

Elkville, IL

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

IN RE:)
MARK WAYNE LIPE) Docket No. NU 72-0404
License No: 026-0029021)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Mark Wayne Lipe, R.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); Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2) The Respondent, Mark Wayne Lipe, is licensed in the State of Vermont as a Registered Nurse under License Number 026-0029021.

3) The Respondent was originally licensed on December 11, 2003 and the Respondent's license is currently set to expire on March 31, 2005.

4) At all times relevant, the Respondent was employed as a traveling nurse at Rutland Regional Medical Center ("RRMC") located in Rutland, Vermont.

5) On or about April 5, 2004, the Respondent kissed a patient at RRMC whom the Respondent was responsible for, V.C., approximately three times with the Respondent's tongue in V.C.'s mouth.

6) On August 18, 2004, the Respondent admitted to State Investigator Gloria Danforth that he had kissed V.C. "probably three times" with his tongue in her mouth. The Respondent also admitted to kissing V.C. and her roommate on the cheek.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Charges

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

- i. 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 ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and
- ii. 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

8) 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.

9) Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

10) 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.

11) Respondent voluntarily waives his right to a contested hearing before the Board of Nursing.

12) Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

A. Respondent's actions described above demonstrate grounds for discipline because Respondent violated:

- i. 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 ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and

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ii. 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

B. The Board of Nursing hereby **SUSPENDS THE RESPONDENT'S LICENSE INDEFINITELY.**

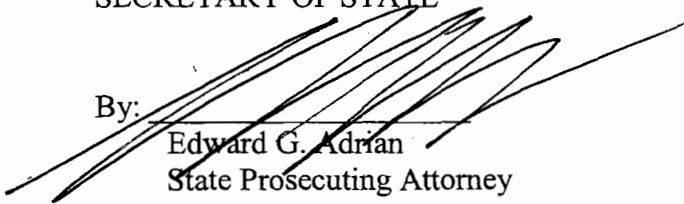
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 4/11/05

By: 

Edward G. Adrian
State Prosecuting Attorney

MARK WAYNE LIPE
RESPONDENT

Dated: 4/5/05

By: Mark W. Lipe Jr

Mark Wayne Lipe

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: May 9, 2005

By: Lisa Farrell

Chairperson

Date of Entry: 5/12/05

STATE OF VERMONT

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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

IN RE:)
MARK WAYNE LIPE) **Docket No. NU 72-0404**
License No: 026-0029021)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Mark Wayne Lipe, R.N.:

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): Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
- 2) The inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
- 3) The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2).
- 4) 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).

Statement of Facts

- 5) The Respondent, Mark Wayne Lipe, is licensed in the State of Vermont as a Registered Nurse under License Number 026-0029021.
- 6) The Respondent was originally licensed on December 11, 2003 and the Respondent's license is currently set to expire on March 31, 2005.
- 7) At all times relevant, the Respondent was employed as a traveling nurse at Rutland Regional Medical Center ("RRMC") located in Rutland, Vermont.

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- 8) On or about April 5, 2004, the Respondent kissed a patient at RRMCM whom the Respondent was responsible for, V.C., approximately three times with the Respondent's tongue in V.C.'s mouth.
- 9) On August 18, 2004, the Respondent admitted to State Investigator Gloria Danforth that he had kissed V.C. "probably three times" with his tongue in her mouth. The Respondent also admitted to kissing V.C. and her roommate on the cheek.

Charges

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

- i. 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 ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and
- ii. 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Mark Wayne Lipe should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 8th day of January 2004.

STATE OF VERMONT
SECRETARY OF STATE

By: _____
Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT

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