

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

IN RE:

CAROLINE JEANNINE LIBBEY)

License No. 025.0003170)

Docket No. 2009-268

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Caroline Jeannine Libbey, LPN, 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. Caroline Jeannine Libbey (the "Respondent") of Swanton, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0003170. This license is currently set to expire on or about January 31, 2010.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse at Redstone Villa (the "Facility"), located in St. Albans, Vermont.
4. On or about June 12, 2009, the Office of Professional Regulation received a referral from the Division of Licensing and Protection which stated that on that date, Respondent administered one hundred (100) units of Novolog (insulin) to a patient, when the Physician's Order prescribed only five (5) units of Novolog.
5. On or about June 15, 2009 in an internal investigation document, Director of Nursing A.M. stated that on or about June 12, 2009, Respondent called A.M. at home and asked A.M. to come to the Facility because Patient E.S.'s finger stick reading was 23. After A.M. and Respondent stabilized E.S.'s blood sugar level, Respondent called the on-call physician to report the low finger stick and discontinue the insulin order. Respondent advised A.M. that Respondent had administered the Novolog as ordered.

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A.M. stated that on or about June 13, 2009, she learned from the night nurse that E.S.'s prescription was for five units of Novolog, not 100 units; A.M. advised Respondent of such. Respondent was upset, as she had believed the order was for 100 units. Respondent was suspended pending an investigation of this incident.

6. Patient E.S.'s Novolog medication had been administered previously by other nurses without incident.
7. On or about July 16, 2009 in an interview with State Investigator Jamie Palmisano, Respondent admitted that she inadvertently made a mistake reading E.S.'s Medication Administration Record (the "MAR") and administered 100 units of Novolog, instead of the prescribed five units, causing her to overmedicate E.S. Respondent stated she believed the MAR and Physician's Order were not correctly written in that they stated "Novolog 100u/ml 5 units" but should have been written to read "5 units Novolog 100u/ml."

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. 3 V.S.A. § 129a(b)(1) and (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 has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - 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

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 her 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.

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12. Respondent is not under the influence of any drugs or alcohol at the time she 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 her 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:

- A. The Board of Nursing hereby **REPRIMANDS** Respondent's license to practice practical nursing.
- 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: 1.28.10
1-28-2010

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Betsy Ann Wrask
State Prosecuting Attorney

CAROLINE JEANNINE LIBBEY
RESPONDENT

Dated: 1-28-2010

By: Caroline Jeannine Libbey
Caroline Jeannine Libbey

APPROVED AND SO ORDERED:

Dated: 2-8-10

VERMONT BOARD OF NURSING

By: [Signature]
Chairperson

Date of Entry: 2/10/10
nu.libbey.stip

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