

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

IN RE:

Sallye M. Kramer, L.P.N.

0700

License No. 025-0006716

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Docket No: NU08-

ORDER

STIPULATION AND CONSENT

The Respondent, Sallye M. Kramer, LPN, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

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).
4. Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(7).
5. Failing to comply with provisions of federal or 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

6. The Respondent (whose address is listed in the database of the Office of Professional Regulation as Box 1457, Bennington, VT 05201) is a Licensed Practical Nurse under License Number 025-0006716.
7. Respondent's license has a current expiration date of January 31, 2002.
8. At all times relevant to these Charges, the Respondent was employed by the Crescent Manor Nursing Home in Bennington, Vermont.
9. Respondent is currently employed by Professional Nursing Services, Inc.
10. Subsequent to the below act(s), conduct(s) and or omission(s), Respondent completed a course on Medication Administration and Documentation (attachment "A").

IMPROPER TREATMENT

11. Respondent admits she made the following treatment errors while providing nursing care to the following residents:
 - a) Resident V.S.
 - i) On or about February 14, 2000, Respondent failed to change a dressing as required by the order;
 - ii) On or about March 25, 2000 and March 26, 2000, Respondent failed to provide treatment of saline dressing as required by the order.
 - b) Resident E.B.
 - i) On or about May 6, 2000, Respondent failed to change the oxygen tubing and aerosol tubing as required by the order;
 - ii) On or about May 6, 2000, Respondent entered an incorrect entry in the patient's records by stating she had changed the above-mentioned tubes.
 - c) Resident J.G.
 - i) On or about June 18, 2000, Respondent failed to properly assess the condition of the resident's dressing, specifically, Respondent noted that a replicare dressing was intact when, in fact, there was no replicare dressing being used;
 - ii) On or about June 18, 2000, Respondent entered an incorrect entry in the patient's records by stating the replicare dressing was intact.

MEDICATION ERRORS

12. Respondent admits she made the following medication errors while providing nursing care to the following residents:

- a) Resident Y.M.
 - i) On or about April 30, 1999, Respondent incorrectly transcribed a medication order to the MAR.
- b) Resident M.A.
 - i) On or about October 13, 1999, Respondent failed to remove a Nitroglycerine patch from a resident as required by the order;
 - ii) On or about October 13, 1999, Respondent entered an incorrect entry in the patient's records by stating she had removed the above-mentioned patch.
- c) Resident E.B.
 - i) On or about April 16, 1999, Respondent failed to sign out the substance on the Individual Controlled Substance Record.
- d) Resident M.D.
 - i) On or about June 27, 1999, Respondent gave the resident two medications as required under the order, but Respondent failed to note these in the patient's MAR.
- e) Resident M.G.A.
 - i) On or about June 9, 2000, Respondent failed to give the resident medication at 8:00 P.M. as required under the order;
 - ii) Respondent, instead, gave the resident the required medication at 6:00 A.M., but Respondent noted in the MAR that the medication was given at 8:00 P.M., an incorrect entry.

Charges

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

- a) Willfully made or filed false reports or records in the practice of the profession; willfully impeded or obstructed the proper making or filing of reports or records or willfully failed to file the proper reports or records in violation of 3 V.S.A. §129a(a)(7).
- b) Failed to comply with provisions of federal or state statutes or rules

governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3).

- c) 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

- 14. 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.
- 15. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 16. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- 17. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- 18. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- 19. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

A. 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) Willfully made or filed false reports or records in the practice of the profession; willfully impeded or obstructed the proper making or filing of reports or records or willfully failed to file the proper reports or records in violation of 3 V.S.A. §129a(a)(7).
 - (b) Failed to comply with provisions of federal or state statutes or rules governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3).
 - (c) 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:
 - (d) performed unsafe or unacceptable patient care; and
 - (e) failed to conform to the essential standards of acceptable and prevailing nursing practice.

B. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

- i) The Board hereby **CONDITIONS** Respondent's license to

practice nursing for a minimum period of ONE (1) year. The **CONDITIONS** on Respondent's license would be as follows:

(1) Completion of Course.

Respondent shall complete a course, approved in advance by the Board or its designee, on wound management. Respondent shall complete the course within six (6) months of the entry of this order. Failure to complete the course within the time required shall be considered a violation of the order.

(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 one (1) year of supervised nursing practice (see section "9" below) 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. Respondent shall be prohibited from working more than forty-eight (48) hours per week. Respondent's license is additionally conditioned as follows.

(3) Interview with the Board or its designee.

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

(4) Re-issue of License.

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned".

(5) 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. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(6) 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. Respondent shall provide a copy of this Consent Order to all employers, current and future, and shall inform them of the conditional status of her license.

(7) Notification to Employers.

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.

(8) 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. In the event Respondent is not employed in nursing during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities. In the event the Respondent is attending a nursing program, she shall provide a copy of the Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

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.

(9) Practice Under Supervision.

Respondent shall practice only in a setting where she has direct supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing for a period of six (6) months. Following Respondent's direct supervision, if there are no complaints and/or violations of this order, Respondent, upon application to the Board, 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 for a period of six (6) months or the remaining term.

(10) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling 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. However, Respondent may work for Professional Nursing Services, Inc. if Respondent can be supervised as described above.

(11) Prohibited Duties.

Respondent shall be prohibited from being a Charge Nurse during the effective period of the Consent Order.

(12) 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.

(13) Release of Information Forms.

Upon the establishment of all practitioner/patient relationships with treating professionals who prescribe any medication to Respondent, Respondent shall execute all release of information forms which are necessary to authorize those practitioners to release information described in this Consent Order to the Board of Nursing, its investigators, and the Attorney General's Office. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Any revocation by respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(14) Costs.

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

(15) 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. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(16) 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 present proof and 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 nurse. Such proof shall include appropriate support from her employer and/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.

- C. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.
- D. At any time after the entry of this Order, the Respondent may petition the Board to reinstate her license and/or modify the conditions.
- 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 the Respondent's licensing file and may be used in determining sanctions in future disciplinary

AGREED TO:

BY: SALLYE KRAMER
RESPONDENT

APPROVED AS TO FORM:

RESPONDENT'S ATTORNEY

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

ACCEPTED AND SO ORDERED:

Quinn Rice
Chairperson

Dated entered: 12/11/01

Bartz and Associates, L.L.C.
4400 Goodland Park Road
Madison, Wisconsin 53711

This certifies that Sallye Kramer successfully completed

Medication Administration and Documentation

an Independent Study Program
from Bartz and Associates, L.L.C., 4400 Goodland Park Road, Madison, WI 53711

on March 23, 2001 and is granted 4.0 contact hours.

Bartz and Associates, L.L.C., Madison is approved as a provider of continuing education in nursing by the Wisconsin Nurses Association's Continuing Education Approval Program Committee, which is accredited as an approver of continuing education in nursing by the American Nurses Credentialing Center's Commission on Accreditation. Bartz and Associates, L.L.C. is also Provider approved by the California Board of Registered Nursing, Provider Number CEP 11984. This document must be retained by the licensee for a period of four years after course completion.

Kathy L. Bartz
Kathy L. Bartz, Ph.D., R.N., C.N.A.A.