

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

IN RE:

Robin Keith, L.P.N.

License No. ~~025-0008113~~

8133

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Docket No: NU49-1201

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Robin Keith, 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).
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 Licensed Practical Nurse under License Number 025-0008113.
5. Respondent was originally licensed on or around September 27, 2001 and Respondent's license currently expires January 31, 2004.
6. At all times relevant to these Charges, the Respondent was employed by St. Johnsbury Health and Rehabilitation Center in St. Johnsbury, Vermont.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

7. From October 2001 through December 2001, Respondent made the following medication errors:
- a) On or about September 29, 2001, Respondent gave Trazadone to the resident's roommate instead of the proper resident;
 - b) On or about October 6, 2001, Respondent gave Coumadin and Calcarb to a resident without checking his identification. The resident was not the proper resident; and
 - c) On or about December 7, 2001, Respondent gave Coumadin, Ruspar and Roxicet to the wrong resident without verifying the resident was the proper resident.
8. Respondent self-reported some of the above errors.
9. None of the residents were adversely effected by the above medication errors.
10. Respondent was terminated as a result of the above errors.

Charges

11. By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has:
- a) 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:
 - i) performed unsafe or unacceptable patient care; and
 - ii) failed to conform to the essential standards of acceptable and prevailing nursing practice.

Understandings

- A. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- B. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- C. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- D. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.

- E. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- F. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

G. Based on the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent has:
 - a. 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:
 - i) performed unsafe or unacceptable patient care; and
 - ii) failed to conform to the essential standards of acceptable and prevailing nursing practice.

H. Based on the above stipulation and on the above findings and conclusions of this Board, it is **ORDERED** follows:

(1) The Board hereby **CONDITIONS** Respondent's license to practice nursing. The **CONDITIONS** on Respondent's license would be as follows:

- (a) Respondent shall complete a research paper acceptable to the Board, based on guidelines provided (attached and incorporated);
- (b) Respondent shall complete this research paper within three months on the entry of this order.

(2) The Board hereby **ADDITIONALLY CONDITIONS** Respondent's license to practice nursing **FOR A MINIMUM PERIOD OF SIX (6) MONTHS** as follows:

a. Length of Time Conditions Imposed.

The conditions shall remain in effect until Respondent has completed all conditions ordered. In calculating the length of time, if Respondent is employed for less than 35 hours in a given week that time shall be pro-rated and the overall length of time shall be extended automatically. Respondent's license is conditioned as follows.

b. Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she 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.

Respondent shall sign a consent, upon request of the Board, to authorize her 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 Consent Order is in effect.

c. Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered and/or licensed nurse in good standing with the Vermont Board of Nursing. Respondent shall not practice as a charge nurse.

I. Respondent shall petition the Board for reinstatement following the completion of the above.

J. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

K. 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).

L. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

Date: July 30 2002

BY: ROBIN KEITH
RESPONDENT

Robin Keith
Robin Keith

AND BY: STATE OF VERMONT
WILLIAM H. SCORRELL
ATTORNEY GENERAL

Date: 11/12/02

George C. Haegele IV
George C. Haegele IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: Dec. 9, 2002

Alice Farrell
Chairperson

Dated entered: 12/12/02