

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

IN RE:

MICHELLE A. MARSHALL
License No. 025-0008072

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Docket No. NU18-1006

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Michelle A. Marshall, 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Michelle A. Marshall, is licensed in the State of Vermont as a licensed practical nurse holding license number 025-0008072. This license was originally issued on or about July 27, 2001 and is currently set to expire on January 31, 2010.
3. At all times relevant, the Respondent was employed as a licensed practical nurse at Genesis Health Care located in Morrisville, Vermont.
4. On or about August 19, 2006, the Respondent failed to document that she had administered a patient's PRN medication in the patient's Medication Administration Record ("MAR"). In a written response to the incident, the Respondent advised "I neglected to sign the MAR which I admit I have been very bad at lately with PRN's on night shift . . ."
5. The Respondent was suspended on September 1, 2006 due in part to the above-referenced error.

STATE OF VERMONT



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Office of
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9 Baldwin Street
Montpelier, VT
05609-1107

Charges

6. The act(s), omission(s), and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 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 care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - b. 3 V.S.A. § 129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

7. 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.
8. 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.
9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. 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.
12. 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.
13. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **WARNS** the Respondent's license to practice practical nursing.

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- 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:

Dated: 6/30/08

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]

Edward G. Adrian
State Prosecuting Attorney

MICHELLE A. MARSHALL
RESPONDENT

Dated: 6-23-08

By: [Signature]
Michelle A. Marshall

APPROVED AS TO FORM:

Dated: 6-26-08

ATTORNEY FOR RESPONDENT

By: [Signature]

William W. Cobb, Esq.

APPROVED AND SO ORDERED:

Dated: 7/14/08

VERMONT BOARD OF NURSING

By: [Signature] APRN
Chairperson

Date of Entry: 7/16/08

nu.marshall.stip

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IN RE:

MICHELLE A. MARSHALL

License No. 025-0008072

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Docket No: NU18-1006

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Michelle A. Marshall, L.P.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.

Statement of Facts

2. The Respondent, Michelle A. Marshall, is licensed in the State of Vermont as a licensed practical nurse under license number 025-0008072. This license was originally issued on or about July 27, 2001 and is currently set to expire on January 31, 2010.

3. At all times relevant, the Respondent was employed as a licensed practical nurse at Genesis Health Care located in Morrisville, Vermont.

4. On or about August 19, 2006, the Respondent failed to document that she had administered a patient's PRN medication in the patient's Medication Administration Record ("MAR"). In a written response to the incident, the Respondent advised "I neglected to sign the MAR which I admit I have been very bad at lately with PRN's on night shift"

5. The Respondent was suspended on September 1, 2006 due in part to the above referenced error.

Charges

6. 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

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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 care; 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 Michelle A. Marshall should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 29th day of April, 2008.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.marshall.soc

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