

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

IN RE:

Colleen E. Matteson

License No. 026.0067563

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Docket No. 2015-125

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. Jarvis, and the Respondent Colleen E. Matteson, 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. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Colleen E. Matteson (the "Respondent") of Ludlow, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0067563. This license was originally issued on or about June 11, 2010, and expires on or about March 31, 2017.
3. During the relevant time period, Respondent was employed as a Registered Nurse at Rutland Regional Medical Center in Rutland, Vermont.
4. On or about March 5, 2015, Respondent removed morning medications for Patient 1 from the Omnicell dispensing machine between 11:24 a.m. and 11:25 a.m. These medications were scheduled to be administered at 9:00 a.m. and included a multivitamin, Amlodipine, Lisinopril, Docusate, Pantoprazole, and Fenofibrate. Respondent scanned the medications at Patient 1's bedside at or about 11:25 a.m. Respondent manually changed the time of administration to 9:00 a.m. for each of these medications.

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5. On or about March 5, 2015, Respondent removed four medications for Patient 2 from the Omnicell dispensing machine at 1:45 p.m. Two of these medications were due to be administered at 9:00 a.m. and included Pantoprazole and Enoxaparin. Patient 2 was also due to receive Ketorolac and Cefoxitin at 12:00 p.m. Respondent scanned these four medications at Patient 2's bedside at or about 1:54. Respondent manually changed the time of administration of all four medications to the times they were scheduled to be administered.
6. The Respondent did not notify the pharmacy that the above medications were not given on time. Failure to notify the pharmacy prevented the adjustment of the scheduled time of administration for the next doses of these medications.
7. The essential standards of acceptable and prevailing practice require that nurses accurately document the time of administration of all medications.
8. The essential standards of acceptable and prevailing practice require that nurses promptly report medication errors, including late administration, to appropriate personnel so that appropriate actions may be taken to adjust medication administration schedules in a timely manner.
9. On or about March 5, 2015, Patient 2 had an abdominal wound dressing and a Jackson-Pratt drain. Respondent was concerned about the color and amount of drainage from the wound and spoke with a physician about her concerns. Respondent failed to document the patient assessment, her concerns, or her communication with the physician.
10. The essential standards of acceptable and prevailing practice require that nurses accurately document assessment findings, especially in the case of abnormal findings, as well as all follow-up and/or consultation information.

Violations

11. 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(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
 - b. 3 V.S.A. §129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records);

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- c. 3 V.S.A §129a(a)(15) (Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession); and
- d. 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).

Understandings

- 12. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
- 13. 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.
- 14. 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.
- 15. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 16. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 17. 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.
- 18. 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.
- 19. 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 **CONDITIONS** the Respondent's license to practice nursing **for two (2) years from the date of entry below**. The conditions are as follows:

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1) Term of Conditions:

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned." Respondent shall be subject to the conditions until Respondent completes a minimum of two (2) years of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. The Respondent shall be prohibited from working more than forty (40) hours per week during the conditioned period.

2) Required Course Work:

Respondent must successfully complete (i.e., receive a passing grade, if applicable) the courses related to the following subjects that have prior approval by the Board or its designee, and then submit written documentation of completion:

- i. Medication Administration
- ii. Time Management

These courses must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order.

3) Notification to Employers/Nursing School and Required Reports:

Within ten (10) days of the date of entry of this Order, Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current nursing employment or in the event of future practice, within ten (10) days, and inform them of Respondent's conditional license status. Respondent's immediate supervisor shall submit to the Board an employer agreement on the Board approved form. If the Respondent is in a nursing program that has a clinical portion involving patient care, Respondent shall give Stipulation and Consent Order to the Program Director. The Director shall submit to the Board a nursing program agreement on a Board approved form.

Within one (1) month of receipt of the agreement form every nursing employer or program director shall submit to the Board an evaluation of Respondent's work performance and attendance on a monthly basis. These reports shall be submitted in writing on forms issued by the Board. All reports shall be satisfactory.

4) Practice Under Supervision:

While the Respondent is employed at Gill Odd Fellows Home in Ludlow, Vermont, she shall practice nursing only in a setting where she has ON-SITE supervision for the entire shift by a registered nurse that is licensed and in good standing with the

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Board. Respondent shall notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination).

If the Respondent works as a nurse anywhere other than Gill Odd Fellows Home in Ludlow, Vermont, she shall practice nursing only in a setting where she has **DIRECT** supervision for the entire shift by a registered nurse that is licensed and in good standing with the Board.

5) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.

6) Out-of-State Practice and Licensing.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. Failure to seek approval shall result in out-of-state practice not being credited toward the fulfillment of the terms and conditions of this Consent Order.

If the Respondent receives discipline on a nursing license held in another state during the conditioned period, the Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

7) Notification of Employment/ Personal Address/Telephone Number:

Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number.

Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

8) Notification to Other States:

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the other nursing licensing boards of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry.

9) License Renewal and Costs:

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If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. Respondent must timely apply for renewal and pay the applicable fee.

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

10) Violation of this Order:

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

11) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. Respondent shall have the burden of proof.

- 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).
- 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: 8/2/16

By: Elizabeth A. Jarvis
Elizabeth A. Jarvis
State Prosecuting Attorney

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COLLEEN E. MATTESON
RESPONDENT

Dated: 8/1/16

By: Colleen E. Matteson
Colleen E. Matteson

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 8/8/16

By: Jeanine Carr
Chairperson

Date of Entry: 8/12/16

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