

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

**IN RE:** )  
**JENNIFER MCKENNEY** ) **Docket No. 2012-75 (NU)**  
**License No. 026.0029680** )

**STIPULATION AND CONSENT ORDER**

**STIPULATION**

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Jennifer McKenney, 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.

**Stipulated Facts**

2. Jennifer McKenney (the "Respondent") of Wolcott, Vermont is licensed by the State of Vermont as Registered Nurse under license number 026.0029680. This license was originally issued on or about August 29, 1990 and expired on or about March 31, 2013. On or about May 14, 2011, the Board approved a Stipulation and Consent Order under docket number 2009-511 that changed Respondent's license to a conditional status and required supervision of her practice. At all times relevant, Respondent was practicing on a conditional license.
3. At all times relevant, Respondent was employed as a Registered Nurse at Copley Hospital (the "Facility"), located in Morrisville, Vermont.
4. On or about September 2, 2011, Respondent was attending a ACLS training and when asked to respond to an emergency scenario Respondent approached the manikin and grabbed its head, laughed loudly, and said to the manikin "you're dead." When asked by the trainer to respond appropriately, Respondent continued to laugh.

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5. On or about December 9, 2011, Respondent was "intensely angry and complained bitterly" about the admission of a patient who required a blood transfusion per a doctor's order. Respondent states the she was under significant stress at the time this occurred.

### **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. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performing unsafe or unacceptable patient care pursuant to ARBN 11.2(a); and failing to conform to the essential standards of acceptable and prevailing nursing assistant practice pursuant to ARBN 11.2(b);
  - b. 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
  - c. 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**

7. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
8. Respondent understands that the 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.

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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.
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 **INDEFINITELY SUSPENDS** Respondent's right to reinstate her license, **commencing with the date of entry below.**
  - a. If, in the future, Respondent requests reinstatement of her license, her license will be **CONDITIONED** by the Board pursuant to whatever terms the Board finds reasonable at the time of Respondent's request for reinstatement. However, Respondent's license shall be conditioned for a minimum of 6 (six) months.
- 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: 11/15/13

By: [Signature]  
S. Lauren Hibbert  
State Prosecuting Attorney

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JENNIFER MCKENNEY  
RESPONDENT

Dated: 11/13/2013

By: [Signature]  
Jennifer McKenney

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 11/15/13

By: Richard Cassidy  
Richard Cassidy, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11/18/2013

By: Ellen D. [Signature]  
Chairperson

Date of Entry: 11/20/13

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