

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

IN RE:

LISA C. LOVELY

License No. 025-0008256

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Docket No. NU93-0508

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Lisa C. Lovely, 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. Lisa C. Lovely (the "Respondent") of Brandon, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025-0008256. This license was originally issued on or about August 30, 2002 and is currently set to expire January 31, 2010.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse at Neshobe Family Practice (the "Facility") located in Brandon, Vermont.
4. On or about April 24, 2008 without a doctor's order, Respondent typed a back-to-work note for Patient J.D. that excused J.D. from work on or about April 24th and 25th, 2008. The note stated that J.D. missed work on those two dates due to illness and J.D. being under the care of Dr. J.W., a physician at the Facility. Respondent then wrote, "This patient is now fit to return to work [and] may participate in usual activities[.] Please call me at my office with any other questions or concerns. Sincerely, [J.W.], MD"
5. Respondent did not sign Dr. J.W.'s name above his printed name. However, the typed note gave the appearance that Dr. J.W. had approved and/or typed the note.

STATE OF VERMONT



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

6. At the time Respondent typed this note, Dr. J.W. was on vacation and had not treated J.D. Moreover, Respondent did not get authorization for this note from Dr. J.W. or any other Facility physician.
7. On or about May 7, 2008, Respondent was terminated from the Facility due in part to Respondent writing the unauthorized note.
8. In a letter received by State Investigator Mark Jacobs on or about June 17, 2008, Respondent admitted to writing the above-referenced note.
9. On or about June 23, 2008 in an interview with Investigator Jacobs, Dr. J.W. stated that Respondent had not checked with him prior to Respondent writing the note.
10. On or about June 25, 2008 in an interview with Investigator Jacobs, Dr. C.W., supervisor of the Facility physicians, stated that she has never allowed any staff member to complete back-to-work notes without checking with her first.

Charges

11. 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. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performance of unsafe or unacceptable patient care pursuant to ARBN Chapter 4, Rule IV(II)(B)(1); and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2);
 - b. 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

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- c. 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

12. 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.
13. 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.
14. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
15. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
16. 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.
17. 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.
18. 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:

STATE OF VERMONT
SECRETARY OF STATE

STATE OF VERMONT



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

Dated: 1/27/09

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

LISA C. LOVELY
RESPONDENT

Dated: 1-19-09

By: [Signature]
Lisa C. Lovely

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 1119109

By: [Signature]
John J. Collins, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3-9-09

By: [Signature] APRN
Chairperson

Date of Entry: 2/11/09

nu.lovely.stip

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IN RE:
LISA C. LOVELY
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SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Lisa C. Lovely, LPN:

Board Authority

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 - b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes performing acts beyond the limits of the statutory definitions of the practice of nursing in 26 V.S.A. § 1572(2), (3), and (4);
 - c. 3 V.S.A. § 129a(a)(13) (Performing treatments or providing services which the licensee is not qualified to perform or which are beyond the scope of the licensee's education, training, capabilities, experience, or scope of practice);
 - d. 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

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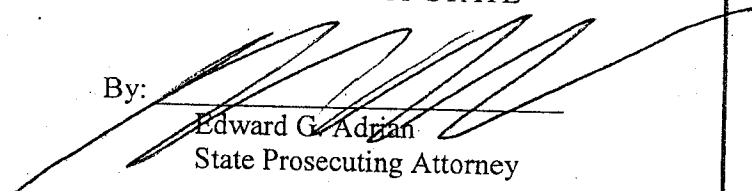
- e. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Lisa C. Lovely should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 10th day of October, 2008.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

nu.lovely.soc

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