

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

IN RE:

PEGGY JO MCCOMAS

License No. 025.0054700

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Docket No. 2010-120

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Peggy Jo McComas, 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. Peggy Jo McComas (the "Respondent") of Euahlee, Georgia was licensed by the State of Vermont as Licensed Practical Nurse under license number 025.0054700. This license was originally issued on or about July 21, 2009 and expired on or about January 31, 2010.
3. On or about September 30, 2009 in a Statement of Complaint to the Office of Professional Regulation, J.C., an Administrative Assistant for Green Mountain Nursing Home (the "Facility"), located in Colchester, Vermont, reported that her name had been forged on a State of Georgia Verification of Employment Form (the "Form"). J.C. advised the Form was regarding former Facility Nurse P.L. J.C. reported that the Form misrepresented that P.L. worked five hundred twenty (520) hours at the Facility, when P.L. had actually only worked at the Facility for approximately two hundred sixty (260) hours. J.C. advised that she had neither completed nor signed the Form.
4. The purpose of the Form was to verify for the Georgia Board of Examiners of Licensed Practical Nurses how many hours an LPN had worked within the last five (5) years. The Form indicated that if an LPN had worked fewer than five hundred

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(500) hours, the LPN would have to complete a refresher program prior to being licensed as an LPN in Georgia. The Form required that the LPN's employment hours were to be completed by an employer.

5. On or about January 4, 2010 in an interview with State Investigator Jamie Palmisano, former Facility Nurse P.L. denied completing or forging J.C.'s signature on the Form.
6. On or about January 5, 2010 in an interview with Investigator Palmisano, Respondent admitted that she had completed the Form and falsified the employment information on the Form using J.C. as the employer contact for her daughter, P.L. Respondent advised that she believed her daughter had forgotten to send the Form to the Facility after her daughter moved out-of-state, and therefore Respondent took it upon herself to complete the Form. Respondent apologized for her action and stated her intent was not to defraud, but to assist her daughter.

Charges

7. 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)(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 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

8. Respondent admits the facts above are true.
9. 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.
10. 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.
11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

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12. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
13. 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.
14. 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.
15. 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** the Respondent's practical nursing license and imposes an **ADMINISTRATIVE PENALTY IN THE AMOUNT OF ONE HUNDRED (\$100) DOLLARS** on the Respondent. This penalty is to be paid within sixty (60) days of the date of entry 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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 11-29-10

By: 
Betsy Ann Wrask
State Prosecuting Attorney

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PEGGY JO MCCOMAS
RESPONDENT

Dated: 11-28-2010

By: 
Peggy Jo McComas

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12.13.10

By: W. Reff
Chairperson

Date of Entry: 12-15-10
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