

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

IN RE:

BERNADETTE MARY MARTINO)

License No. 026.0030793)

Docket No. 2008-504

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Bernadette Mary Martino, RN, 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. Bernadette Mary Martino (the "Respondent") of Lyndonville, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0030793. This license was originally issued on or about March 16, 2005 and is currently set to expire on or about March 31, 2011.
3. At all times relevant, Respondent was employed as a Registered Nurse at the Health Center (the "Facility"), located in Plainfield, Vermont.
4. At all times relevant, Patient X was a patient at the Facility.
5. On or about December 12, 2008 in a written complaint to the Board, C.L. reported that Respondent met a patient at work, started dating him, and began living with him. C.L. stated that she did not believe that Respondent was aware that she was breaching a code of ethics by dating a patient.
6. On or about July 14, 2009 in an interview with State Investigator Karl Packer, Respondent stated that she came to know Patient X through her work at the Facility. Respondent stated she dated Patient X from in or around October 2008 through in or

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around March 2009. Respondent stated that she was not aware at the time she was dating Patient X that it was inappropriate for her to do so. However, Respondent stated that she now knows that dating a patient is not okay and if the situation presented itself again today, that she would not let it happen again. Respondent stated she had learned her lesson.

7. Respondent no longer works at the Facility.
8. By dating a patient of the Facility, Respondent violated 3 V.S.A. §129a(b)(1) and (2).
9. In an effort to resolve this matter, on or about December 17, 2009 Respondent successfully completed the NCSBN Respecting Professional Boundaries CE Course.

Charges

10. The act(s), omission(s), and/or circumstance(s) 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, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client 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 provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

11. 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.
12. 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.
13. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
14. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

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15. 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.
16. 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.
17. 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. The Board of Nursing hereby **REPRIMANDS** Respondent's license to practice registered nursing.
- 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:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 1-12-10

By: [Signature]
Betsy Ann Wrask
State Prosecuting Attorney

BERNADETTE MARY MARTINO
RESPONDENT

Dated: 1/11/10

By: Bernadette Mary Martino
Bernadette Mary Martino

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2-8-10

By: [Signature]
Chairperson

Date of Entry: 2/10/10
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