

6-13-01

PR June

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Faye Cross LILLIE)
License Number 26-12655)

Docket No.: INU47-0299

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Faye Cross Lillie, who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses pursuant to 3 V.S.A. §§129, 129a, and 26 V.S.A. §§1574 and 1582.
2. Respondent is a registered nurse holding license number 26-12655 issued by the State of Vermont.
3. At all times relevant Respondent was employed as Director of Nursing Services at Vermont Veteran's Home in Bennington, Vermont.
4. Respondent admits that on or about November of 1998, the Department of Aging and Disabilities of the Vermont Agency of Human Services conducted a survey of Vermont Veteran's Home and numerous deficiencies were noted, particularly in the areas of quality of care and nursing services.
5. Respondent admits that on or about January 1999, the Department of Aging and Disabilities conducted a follow-up survey of Vermont Veteran's Home and new deficiencies were found, including, but not limited to:
 - a. On 1/26/99 at 5pm a resident requested assistance to go to bed. No staff were available from then until 6:30pm when the surveyor left.

- b. On 1/27/99 a resident was found sleeping on another's bed. The charge nurse indicated that this is an ongoing issue and there is not sufficient staff to address it.
 - c. On 1/27/99 on the 7-3 shift a mandatory in-service for all LNAs on C-wing was conducted. The charge nurse was the only nursing personnel left on the wing with 33 residents with special needs due to cognitive impairments. At 11:30 while the nurse was passing medications two residents were seen to return from the outside. They had been outside in cold winter weather without winter clothes for an indeterminate amount of time. The charge nurse stated this was a frequent occurrence.
 - d. Resident #1, who has pressure sores on both heels and his sacrum was observed in a gerichair from 4:30 pm until 6:30 pm on 1.26.99 and from 8:30 am until 11 am on 1/27/99. During these times staff did not change the resident's position.
 - e. On 1/26 and 1/27/99 resident #2 was observed sitting in a tilt back chair from 8 am to after the noon meal without being moved by staff. This resident developed open areas on his midback on 1/22/99.
 - f. On or about 1/26 and 1/27/99 two other residents, one with a stage 3 open area on the coccyx, and another with a stage 2 open area on the buttocks, were seen to be left without position changes for periods of from 2 hours and 15 minutes to 4 hours and 5 minutes.
6. Respondent asserts that she was acting as the DON and did not personally commit any of the conduct described in paragraph 5 above.
7. 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.

8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. 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.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. 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.
12. Respondent voluntarily waives the right to a contested hearing before the Board of Nursing.
13. Respondent agrees that the Board may set forth the order below.

ORDER

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

- A. By engaging in the conduct described in paragraphs 3 through 5 above, the Board concludes Respondent violated Board Rule IV.B.4.e (failing to take appropriate action to safeguard a patient from incompetent healthcare) which constitutes unprofessional conduct pursuant to 26 V.S.A. §1582(a)(7)(conduct likely to harm the public).
- B. Respondent's license is **REPRIMANDED**.
- C. Respondent's license shall be conditioned upon the terms and conditions that follow. Upon successful completion of all terms and conditions that follow, Respondent may petition the Board for removal of those conditions.

D. Respondent shall take and successfully completed a course in gerontology and a course in chronic care. The Board or its designee must approve these courses in advance. Respondent shall cause proof to be made, to the Board's satisfaction, that she has taken and successfully completed these enumerated educational courses.

E. Respondent's license is further conditioned as follows. Should Respondent choose to function as a Director of Nursing, then for a period of at least the equivalent to one year of full-time work and until this condition is removed by affirmative action of the Board, Respondent shall be subject to the following additional conditions:

1. The Respondent must submit to the Board or its designee for approval both the name of a qualified consultant and a Consultation and Oversight Plan, proposed by that consultant, that is designed to provide oversight and supervision of the Respondent and is designed to ensure that the Respondent practices nursing competently while functioning as a Director of Nursing.

2. Before the consultant's name is submitted, the Respondent must provide a copy of this stipulation and consent order to that consultant.

3. The Respondent must submit, with the proposed Plan, a signed statement from the consultant, on the consultant's letterhead, that the consultant has received a copy of this stipulation and that the consultant is willing and able to comply with the reporting and cooperation conditions in the subparagraphs below.

4. If the Board approves the consultant and the Plan, or, if the Board does not approved the proposed consultant or the proposed Plan, the Respondent, within two (2) weeks of being notified of the non-approval(s), shall again submit for approval the name of a qualified consultant, the statement required by paragraph D.3, and a new

Plan, proposed by the consultant, all of which satisfy all deficiencies identified by the Board, and the Board approves that consultant and the new Plan.

5. The Respondent shall then enter into, participate in and comply with the Consultation and Oversight Plan as approved.

6. The Respondent shall authorize the consultant to submit, and shall take all reasonable steps to ensure that the approved consultant does submit, to the Board, monthly reports due by the end of the following month, detailing the Respondent's participation in, and compliance with, the approved Plan, and, in general, whether the Respondent is practicing competently while functioning as Director of Nursing.

7. The Respondent shall authorize the consultant to respond and shall take all reasonable steps to ensure that the approved consultant does respond, to all requests of the Board, or its designee, to discuss and further document the Respondent's participation in, and compliance with, the approved Plan and, in general, whether Respondent is practicing competently while functioning as Director of Nursing.

8. The Respondent shall obtain approval from the Board prior to any change in the consultant or the approved Plan.

F. Respondent may function under her nursing license as a staff nurse or a charge nurse for at least the equivalent of one (1) year of full time work, subject to the following conditions. These conditions can only be removed by affirmative Board action:

1. The Respondent shall have supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing the supervisor may be the Director of Nursing at the facility. Said supervisor need not be on site.

2. The Respondent shall authorize her supervisor to submit and shall take all reasonable steps to ensure that her supervisor does submit, to the Board monthly reports, due by the end of the following month, providing a list of the hours worked as a staff or a charge nurse, summarizing the Respondent's performance and detailing all instances that raise any concerns with the supervisor regarding the Respondent's maintenance of the standards of adequate nursing practice.

3. The Respondent shall authorize her supervisor to submit and shall take all reasonable steps to ensure that her supervisor does respond, to all requests of the Board, or its designee, to discuss and further document the Respondent's performance as a staff or charge nurse, including all instances that raise any concerns with the supervisor regarding the Respondent's maintenance of the standards of adequate nursing practice.

G. Upon entry of this Order Respondent shall be issued a new license labeled "conditioned". Respondent has applied for renewal of her license but has not been issued a renewal license.

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

I. 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).

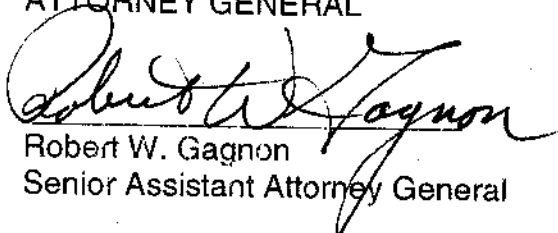
J. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 6/6/01

by:


Robert W. Gagnon
Senior Assistant Attorney General

RESPONDENT
FAYE CROSS LILLIE

Dated: 5/22/01

by:

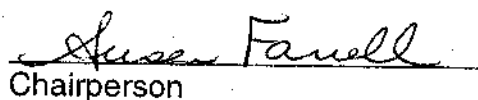

Faye Cross Lillie

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6-11-01

by:


Chairperson

Date of entry: 6-13-01