

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

IN RE:
ROBERTA MADRO, R.N.
License No. 026-0020063

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Docket No: NU60-0500

STIPULATION AND CONSENT ORDER

The Respondent, Roberta Madro, R.N., and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

Board Authority

1. The Vermont State Board of Nursing ["the Board"] has authority to 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. Being unable 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. Inability to practice nursing competently includes performance of unsafe or unacceptable patient care and failure to conform to the essential standards of

acceptable and prevailing nursing practice. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(2).

Facts

4. The Respondent (whose address is listed in the database of the Office of Professional Regulation as P.O. Box 458, Derby Line, VT 05830) is a Registered Nurse under License Number 026-0020063.
5. Respondent was originally licensed on July 1, 1991 and Respondent's license is currently inactive per-request.
6. At all times relevant to these Charges, the Respondent was employed by the Northern Correctional Facility in Newport, Vermont.
7. On or about April 14, 2000 Respondent was caring for an inmate that was suffering from chest pains.
8. By way of history, another LPN requested that Respondent or the LPN contact the doctor on duty.
9. The LPN contacted the doctor and was given an order to administer specific medications and was told not to administer a Nitro tablet.
10. On or about April 14, 2000, the Respondent:
 - a) Gave an inmate a Nitro tablet without a doctor's order for the medication;

- b) Failed to note in the inmates medical record(s) that the above-mentioned medication(s) was given; and
 - c) Requested that the ambulance crew not notify the doctor in the emergency room that Respondent gave the inmate the above-mentioned medication unless the doctor on call was a specific doctor.
11. Unrelated to the above incident in paragraphs G-J, Respondent has taken an inmate's prescribed medication, specifically Glucophage, for her own personal use.

Charges

12. By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has:
- a) shown she is unable to practice nursing competently by reason of any cause, in violation of 26 V.S.A. §1582(a)(3), specifically Respondent:
 - i) performed unsafe or unacceptable patient care; and
 - ii) failed to conform to the essential standards of acceptable and prevailing nursing practice.

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.
- G. The Respondent understands that when she does seek reinstatement of her license, the Board of Nursing will, at that time, determine appropriate conditions to be imposed on her license and the length of time for such conditions.

Consent Order

H. 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 has shown she is unable to practice nursing competently by reason of any cause, in violation of 26 V.S.A. §1582(a)(3), in that she:

(a) performed unsafe or unacceptable patient care and failed to conform to the essential standards of acceptable and prevailing nursing practice.

I. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

J. The Respondent's license is hereby **CONDITIONED** for a minimum period of **one (1) year**. The **CONDITIONS ON** Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in effect until Respondent has completed all conditions ordered. Respondent's license is conditioned as follows.

(2) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number. Respondent shall provide a copy of this Consent Order to all employers, current and future, and shall inform them of the conditional status of her license.

(3) Notification to Employers.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nurse and

inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

(4) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent is attending a nursing program, she shall provide a copy of the Consent Order to the Program Director.

Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

Respondent shall sign a consent, upon request of the Board, to authorize her employer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(5) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

The Board is aware that the Respondent is currently practicing in Canada and that such practice will be credited toward the fulfillment of the terms and conditions of this Consent Order as long as Respondent presents the Board with information regarding the other requirements under this Order.

(6) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered and/or licensed nurse in good standing with the nurse's licensing authority. Respondent shall not practice as a charge nurse.

(7) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

Respondent shall not work as a Charge Nurse during the effective period of this Consent Order.

(8) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(9) Costs.

Respondent shall bear all costs of complying with this Consent Order.

(10) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(11) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(12) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a nurse. Such proof shall include appropriate support from her employer. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

K. If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practicing as a R.N., the Respondent must timely apply for renewal of her nursing license.

L. 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).

M. 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:

Date: _____

APPROVED AS TO FORM

BY: ROBERTA MADRO, R.N.
RESPONDENT

Roberta Madro
Roberta Madro, R.N.

BY: [Signature]
Respondent's Attorney

Nancy Hughes

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

Date: 5/8/01

George C. Haegle IV
George C. Haegle IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 5.14.01

Susan Farrell
Chairperson

Dated entered: 5-17-01