

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

IN RE:)
HEIDI J. WILLEY, R.N.)
License No. 026-0023069)

Docket No: NU 22-1299

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Heidi J. Willey, 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).
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. Conduct likely to deceive, defraud or harm the public means any instance of unprofessional conduct, including failing to take appropriate action to safeguard a patient from incompetent health care. Board of Nursing Administrative Rule Chapter 4, Rule IV(B)(4)(e).
5. Conduct likely to deceive, defraud or harm the public means any instance of unprofessional conduct, including aiding, abetting or assisting any person in any act in violation of [Chapter four (4) of the Board of Nursing Administrative Rules] or acts against the best interest of the public. Board of Nursing Administrative Rule Chapter 4, Rule IV(B)(4)(j).

6. Inability to practice nursing competently is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
7. Inability to practice nursing competently includes the performance of unsafe or unacceptable patient care. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(2)(a).
8. Inability to practice nursing competently includes the failure to conform to the essential standards of the acceptable and prevailing nursing. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(2)(b).

Facts

9. The Respondent (whose address is listed in the database of the Office of Professional Regulation as P.O. Box 537, Castleton, Vermont 05735) is a Registered Nurse under License Number 026-0023069.
10. Respondent was originally licensed on August 22, 1996 and Respondent's license is currently ~~lapsed~~ Extended. *SW*
11. At all times relevant to these Charges, the Respondent was employed by the Pleasant Manor Nursing Home in Rutland, Vermont.
12. On or around November 26, 1999, the Respondent was discovered sleeping while on duty as the Charge Nurse.
13. On or about November 26, 1999, the Respondent, as Charge Nurse, was discovered allowing another nurse, an L.N.A., to sleep while on duty.

Charges

14. By sleeping while on duty as the Charge Nurse and by allowing another nurse to sleep while on duty, the Respondent:
 - a) Engaged in conduct of a character likely to harm the public including:
 - i) failing to take appropriate action to safeguard a patient from incompetent health care; and
 - ii) aiding, abetting or assisting any person in any act in violation of [Chapter four (4) of the Board of Nursing Administrative Rules] or acts against the best interest of the public.
 - b) Is unable to practice nursing competently including:
 - i) the performance of unsafe or unacceptable patient care; and
 - ii) the failure to conform to the essential standards of the acceptable and prevailing nursing.

- c) Failed 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.
- D. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- E. The Respondent is voluntarily waiving her 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

- G. Based on the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent:
- i) By sleeping while on duty as the Charge Nurse and by allowing another nurse to sleep while on duty, the Respondent:
- (1) Engaged in conduct of a character likely to harm the public including:
- (a) failing to take appropriate action to safeguard a patient from incompetent health care; and
- (b) aiding, abetting or assisting any person in any act in violation of [Chapter four (4) of the Board of Nursing Administrative Rules] or acts against the best interest of the public.
- (2) Shown she is unable to practice nursing competently including:
- (a) the performance of unsafe or unacceptable patient care; and

(b) the failure to conform to the essential standards of the acceptable and prevailing nursing.

(3) Failed to comply with the provisions of state statutes or rules governing the practice of the profession.

H. Based on the above stipulation and on the above findings and conclusions of this Board, it is **ORDERED** follows:

The Board hereby **REPRIMANDS** Respondent's license to practice nursing.

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).

J. 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: HEIDI J. WILLEY
RESPONDENT

Date: 5.11.01


Heidi J. Willey

AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

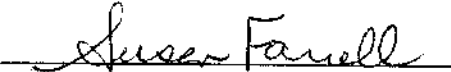
Date: 5/11/01


George C. Haegle IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 5-14-01


Chairperson

Dated entered: 5-17-01

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609