

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

IN RE:

MARILYN F. MAGNUS

License No. 026.0005939

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)
Docket No.: 2011-288

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Marilyn F. Magnus, RN, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing 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.

Stipulated Facts

2. Marilyn F. Magnus ("Respondent") of Barnet, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0005939. This license was originally issued on or about January 29, 1960 and expires on or about March 31, 2013.
3. On or about April 1, 2011 the Respondent's license expired. While her license was expired the Respondent worked as a Registered Nurse at Caledonia Home Health Care. On or about May 3, 2011 the Respondent renewed her license. The time period the Respondent worked while her license was lapsed was approximately 1 (one) month.

Noncompliance with Administrative Duties

4. By committing the act(s) and/or omission(s) described above, the Respondent has violated 26 V.S.A. § 1584(a)(3) (It shall be violation of this chapter for any person, including any corporation, association, or individual, to practice nursing unless duly registered and currently licensed to do so under the provisions of this chapter.)

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Office of
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National Life Building
Second Floor North
Montpelier, VT
05620-3602

Understandings

5. 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.
6. 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.
7. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
8. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
9. 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.
10. 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.
11. 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. Since this violation occurred only in respect to the Respondent's noncompliance with administrative duties, the Board of Nursing does NOT make a finding of unprofessional conduct, but rather imposes a **MONETARY CIVIL PENALTY IN THE AMOUNT OF TWO HUNDRED FIFTY DOLLARS (\$250)** on the Respondent. This penalty is to be paid within ninety (90) days of the date of entry of this Order.
- 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).

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- 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: 5/31/12

By: [Signature]

Edward G. Adrian
State Prosecuting Attorney

MARILYN F. MAGNUS
RESPONDENT

Dated: 5-29-12

By: [Signature]

Marilyn F. Magnus

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6/11/12

By: [Signature]

Chairperson

Date of Entry: 6/12/12

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