

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

IN RE:)
THERESA LUSCIER-BELINI) Docket No: NU10-0805
License No. 026-0026764)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Theresa Luscier-Belini, R.N., 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, 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Theresa Luscier-Belini, is licensed in the State of Vermont as a registered nurse under license number 026-0026764. This license was originally issued on or about October 10, 2001 and is currently set to expire on March 31, 2007.
3. At all times relevant to these charges, the Respondent was employed as a registered nurse at Centers for Living and Rehabilitation (the "Facility") located in Bennington, Vermont.
4. On or about August 15, 2005, an L.N.A. requested Respondent's assistance with resident C.B.'s PICC line, which had been dislodged causing C.B. to bleed. Upon entering the resident's room, Respondent began yelling, stating "here we go with this friggen bullshit again" and that she was "really getting sick of this shit."
5. After tending to the PICC line, Respondent told C.B. to "keep his goddamned hands off it."
6. Respondent was terminated from the Facility on or about August 22, 2005 due to this incident.

Charges

STATE OF VERMONT



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

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

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

ii) 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. Failure to practice competently includes: 1) performance of unsafe or unacceptable patient or client care; and/or 2) failure to conform to the essential standards of acceptable and prevailing practice); and

iii) 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or ^{SC} rules governing the practice of the profession). ^{TJB}

Understandings

or the specific facts alleged in paragraphs 4, 5, 6 stated herein

8. This Stipulation is neither an admission of liability by the Respondent, nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below.

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.

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.

STATE OF VERMONT



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ORDER

- A. The Board of Nursing hereby **REPRIMANDS** the Respondent's nursing license.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- 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 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: 8/15/06

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

THERESA LUCIER-BELINI
RESPONDENT

Dated: 8/11/06

By: Theresa Lucier-Belini
Theresa Lucier-Belini

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 8/11/06

By: [Signature]
James J. Comier, III, Esq.

STATE OF VERMONT

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: August 14, 2006
Date of Entry: 8/15/06

By: [Signature]
Chairperson

nu.lucier-belini.stip(nc)



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
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**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:

THERESA LUSCIER-BELINI

Docket No: NU10-0805

License No. 026-0026764

)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Theresa Luscier-Belini, R.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

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Charges

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- ii. 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. Failure to practice competently includes: 1) performance of unsafe or unacceptable patient or client care; and/or 2) failure to conform to the essential standards of acceptable and prevailing practice); 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).

Relief Requested

WHEREFORE, the license of Theresa Luscier-Belini should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 20th day of September 2006.

STATE OF VERMONT
SECRETARY OF STATE

By

Edward G. Adrian
State Prosecuting Attorney

nu.luscier-belini.soc

STATE OF VERMONT



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