

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

IN RE:)
HEATHER R. MOORE) Docket No. 2012-153
License No. 025.0009619)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Heather R. Moore, 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. Heather R. Moore (the "Respondent") of Hoosick Falls, New York is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009619. This license was originally issued on or about September 19, 2008 and expires on or about January 31, 2014.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse for Southwestern Vermont Health Care (the "Facility"), located in Bennington, Vermont.
4. The facility did an audit of the non-narcotic pain killer Ultram in the unit Respondent works between December 22, 2011 and January 30, 2012. Reviewing the medication count, pharmacy records, and the patients' records the Facility found that Respondent had administered Ultram on sixty four (64) occasions with out documentation of administration nor an assessment of pain. Respondent stated that she administered the medication but failed to document the administration properly.

Violations

5. 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:

STATE OF VERMONT



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

- 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 Part 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

6. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
7. 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.
8. 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.
9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. 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.
12. 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.
13. 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:

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- A. The Board of Nursing hereby **WARNS** the Respondent's license.
- B. Respondent's license is **CONDITIONED** as follows:
- a. Respondent shall, within ninety days of this Order, at her own expense, complete courses pre-approved by the Board in Documentation and Medication Administration.
 - b. Upon receipt of satisfactory evidence that Respondent has completed the courses, the Board or its designee shall terminate the conditions upon Respondent's license and restore the license to unencumbered status.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- D. 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).
- E. 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: 9/6/13

By: S. Lauren Hibbert

S. Lauren Hibbert
State Prosecuting Attorney

HEATHER R. MOORE
RESPONDENT

Dated: 9/5/13

By: Heather R. Moore

Heather R. Moore

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
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Dated: 9/9/13
Date of Entry: 9/9/13

By: Jeanine Carr
Chairperson

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