

STATE OF VERMONT
VERMONT BOARD OF NURSING

In re:

Leonard Labednick	)	Docket Nos. NU35-1200
License No. 26-25600	)	& NU66-0302

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Leonard Labednick, who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a registered nurse licensed by the State of Vermont holding license number 26-25600.
3. At all times relevant to this Specification of Charges, Respondent was employed by the Pines Rehabilitation and Health Center, Lyndonville, Vermont and St. Johnsbury Health and Rehab, St. Johnsbury, Vermont.
4. The Respondent accepts responsibility for having made errors in dispensing medications on a number of occasions by failing to give the proper medication as prescribed, by giving amounts of medication other than those prescribed, and by making transcription errors of medications prescribed. Although several of these errors were self reported and none of the errors resulted in actual harm to the residents, the Respondent recognizes the seriousness of these errors, that patient harm could have resulted, and that the errors should not have been made.

5. Respondent admits he has performed unacceptable patient care and has failed to conform to the essential standards of acceptable and prevailing nursing practice

6. 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.

7. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

8. 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.

9. Respondent voluntarily waives the right to a contested hearing before the Board of Nursing.

10. Respondent agrees that the Board may enter the Order set forth below.

ORDER

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

A. Respondent's actions described in paragraph 4 above are grounds for discipline pursuant to 26 V.S.A. §1582(a)(3)(unable to practice nursing competently by reason of any cause) and Vermont Nursing Board Rule IV.B. (2)(A)&(B), since they constitute unacceptable patient care and fail to conform to the essential standards of acceptable and prevailing nursing practice.

B. Respondent's license is hereby CONDITIONED. Respondent must

take and successful pass a course in passing medications which includes a transcription component. This condition is satisfied by the course described as follows: Nursing Education of America Course HS764 Preventing Medication Errors. Certification of successful completion of the course work with the Board or its designee has been received and is acknowledged as satisfactory and the condition is deemed complete.

Additionally, for a period of one (1) year commencing with the date of entry of this order Respondent's license shall be **conditioned** subject to the following terms and restrictions:

(1) Length of Time Conditions Imposed.

These conditions shall remain in place until respondent has completed one (1) year of supervised nursing practice in which he 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.

(2) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Stipulation and Consent Order, Respondent shall notify the Board, in writing, of his 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.

(3) 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 he practices as a nurse and

inform them of his conditional license status. Within ten (10) days of the date of entry of this Stipulation and Consent Order or of any subsequent employment, Respondent shall cause his immediate supervisor(s) to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with its conditions. In the event Respondent is attending a nursing program, he 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 its conditions during clinical experience.

(4) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Stipulation and Consent Order and every month thereafter for the year the conditions are in place, Respondent shall cause every employer he 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, she shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his 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.

(5) Practice Under Supervision.

Respondent shall practice only in a setting where he has on-site supervision on the unit for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing or the analogous board of nursing for any other state in which Respondent works pursuant to paragraph 12 herein.

(6) Prohibited Duties.

Respondent shall not work in a position where he is to supervise other nurses, either RNs or LPNs.

(7) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(8) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Consent Order. Respondent shall not work the night shift during the effective period of this Consent Order.

(9) Violation of the Stipulation and Consent Order.

If Respondent violates the terms of this Stipulation and Consent Order in any respect, the Board, after giving 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 Stipulation and Consent Order, the conditional license period shall be

extended until the matter is final.

(10) Reevaluation of Conditions.

In the event Respondent does not work in nursing within one year of the date of entry of this Stipulation and Consent Order, he may appear before the Board for reevaluation of the conditions of this Stipulation and Consent Order.

(11) Re-issue of License.

If the Respondent has a current license, then within five (5) days of the date of entry of this Stipulation and Consent Order, Respondent shall submit his license to the Board of Nursing for a re-issued license labeled "conditioned". If the Respondent's license is not current, and assuming all other requirements for licensure are met, a reissued license marked conditioned will issue on or within five days of the date of this order.

(12) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, the Board must first approve it. The Board recognizes that Respondent is currently employed as a registered nurse at Franklin Regional Hospital in Franklin, New Hampshire and hereby approves such institution for employment under the conditions set forth herein. Should Respondent change employers, then approval will be required of the new employer. Failure to secure Board approval means the practice at the unapproved facility will not be counted toward fulfilling the term of these conditions.

(13) Completion of Conditional License Period.

Upon or before completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on his license and after formal review by the Board, his nursing license may be fully restored by appropriate Board action. Respondent shall demonstrate, to the Board's satisfaction, that he fully complied with all the terms of this Stipulation and Consent Order.

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

C. By signing this Stipulation and Consent Order, Respondent authorizes his employer and 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 this Stipulation and Consent Order is in effect.

D. 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)(7).

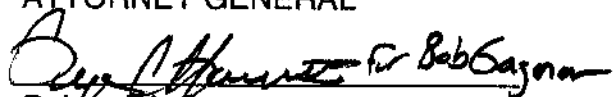
E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 5/7/02

by:

 for Bob Gagnon

Robert W. Gagnon
Senior Assistant
Attorney General

RESPONDENT

LEONARD LABEDNICK

Dated: 5/4/02

Leonard P Labednick
Leonard Labednick

APPROVED AS TO FORM

DAVID N. COLE, ESQ.

Dated: 5/6/02

David N. Cole
David N. Cole, attorney for Mr. Labednick

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5/13/02

by: Lawrence M. Kingsbury (Acting)
ACTING Chairperson

Date of entry: 5/13/02