patient had not been checked for some time.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

8. On or about October, 2002, Nurse Elizabeth Riley asked the Respondent why a patient had not received hygienic care during the Respondent's shift. Respondent stated that she was too busy and did not have time to care for the patient.
9. On or about October 29, 2002, Respondent received an order to give patient A.B. "1/2 amp insulin dose". Respondent was aware that insulin doses are not measured in "amps". Respondent ignored the order and failed to clarify or question the meaning of the order.
10. On or about October 29, 2002, Nurse Deb Bumgardner arrived for her shift at 7:00 PM. Respondent's shift was scheduled to go to 7:30 PM on that date. Respondent left at 7:10 PM. By leaving early Respondent precluded Nurse Bumgardner from obtaining the information necessary to provide acceptable patient care.

Charges

A. By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has:

- (1) Shown she is unable to practice nursing competently by reason of any cause, in violation of 26 V.S.A. §1582(a)(3), specifically Respondent:
 - (a) performed unsafe or unacceptable patient care; and
 - (b) failed to conform to the essential standards of acceptable and prevailing nursing practice; and
- (2) Shown that she is unable to practice nursing competently because of unsafe or unacceptable patient care and failure to conform to the essential standards of acceptable and prevailing nursing practice. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(2)

Relief Requested

WHEREFORE, the license of Donnalee Keehn-Fields, RN, should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 13th day of November 2003.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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