

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

IN RE:
PATRICIA L. MARSHALL
License No. 025.0009202

Docket No. NU91-0109 (2009-69)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Betsy Ann Wrask, and the Respondent, Patricia L. Marshall, LPN, 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 (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Patricia L. Marshall (the "Respondent") of Montpelier, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009202. This license was originally issued on or about July 10, 2007 and is currently set to expire on or about January 31, 2012.
3. Subsequent to July 10, 2007, it came to the attention of the Vermont Board of Nursing that the Respondent had attended an educational institution that did not meet the qualifications of the ARBN Chapter 4, Subchapter 1. The Respondent does not contest that the educational institution she attended does not meet the qualifications of ARBN Chapter 4, Subchapter 1.
4. The Respondent agrees that she does not meet the minimum qualifications for licensure. However, because the Respondent satisfactorily passed the NCLEX examination and has been engaged in the practice of practical nursing, the parties reach the following understandings and request that the Order be entered as set forth below.

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

Understandings

5. Respondent understands that the 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 his 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 he 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 his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
11. The parties agree that this matter does not constitute unprofessional conduct. Instead, the parties agree that the Board has authority to enter the Order below since the Respondent has acknowledged that her initial application does not meet the minimum requirements for licensure as set forth by the ARBN.
12. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is hereby **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby changes Respondent's license status to **INACTIVE-CONDITIONED**. Within two (2) years of the date of entry below, the Respondent shall complete an approved nursing program that satisfies the requirements of ARBN Chapter 4, Subchapter 1. The Respondent shall obtain approval from the Board or its designee prior to the commencement of any program in order to ensure that the program is satisfactory. If at the time of the date of entry below the Respondent is already enrolled in a nursing program, credit for coursework already taken shall be given to the Respondent if the program meets the requirements of the ARBN.

If the Respondent completes the nursing program satisfactorily within the required time period, her license shall be reinstated without conditions.

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If the Respondent fails to complete an approved nursing program within two (2) years from the date of entry below, then the Board of Nursing may impose any additional requirement it feels is necessary and reasonable prior to reinstating the Respondent's license including, but not limited to: retaking the NCLEX exam; completion of an approved re-entry program; and working under supervision.

- B. The Respondent specifically recognizes that she is prohibited from practicing as a licensed practical nurse in Vermont, until the inactive status is removed from her license. The Respondent further recognizes that her license will be reported to all licensing authorities upon request as "INACTIVE-CONDITIONED".
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- D. 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).
- E. 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: 7-9-10

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Betsy Ann Wrask
State Prosecuting Attorney

PATRICIA L. MARSHALL
RESPONDENT

By: [Signature]
Patricia L. Marshall

APPROVED AS TO FORM:

Dated: 7/7/10

ATTORNEY FOR RESPONDENT:

By: [Signature]
Paul S. Gillies, Esq.

STATE OF VERMONT



Prosecuting Attorney
Office of
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9 Baldwin Street
Montpelier, VT
05609-1187

APPROVED AND SO ORDERED:

Dated: 8-9-10

Date of Entry: 8-25-10

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VERMONT BOARD OF NURSING

By: *[Signature]*
Chairperson

STATE OF VERMONT



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