

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

**IN RE:**  
**PATRICIA J. MCCUEN**  
**License No. 026.0029719**

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**Docket No. 2015-139**

**STIPULATED SURRENDER OF LICENSE**

**STIPULATION**

NOW COME the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and the Respondent, Patricia J. McCuen, represented by Robert Appel, Esq., 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. Patricia J. McCuen (the "Respondent") of Wolcott, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0029719. This license was originally issued on June 28, 2004, and expires on March 31, 2017.
3. During the relevant time period, Respondent was employed as a Registered Nurse at the Vermont Psychiatric Care Hospital in Berlin, Vermont.
4. On the weekend of January 3, 2015 and January 4, 2015, the Respondent was working as Charge Nurse at the Facility.
5. During the weekend of January 3<sup>rd</sup> and 4<sup>th</sup>, the Respondent instructed staff at the Facility to use the technique of "planned ignoring" and to refrain from engaging with or answering requests with Patient 1, who had a diagnosis of obsessive compulsive disorder (OCD).

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3rd Floor  
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6. Respondent intended to use "planned ignoring," or ignoring Patient 1 intentionally, as an intervention strategy meant to reduce perceived inappropriate behaviors on the part of Patient 1, such as refusing to engage with certain staff members.
7. "Planned ignoring" was not part of Patient 1's treatment plan.
8. Respondent did not document the use of "planned ignoring" with Patient 1.
9. Respondent did not have authority to change Patient 1's treatment plan.
10. Respondent did not consult with Patient 1's treatment team nor obtain approval from Patient 1's providers to change her treatment plan or use "planned ignoring."
11. "Planned ignoring" has not been a recommended treatment at the Facility since 2009.
12. "Planned ignoring" is not recognized as a safe and effective treatment for OCD.
13. On January 4, 2015, Patient 1 approached the nurses' station asking to contact the on-call physician due to her high anxiety levels.
14. During the Respondent's interaction with Patient 1, the Respondent repeatedly opened the door to the nurses' station after Patient 1 slammed it shut.
15. During the time "planned ignoring" was implemented during the weekend of the 3<sup>rd</sup> and 4<sup>th</sup>, Patient 1 exhibited crying and screaming.

**Violation One: 3 V.S.A. §129a(a)(13) Performing treatments or services which the licensee is not qualified to perform or which are beyond the scope of the licensee's education, training, capabilities, experience, or scope of practice.**

16. The State re-alleges and incorporates Paragraphs 2 through 15 above.
17. As a Registered Nurse, the Respondent is required to act only within her scope of practice.
18. Respondent engaged in the performance of treatments or services beyond her scope of practice by changing Patient 1's treatment plan without consulting the treatment team.
19. 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 3 V.S.A. §129a(a)(13).

#### **Understandings**

20. 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. Respondent

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specifically denies factual allegations numbered 13, 14, and 15 above. To avoid delay, uncertainty, inconvenience, and the expense of protracted litigation, the parties reach a full and final Stipulation pursuant to these Understandings and the Acceptance of Surrender and Order below. The Respondent does not dispute that the State may be able to prove this charge by a preponderance of the evidence if this matter went to a hearing.

21. Respondent understands and accepts that given her present physical and cognitive conditions she does not feel able at this time to resume her nursing career.
22. Respondent understands that the Nursing Board must review and accept the terms of the Acceptance of Surrender and Order. If the Board rejects any portion, the entire Stipulated Surrender of License shall be null and void.
23. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing if this agreement is not accepted by the Board and proceeds to a contested hearing.
24. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
25. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulated Surrender of License.
26. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulated Surrender of License.
27. Respondent voluntarily waives Respondent's right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulated Surrender of License.
28. Respondent agrees that the Order set forth below may be entered by the Board.

#### **ACCEPTANCE OF SURRENDER AND ORDER**

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

- A. The Board of Nursing hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her nursing license.
- B. Any future application for licensure in the State of Vermont shall be subject to the licensing requirements of that particular profession. If a future application for licensure in the State of Vermont is approved, that license may be **CONDITIONED** pursuant to

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whatever terms are found to be reasonable at the time of Respondent's application for licensure, taking into account the stipulation above.

- B. Notwithstanding any provision above, the Respondent must continue to meet all 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:

Dated: 3/2/17

STATE OF VERMONT  
SECRETARY OF STATE

By: Elizabeth A. St. James  
Elizabeth A. St. James  
State Prosecuting Attorney

PATRICIA J. MCCUEN  
RESPONDENT

Dated: 3.1.17

By: Patricia J. McCuen  
Patricia J. McCuen

APPROVED AS TO FORM ONLY:

Date: 3/1/17

ROBERT APPEL, ESQ.  
ATTORNEY FOR RESPONDENT

By: Robert Appel  
Robert Appel, Esq.

APPROVED AND SO ORDERED:

Dated: 3/6/17

VERMONT BOARD OF NURSING

By: Jeanine Carr  
Chairperson

Date of Entry: 3/6/17

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