

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

IN RE:)
PAULA H. MORIN) **Docket No: NU 70-0404**
License No. 026-0024703)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Paula H. Morin, R.N., 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, 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)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Facts

2. The Respondent is licensed in the State of Vermont as a Registered Nurse under license number 026-0024703.
3. Respondent's license was originally issued on April 16, 1999 and Respondent's license is currently set to expire on March 31, 2005.
4. At all times relevant, the Respondent was employed as an R.N. by Burlington Health and Rehabilitation Center (the "Facility") in Burlington, Vermont.
5. On or about April 6, 2004, the Respondent was informed by an L.N.A. at the Facility that resident D.R. had a very rapid pulse. The Respondent failed to visit D.R.'s room to assess the situation, but instead the Respondent called the on call physician.
6. The Respondent obtained a telephone order from D.R.'s physician for a stat dose of Lopressor, however, the Respondent did not sign off on the medication administration record as having given it to D.R. The Respondent also failed to write a progress note in D.R.'s record concerning the incident.

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Office of
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Montpelier, VT 05602

7. On or about April 6, 2004, the Respondent left medications for resident B.L. at B.L.'s bedside and the Respondent instructed the L.N.A. to give them to B.L. when she returned.

8. On or about April 6, 2004, the Respondent signed off one Ambien in the controlled drug record for resident A.M. at 9:30 p.m. However, the Respondent did not note this in the medication administration record, nor did the Respondent write a progress note in A.M.'s record.

9. On or about February 22, 2004, the Respondent signed off on the medication administration record as having given one Alprozolam to J.S. on February 22, 2004. However, the Respondent did not indicate what time the Alprozolam was given, nor did the Respondent write a progress note as to why J.S. required it when it had not been given to J.S. previously since January 22, 2004.

10. On or about February 22, 2004, the Respondent signed off on the medication administration record as having given Roxicodone to M.B. at 8:00 p.m. and 11:30 p.m. The physician's order for M.B. was that the Roxicodone was to be given every four hours. The Respondent did not write a progress note regarding any increase in M.B.'s pain.

11. On or about February 22, 2004, the Respondent signed off one Ativan in the controlled drug record for resident W.W. at 9:00 p.m. and the Respondent wrote in a corrected note for one Ativan at 11:00 p.m. The medication administration record for W.W. indicates that the Ativan was given once and no time is listed as to when it was given. The Respondent did not write a progress note about the Ativan in W.W.'s record, nor did the Respondent provide any explanation as to where the second pill went.

12. In another incident, the Respondent was overheard asking an L.N.A. at the Facility where the keys to the medication cart were, to which the L.N.A. responded that they were on top of the cart. The Respondent was also observed leaving medications unattended on top of the medication cart.

13. On February 6, 2004 and on December 18, 2003, the Respondent signed off on the controlled drug record as having given resident M.W. two Endocet tablets when the physician's order was for one tablet.

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Charges

14. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

- i. 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to

conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and

- ii. 26 V.S.A. §1582(a)(7) (engaging in conduct of a character likely to harm the public); and
- iii. 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

15. 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.

16. 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.

17. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

18. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

19. 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.

20. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

21. 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 **CONDITIONS** the Respondent's license to practice nursing for a minimum period of **THREE (3) YEARS** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Re-issue of License.

Upon commencement of these conditions, the Respondent shall be issued a license labeled "conditioned."

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(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes three (3) years of supervised nursing practice in which she works forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week. Respondent's license is additionally conditioned as follows.

(3) Medication Administration, Documentation and Delegation Course(s).

Respondent must complete (i.e.: receive a passing grade, if applicable) a course or courses covering the subjects of medication administration, documentation and delegation, with prior approval by the Board or its designee, and then submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee. These courses must be completed within six months of the date of entry of this Stipulation and Consent Order.

(4) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Order or of subsequent commencement of nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event Respondent is attending a nursing program which has a clinical portion which involves actual patient care, she shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with its conditions during clinical experience.

(5) Reports from Employers.

Within one (1) month of the date of entry of this Order or of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

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(6) Practice Under Supervision.

Respondent shall practice only in a nursing setting where Respondent has direct supervision for the entire shift by a Registered Nurse that is licensed and in good standing with the Board.

(7) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(8) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse, with the exception of supervising LNAs and other unlicensed assistive persons. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a personal care provider during the effective period of this Consent Order.

(9) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(10) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(11) Notification to Other States.

In the event that the Respondent is licensed as a nurse in any other state(s), she must inform the nurse licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(12) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

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(13) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(14) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(15) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has full complied with the terms 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.

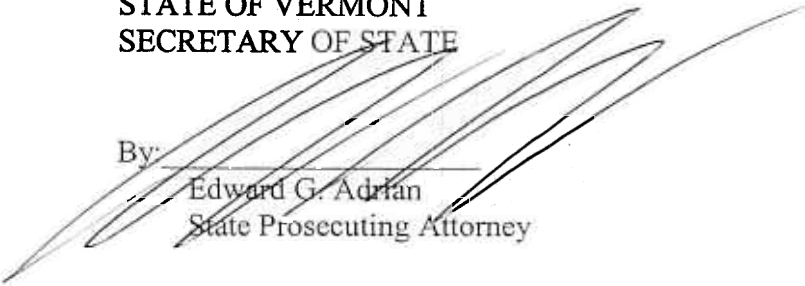
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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: 2/2/05

By: 

Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
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PAULA H. MORIN
RESPONDENT

Dated: 1/25/05

By: Paula H Morin RM

Paula H. Morin

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Feb. 14, 2005

By: Leesa Farrell
Chairperson

Date of Entry: 2/22/05

nu.morin.stip

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IN RE:)
PAULA H. MORIN) Docket No: NU 70-0404
License No. 026-0024703)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Paula H. Morin, R.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. The inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
3. The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2).
4. Engaging in conduct of a character likely to harm the public is unprofessional conduct upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(7).
5. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

6. The Respondent is licensed in the State of Vermont as a Registered Nurse under license number 026-0024703.

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7. Respondent's license was originally issued on April 16, 1999 and Respondent's license is currently set to expire on March 31, 2005.

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10. The Respondent obtained a telephone order from D.R.'s physician for a stat dose of Lopressor, however, the Respondent did not sign off on the medication administration record as having given it to D.R. The Respondent also failed to write a progress note in D.R.'s record concerning the incident.

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17. On February 6, 2004 and on December 18, 2003, the Respondent signed off on the controlled drug record as having given resident M.W. two Endocet tablets when the physician's order was for one tablet.

Charges

18. The acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:

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- ii. 26 V.S.A. §1582(a)(7) (engaging in conduct of a character likely to harm the public); and
- iii. 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Paula H. Morin should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 5th day of September 2004.

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



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Office of
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