

**STATE OF VERMONT
BOARD OF NURSING**

In re: Christine Mroz
License No. 026-42252

}
} Docket No. 2013-607(RN)
}

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Jeanine Carr, RN, Chair
Ellen Watson, APRN, Vice Chair
Alan Weiss, Public Member
William G. White, Jr., Public Member
Douglas Sutton, RN
Sheila Davis, LPN
Virginia Hudson, RN
Jennifer Laurent, APRN
Kelly Sinclair, LNA

Appearances:

Prosecuting the case: Annika Green
Respondent: pro se

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on October 13, 2014 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The Specification of Charges alleges that Ms. Mroz, in violation of Vermont Statutes, failed to appropriately check on the condition of a patient.

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. Ms. Mroz is a licensed registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. At all times relevant Ms. Mroz was employed as a registered nurse at Southwestern Vermont Health Care (SVHC) in Bennington, Vermont.
3. Two witnesses testified at the hearing, a hospital registrar and Ms. Mroz. The registrar, with consent of Ms. Mroz, was permitted to testify by telephone. The registrar is not a nurse. Her testimony was directly contradicted by Ms. Mroz. Ms. Mroz's testimony was entirely credible.
4. On September 24, 2013 a patient arrived at the SVHC emergency department. Ms. Mroz was the triage nurse. The patient was yelling from pain and for while was not responding to Ms. Mroz's questions. Ms. Mroz, therefore, signed the consent for treatment on the patient's behalf. The situation unfolded quickly, and at some point the patient died. There was no credible evidence that Ms. Mroz failed in any way to meet her responsibilities.

Conclusions of Law

Based on the evidence presented and Facts found above we conclude as follows:

Re: Alleged Violation of 3 V.S.A. § 129a(b)(1) and (2): The Prosecution has not proved by a preponderance of the evidence that Ms. Mroz failed to practice competently. We do not find that Ms. Mroz's conduct as found above constituted (1) performance of unsafe or unacceptable patient or client care, 3 V.S.A. § 129a(b)(1), or (2) a failure to conform to the essential standards of acceptable and prevailing practice.

Order

The charges against Ms. Mroz in this matter are **dismissed**.

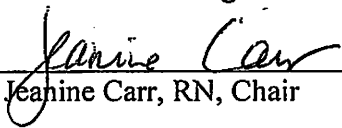
APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, Office of Professional Regulation, 89 Main Street, Fl. 3, Montpelier, Vermont 05620-3402 within 30 days of the entry of this Order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By: 
Jeanine Carr, RN, Chair

Date: October 14, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/15/14