

**STATE OF VERMONT
BOARD OF NURSING**

In re: Ernest Lapierre
License No. 101-75954

} M2013-95
} Docket No. (2012-119)(APRN)
}

**Decision on
Request for Reinstatement**

Participating Board Members:

Jeanine Carr, RN, Chair
William G. White, Jr., Public Member
Douglas Sutton, RN
Sheila Davis, LPN
Virginia Hudson, RN
Jennifer Laurent, APRN
Kelly Sinclair, LNA

Appearances:

Prosecuting the case: S. Lauren Hibbert
for Respondent: pro se

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on January 12, 2015 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont.

Background

Mr. LaPierre entered into a Stipulation and Consent Order with the State. The Board accepted the Stipulation and Consent Order on November 18, 2013. By its terms the Order called for Mr. LaPierre's license to be conditioned "for one year from the date of entry below." On November 20, 2014 Mr. LaPierre filed a letter petitioning the Board for "relief from the Stipulation and Order."

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. Mr. LaPierre holds a license to practice as an advanced practice registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. The November 18, 2013 Stipulation and Consent Order states in Paragraph A of the Order, "The Board of Nursing hereby **CONDITIONS** the Respondent's license to practice nursing for one (1) year from the date of entry below." The conditions were set forth in Paragraph A(1). A(1) says, "**IF** Respondent returns to Advance Practice Registered Nursing practice that includes the direct treatment of patients, as opposed to the administrative or educational practice, **Respondent must notify the Vermont Board of Nursing**. This requirement is placed on Respondent's practice in Vermont or elsewhere. The Board shall then issue Respondent a **Conditional** license to practice nursing for **six (6) months from the date of notification of intent to practice directly with patients regardless of when notification occurs in the year conditional period**. The conditions are as follows....."
3. The Board considered this matter at its December 8, 2014 meeting and declined to approve a proposed order of reinstatement. The matter was set for a hearing at the Board's next meeting on January 12, 2015.
4. Mr. LaPierre did not return to APRN practice that includes the direct treatment of patients, as opposed to administrative or educational practice within one year of the Stipulation and Consent Order. Between November 18, 2013 and November 17, 2014 Mr. LaPierre was not providing direct treatment of patients as an APRN.
5. The one year period during which Mr. LaPierre's license could have been conditioned has expired. According to the terms of the Stipulation and Consent Order the Board cannot now attach any conditions to Mr. LaPierre's license.

Discussion

The Board sees that the Stipulation and Consent Order, as we accepted it, did not offer the protection to the public that, in hindsight, it might have. We bear in mind the Board's two responsibilities 1) public protection, and 2) adherence to the laws of the State of Vermont.

We **grant** Mr. LaPierre's motion for relief of the conditions imposed on his license. The conditions are removed and Mr. LaPierre's license shall be listed as "active."

Mr. LaPierre appears willing to take appropriate steps to ensure that his reentry into practice is smooth and safe. Therefore, because of the underlying conduct revealed in Stipulated Facts 5-7, and because Mr. LaPierre has not practiced as an APRN including prescribing we **strongly recommend that MR. LaPierre practice under a collaborative practice agreement for one year from resuming practice as set forth in Administrative rules 8.15 and 8.16.**

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of

Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, Office of Professional Regulation, 89 Main Street, Fl. 3, Montpelier, Vermont 05620-3402 within 30 days of the entry of this Order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By:


Jeanine Carr, RN, Chair

Date: January 12, 2015

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 1/12/2015