

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

IN RE:
ANDREA L. LAMPRON
License No. 026.0024089

Docket No. 2009-534

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Andrea L. Lampron, RN, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Andrea L. Lampron (the "Respondent") of Bennington, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0024089. This license was originally issued on or about June 26, 1998 and is currently set to expire on or about March 31, 2011. Respondent has also been licensed by the State of Vermont as a Licensed Nursing Assistant under license number 075.0003683. Respondent's LNA license was originally issued on or about February 24, 1993 and expired on or about January 31, 1997.
3. On or about November 13, 2009, N.B., a faculty member at Vermont Technical College ("VTC"), alerted the Board about concerns N.B. developed after Respondent attended a portion of VTC's registered nurse re-entry program. N.B. reported concerns regarding Respondent's inability to complete a training module of the re-entry program and Respondent's psychological stability. N.B. advised that VTC dismissed Respondent from its re-entry program.
4. Respondent contends that she was not dismissed from the re-entry program, but that instead she voluntarily withdrew from the program. In a letter to Respondent dated October 27, 2009, VTC Dean M.V. advised Respondent that she had been

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"administratively withdrawn from the Nursing Re-Entry program." Respondent also disputes N.B.'s concerns in regard to her psychological stability. Moreover, Respondent contends that she was not unable to complete the training module but rather chose not to complete the module test at that time based on VTC's policy that allowed students to retake a test a second time, and that she withdrew from the course prior to having another opportunity to retake the test and complete that module. If she had not withdrawn, respondent contends that she would have been able to satisfactorily complete the training program.

5. By being unable to complete a nursing re-entry program, Respondent has violated 26 V.S.A. § 1582(a)(3); ARBN Chapter 4, Subchapter 4, Rule II(B)(2); 3 V.S.A. § 129a(b)(2); and 3 V.S.A. § 129a(a)(3).
6. On or about January 25, 2010 in a letter to State Investigator Steve Kennedy, Respondent's therapist, Dr. L.C., advised that Respondent has been diagnosed with a disabling medical condition that is severe in intensity if not treated properly with certain types of therapies. In this letter, Dr. L.C. indicated that Respondent was doing well in her part-time nursing position. Dr. L.C. indicated her clinical impression was that Respondent had the capacity to work as a nurse on a part-time basis at that time. Dr. L.C. advised that Respondent has been compliant in all areas of her treatment.
7. On or about February 3, 2010 in a letter to State Investigator Steve Kennedy, Respondent advised that she enrolled in VTC's re-entry program for personal development reasons, as Respondent had been absent from the nursing field since February 2009 due to health issues. Respondent further advised that she took a leave of absence from her part-time home care nursing position on or about January 28, 2010 to accommodate her disability, and will return to that position at a date of her choosing.

Charges

8. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause);
 - b. ARBN Chapter 4, Subchapter 4, Rule II(B)(2) ("Inability to practice nursing competently" includes failure to conform to the essential standards of acceptable and prevailing nursing practice);
 - c. ARBN Chapter 4, Subchapter 4, Rule II(C) ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals, or any other type of materials);

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- d. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer occurred. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); and
- e. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

- 9. The Respondent does not dispute that the State could prove these charges by a preponderance of the evidence if this matter went to a merits hearing and agrees that the conditions below are necessary to protect the public.
- 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 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.
- 12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 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 into 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 has consulted with Attorney Nicholas T. Stanton regarding this Stipulation. Attorney Stanton's signature below is evidence that he has discussed this Stipulation with the Respondent and that, to the best of his knowledge, the Respondent understands this entire document.
- 16. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
- 17. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

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A. The Board of Nursing hereby **INDEFINITELY SUSPENDS** Respondent's license to practice registered nursing **from the date of entry below**. Within forty-five (45) days of requesting reinstatement, Respondent must obtain and cause to be submitted to the Board a comprehensive psychiatric evaluation by a licensed professional pre-approved by the Board who has verified receipt of this Order; the results of the independent evaluation must indicate that the Respondent does not present a risk to the safety, health or welfare of her potential patients. The Respondent's license shall not be reinstated until this prerequisite is met. Once reinstated, Respondent's license will be **CONDITIONED FOR A MINIMUM OF SIX (6) MONTHS** commencing with the date of reinstatement. The conditions will be as follows:

(1) Re-issue of License.

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

(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 a **minimum of six (6) months** of supervised nursing practice 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. The Respondent shall be prohibited from working more than forty (40) hours per week during the conditioned period.

(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 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 Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Board an employer agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event the Respondent is attending a nursing program which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

(4) Reports from Employers/Program Directors.

Within one (1) month of the date of reinstatement or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. These reports shall be submitted in writing on forms issued by the Board. All employer

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reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All nursing program reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

(5) Practice Under Supervision.

Respondent shall practice as a nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.

(6) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.

(7) Out-of-State Practice.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent practicing nursing outside the State of Vermont. If Respondent fails to receive such approval before practicing nursing outside the State of Vermont, none of the time spent practicing nursing 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 nursing practice so long as the Respondent can still comply with the provisions of this Consent Order.

If the Respondent receives discipline on a nursing license held in another state during the conditioned period, the Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

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

Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

(9) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(10) License Renewal.

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If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(11) Costs.

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

(12) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(13) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- C. 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).
- D. 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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 12.3.10

By: [Signature]
BetsyAnn Wrask
State Prosecuting Attorney

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ANDREA L. LAMPRON
RESPONDENT

Dated: 12/1/10

By: [Signature] BSRN
Andrea L. Lampron

Witnessed by: [Signature], J.D.
12/1/10

APPROVED AS TO FORM:

Dated: 4/19/10

ATTORNEY FOR RESPONDENT

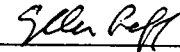
By: 
Nicholas T. Stanton, Esq.

APPROVED AND SO ORDERED:

Dated: 12-13-10

Date of Entry: 12/16/10
nu.lampron.stip3

VERMONT BOARD OF NURSING

By: 
Chairperson

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