

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

IN RE:

STEPHEN G. LEWIS

License No. 026-0020165

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Docket No. NU63-0108

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Stephen G. Lewis, R.N., 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Stephen G. Lewis, is licensed in the State of Vermont as a registered nurse holding license number 026-0020165. The license was originally issued on or about July 10, 1991 and is currently set to expire March 31, 2009.
3. At all times relevant, the Respondent was employed as a registered nurse at Eden Park (the "Facility") located in ~~Rutland~~, Vermont.
Battleboro (SL) [signature]
4. On or about January 19, 2008 in a telephone interview with State Investigator Steve Kennedy, the Respondent stated that he was instructed by Facility Charge Nurse G.M. to supervise Coworker S.B.'s administration of narcotics in the several weekends in which the Respondent and S.B. worked together. Respondent stated that when he supervised S.B., the Respondent would get medications out of the narcotics drawer and give them to S.B. to administer to Facility residents.
5. In this same interview, the Respondent stated that he knew S.B. was under a conditional license, but that he never asked to see the conditions. Moreover, the Respondent classified his supervision of S.B. as "distant supervision."

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**Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107**

6. On or about January 29, 2008, Investigator Kennedy spoke with G.M. by telephone. G.M. stated the instructions he gave regarding supervising S.B. were that S.B. could pass medications, but not narcotics. To fulfill this requirement, whatever Facility staff member that had narcotics keys while working with S.B. would have to pour the narcotics and administer the narcotics to S.B.'s residents.

Charges

7. 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. 3 V.S.A. § 129a(a)(6) (Delegating professional responsibilities to a person whom the licensed professional knows, or has reason to know, is not qualified by training, experience, education or licensing credentials to perform them);
 - b. 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

- 8. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
- 9. 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.
- 10. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
- 11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 12. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
- 13. 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.
- 14. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
- 15. 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 hereby **WARNS** Respondent's license to practice registered nursing due to the Respondent failing to appropriately supervise S.B. in violation of the charges enumerated above in paragraph seven.
- B. 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).
- C. 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:

Dated: 10/9/08

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]

Edward G. Adrian
State Prosecuting Attorney

STEPHEN G. LEWIS
RESPONDENT

Dated: Oct. 2, 2008

By: [Signature]

Stephen G. Lewis

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11-10-08

By: [Signature]

Chairperson

Date of Entry: 11/18/08

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