

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

|                                |   |                            |
|--------------------------------|---|----------------------------|
| <b>IN RE:</b>                  | ) | <b>M201611</b>             |
| <b>DONNA L. MAYNARD</b>        | ) | <b>Docket No. 2012-379</b> |
| <b>License No. 025.0006843</b> | ) |                            |

**REINSTATEMENT STIPULATION AND CONSENT ORDER**

**STIPULATION**

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Donna L. Maynard, 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.

**Stipulated Facts**

2. Donna L. Maynard (the "Respondent") of Hinsdale, New Hampshire is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0006843. This license was originally issued on or about October 21, 1992 and expires on January 31, 2014.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse at Vernon Green Nursing Home (the "Facility") which is located in Vernon, Vermont.
4. On or about May 30, 2012, Respondent arrived at work an hour and half before her shift began. Respondent pre-wrote her nursing notes on several patients before she began her direct care of those patients. These notes included observations of patient's conditions and behaviors that had not yet occurred.
5. On or about May 13, 2013, the Board adopted a Stipulation and Consent Order that changed Respondent's license to Inactive-Conditioned. Respondent now seeks reinstatement. The investigatory team is in support of her reinstatement with the conditions outlined below.

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402

### Violations

6. 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);
  - 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).

### Understandings

7. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent does not dispute that the State could prove these charges by a preponderance of the evidence if this matter went to a hearing and agrees that the conditions below are necessary to protect the public.
8. 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.
9. 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.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
12. 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.

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402

13. 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.

14. 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 **six (6) months from the date of entry below**. The conditions are as follows:

(1) License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned." Respondent shall be subject to the conditions until Respondent completes a **minimum of six (6) months** of supervised nursing 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. Respondent shall be prohibited from working more than forty (40) hours per week.

(2) Mandatory Courses.

Respondent must successfully complete the following courses with prior approval by the Board or its designee:

- a. Ethics
- b. Documentation.

Written documentation of completion must be provided within ninety (90) days of the date of entry of this Stipulation and Consent Order.

(3) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all nursing employers or nursing program containing a clinical portion. Within ten (10) days of the date of entry of this Consent Order or the initiation of any subsequent nursing, Respondent's immediate supervisor shall submit to the Board an agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

(4) Reports from Employers/Program Director.

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402

Within one (1) month of the date of date of entry or within one (1) month of the commencement of nursing employment or a nursing program and **monthly** thereafter, Respondent shall cause every nursing employer or program director to submit to the Board an evaluation of Respondent's work performance and attendance during that month. If applicable, on a **quarterly** basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices. All reports shall in writing on forms issued by the Board and must indicate satisfactory performance.

(5) Practice Under Supervision.

Respondent shall practice nursing only in a setting where Respondent has direct supervision for the entire shift by a registered nurse that is licensed and in good standing with the Board.

(6) 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.

(7) Out-of-State Practice and Discipline.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. If Respondent fails to receive such approval before practicing nursing outside the State of Vermont, time spent practicing nursing out-of-state will be not be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state nursing practice so long as the Respondent can still comply with the provisions of this Consent Order.

(8) Notification of Place 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. In the event of any change, Respondent shall further notify the Board, in writing, within forty-eight (48) hours.

(9) Notification to Other States.

If Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry of this Order.

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402

(10) License Renewal.

This Order does not automatically extend the license. Respondent must timely apply for renewal and meet renewal requirements.

(11) Costs.

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

(12) Violation of this Order and Further Discipline.

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.

(13) 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. The Respondent must present proof that she has fully complied with the terms 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).
- 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.

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402

AGREED TO:

Dated:

3/28/16

STATE OF VERMONT  
SECRETARY OF STATE

By:

S. Lauren Hibbert  
State Prosecuting Attorney

DONNA L. MAYNARD  
RESPONDENT

By: *Donna Maynard*  
Donna L. Maynard

ATTORNEY FOR RESPONDENT

By: *Lisa M. Hall*  
Lisa M. Hall, Esq.

Dated: 3-23-16

APPROVED AS TO FORM:

Dated: 3-28-16

APPROVED AND SO ORDERED:

Dated: 4/11/16

Date of Entry: 4/12/16

VERMONT BOARD OF NURSING

By: *Janine Carr*  
Chairperson

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
89 Main Street  
3rd Floor  
Montpelier, VT  
05620-3402