

**STATE OF VERMONT
BOARD OF NURSING**

**IN RE:
PATRICIA (PHELPS) KNIGHT**

Docket No.: NU36-0298

License Number 25-6793

MODIFIED STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General,
William H. Sorrell, and Respondent Patricia (Phelps) Knight, who stipulate and agree
as follows:

1. The Board of Nursing has jurisdiction to investigate and adjudicate allegations of
unprofessional conduct committed by nurses pursuant to 3 V.S.A. §§129, 129a,
and 26 V.S.A. §§1574, 1582.
2. Respondent Patricia Phelps, of Brattleboro, Vermont, is a licensed practical nurse
holding license number 25-6793 issued by the State of Vermont.
3. At all times relevant to paragraphs 4.a-i below, Respondent was employed by
Eden Park Nursing Home in Brattleboro, Vermont.
4. Respondent admits that, from October of 1997 to January of 1998, she made
several medication errors including, but not limited to, the following:
 - a. On or about October 24, 1997, failed to apply Nitro patch (Nitrek
0.4mg) as ordered to patient H.B. for two days in a row.

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- b. On or about November 5, 1997, administered Keflex 500mg to patient N.G. when physician had discontinued Keflex and changed order to Cipro 500mg.
- c. On or about November 13, 1997, failed to administer new medications Cyloxin and Mucomyst eye drops to patient D.R. at 8:00 AM and 12:00 PM as ordered.
- d. On or about November 23, 1997, failed to remove Nitro patch (Nitrek 0.6mg) from patient E.J. as ordered.
- e. On or about November 26, 1997, forgot to give patient O.F. regular Insulin 40 units as ordered.
- f. On or about December 8, 1997, failed to give patient E.B. Lorazepam 0.5 mg as ordered.
- g. On or about December 12, 1997, gave patient D.N. two tablets of Tylenol #3 at 8:00PM when order called for one tablet.
- h. On or about January 15, 1998, failed to give patient J.K. Vit D 400 IU as ordered.
- i. On or about January 17, 1998, failed to give patient A.L. Rocephin 1 gm IM as ordered.

5. Respondent feels the above errors were partially attributable to poor working conditions at Eden Park Nursing Home including the medication charges being in disarray, patients not having identification bracelets, and understaffing.

6. Subsequently, Respondent has been employed at McGirr's Nursing Home of Bellows Falls, Vermont. Pursuant to a Stipulation and Consent Order entered on

June 16, 1999, Respondent's employer submitted a report to the Board (in March, 2000) that outlined "med pass" performance issues.

7. Respondent admits that, as noted in the report, she: left a medication cart unlocked; omitted to give patient "G.E.W." the proper eye drops as ordered, and; incorrectly assumed another L.P.N. had given meds to patient "C.V.", when indeed she was responsible.
8. Respondent represents that she has undertaken treatment with a medical doctor, licensed in the State of Vermont, to address these issues, and has been placed on a prescription regimen.
9. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order
10. 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.
11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. Respondent waives any notification period and requests the Board to hear this matter at the next available meeting. 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.
13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

14. 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.
15. Respondent voluntarily waives the right to charges and a contested hearing before the Board of Nursing.
16. Respondent agrees that the Board may set forth the order below.
17. Respondent hereby waives any notification period requirements and requests that this Modified Stipulation and Consent Order be scheduled for the next available hearing date.

MODIFIED ORDER

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

- A. By engaging in the conduct described in paragraphs 3 and 4 above, the Board concludes Respondent violated Nursing Board Rule IV.B.4.e (failure to safeguard a patient from incompetent health care) which constitutes unprofessional conduct pursuant to 26 V.S.A. §1582(a)(7)(conduct likely to harm the public).
- B. The Nursing Board **CONDITIONS** Respondent's license to practice nursing for a period of two (2) years commencing with the date this order is entered by the Board. The **CONDITIONS** on Respondent's license are as follows:

- (1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed two (2) years of nursing practice in which she works at least forty (40) hours every

two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(1.a) Administration of Medications.

For the first six (6) months of work as per paragraph B(1), Respondent is permitted to administer medications only under direct supervision.

(2) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(3) Re-issue of License.

Within five (5) days of the date of entry of this Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned".

(4) Out-of-State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order.

(5) 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 nursing employment, personal address, and telephone number. Respondent shall further

notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(6) 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 in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her 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, Respondent 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 the conditions in the Consent Order during clinical experience.

(7) Reports from Employers/Nursing School.

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 and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, 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.

Respondent shall authorize her employer and her nursing school Administrator 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.

(8) Practice under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(9) Types/Hours of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, or temporary employment agency. Respondent shall not, in nursing practice, work any double shifts (that is, if Respondent works an eight or more hour shift, she shall not work the following shift at all), nor shall she work any shift more than 10 hours, nor shall she work more than forty eight (48) hours in any seven day period.

(10) License Renewal.

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

(11) Violation of the Consent Order.

If Respondent violates the terms of this Consent 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.

(12) Treatment.

Respondent shall continue appointments and treatment with a medical doctor, licensed in the State of Vermont, to address problems associated with these charges, and shall comply with the doctor's treatment instructions, including the prescription regimen, until the treating professional notifies the Board's designee in writing that such treatment is no longer necessary in her/his professional opinion and the Board (or its designee) agrees, in writing. Respondent shall cause her medical doctor to confirm in writing to the Board's designee, within two weeks of entry, his/her professional opinion confirming Respondent's ability to practice.

(13) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board or its designee of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order. However, Respondent may request a change from a medical doctor to an A.P.R.N. with prescriptive authority.

(14) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the

Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(15) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treating professional's instructions, during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every three months thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(16) Reevaluation of Conditions.

Respondent may appear before the Board for reevaluation of the conditions of this Consent Order, after twelve months have passed, after the date of entry. Conditions may also be reevaluated by the Board upon petition by Respondent and upon sufficient showing by Respondent that certain conditions should be modified.

(17) Completion of Conditional License Period.

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

appropriate Board action. Respondent however, must demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a licensed nurse. Such proof shall include appropriate support from her employer or nursing school administrator. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

Notwithstanding the requirements of this sub-section, the Board may review the supporting documentation submitted by Respondent, or submitted on Respondent's behalf, during the conditional licensing period and automatically lift a condition or conditions, if appropriate, without further petition by Respondent at the end of the conditional licensing period.

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

E. 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).

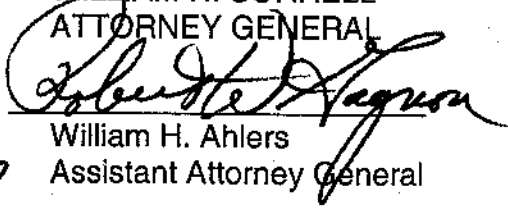
F. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 7-20-00

by:


William H. Ahlers
Assistant Attorney General

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RESPONDENT
PATRICIA (PHELPS) KNIGHT

Dated: 7/14/00

by: Patricia A. Knight
Patricia (Phelps) Knight

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 8.14.00

by: Jesse Farrell
Chairperson

Date of entry: 8-17-00

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