

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

IN RE:)
DEBORAH PLOOF MOORE)
License No. 026.0011118; 101.0011118)

Docket No. 2009-501

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Deborah Ploof Moore, APRN, 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. Deborah Ploof Moore (the "Respondent") of Underhill Center, Vermont is licensed by the State of Vermont as a Registered Nurse with Advanced Practice Registered Nurse Endorsement under license number 101.0011118. Respondent's endorsement is that of a Family Nurse Practitioner with Prescriptive Authority. This APRN license was originally issued on or about August 13, 2002 and is currently set to expire on or about March 31, 2013. Respondent has also been licensed by the State of Vermont as a Registered Nurse under license number 026.0011118. Respondent's RN license was originally issued on or about August 7, 1975 and lapsed on or about March 31, 2003.

3. At all times relevant, Respondent was employed by Prison Health Services ("PHS") and was working as Regional Administrator/Regional Vice President with supervisory administrative responsibilities for correctional facilities including the Northwest State Correctional Facility (the "Facility"), located in Swanton, Vermont.

4. Respondent's general duties as Regional Administrator/Regional Vice President included evaluating systems' activities based on PHS's goals, objectives, aims, and philosophy according to accreditation standards and contractual obligations; establishing new systems, writing proposals, and seeking out potential new contracts; and

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implementing and monitoring all contractually required services. Included among these responsibilities was ensuring that PHS made all required mandatory reports to the Board.

5. On or about October 28, 2009, the Office of Professional Regulation ("OPR") initiated an investigation regarding Respondent following the death of Inmate #1 at the Facility on or about August 16, 2009. Chief Medical Examiner S.S. concluded that the cause of death of Inmate #1 was "hypokalemic induced cardiac arrhythmia due to anorexia/bulimia nervosa and denial of access to medication." Respondent and her employer, PHS, dispute this conclusion.

6. OPR was not made aware of any disciplinary action taken by PHS or its staff regarding any PHS employee - who is also a licensee of OPR - who had his or her privilege to practice limited, conditioned, suspended, or terminated by PHS as a result of this death.

7. On or about August 31, 2009, LPN W.H. received Written Counseling and was suspended by PHS for two (2) days without pay regarding the intake he performed on Inmate #1 on or about August 14, 2009.

8. PHS failed to make or cause to be made the mandatory report of W.H.'s suspension to the Board, in violation of 3 V.S.A. § 128.

Violations

9. Respondent disputes that the acts, omissions, or circumstances described above constitute grounds for discipline; however, the State contends that the acts, omissions, or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

a. 3 V.S.A. § 128(a) (Any health care institution in which a licensee performs professional services shall report to the appropriate board, within 10 days, any disciplinary action).

Understandings

10. 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 if the charges were proven the discipline set forth below could be imposed as necessary to protect the public.

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11. 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.
12. 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.
13. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
14. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
15. 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.
16. 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.
17. 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 issues Respondent a **WARNING** against her license based on the conduct alleged above.
- 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.

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AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 9/15/11

By: S. Lauren Hibbert
S. Lauren Hibbert, Esq.
State Prosecuting Attorney

DEBORAH PLOOF MOORE
RESPONDENT

Dated: 9/13/11

By: Deborah Moore
Deborah Ploof Moore

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 2/13/11

By: Eric S. Miller
Eric S. Miller, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 10/10/11

By: Deborah L. Sweeney
Chairperson

Date of Entry: 10/10/11

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