

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

IN RE:

JASON LINE

License No. 025-0007791

Docket No: NU 56-0103

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through the State Prosecuting Attorney, Edward G. Adrian, and Respondent, Jason Line, L.P.N who stipulate and agree as follows:

Board Authority

- 1) The Vermont State Board of Nursing ("the Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
- 2) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 3) Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(7).
- 4) The inability to practice nursing by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
- 5) The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(2).

Facts

- 6) The Respondent is a Licensed Practical Nurse under License Number 025-0007791.

STATE OF VERMONT



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Montpelier, VT 05602

- 7) Respondent was originally licensed on August 13, 1999 and Respondent's license is currently set to expire on January 31, 2004.
- 8) At all times relevant, the Respondent was employed as an LPN by Haven Health Center in St. Albans, Vermont.
- 9) On or about December 26, 2002, the Respondent slapped the hand of Resident A.P. quite hard after A.P. took a cup of juice off of another resident's tray.
- 10) The Respondent proceeded to wheel A.P.'s wheelchair. Respondent let the wheelchair go and the wheelchair hit a wall.
- 11) Approximately ten minutes after the incident, the Respondent again slapped the hand of Resident A.P. for taking milk off of Resident M.S.F.'s tray.
- 12) On or about July 21, 2003, the Respondent's name was placed on the Adult Abuse Registry for abuse of a vulnerable adult in his care at the Facility.

Charges

13) The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:

- i.. 26 V.S.A. §1582(a)(7) (engaging in conduct of a character likely to deceive, defraud or harm the public); and
- ii. 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing assistant practice pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(2); and
- iii. 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

- A. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- B. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- C. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.

STATE OF VERMONT



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- D. The Respondent agrees that he has had sufficient opportunity to consult with legal counsel before signing this document.
- E. The Respondent is voluntarily waiving his right to a contested hearing before the Board of Nursing.
- F. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

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

- G. The Board hereby **INDEFINITELY SUSPENDS** Respondent's license to practice nursing. In the event that the Respondent's name is removed from the Adult Abuse Registry in the future, the Respondent may apply for reinstatement of his nursing license at that time. If the Respondent does apply for reinstatement, his license may be conditioned and limited pursuant to the Laws of the State of Vermont and the Rules of this Board.
- H. 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).
- I. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

BY: JASON LINE
RESPONDENT

Date: 12/16/03

Jason M Line LRA
Jason Line

AND BY: STATE OF VERMONT
SECRETARY OF STATE

Date: 12/19/03

Edward G. Adrian
State Prosecuting Attorney

ACCEPTED AND SO ORDERED: BOARD OF NURSING

Date: 01-12-04

Susan Farrell
Chairperson

Dated entered: 1/16/04

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