

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

IN RE:
JENNIFER M. MUCHLER
License No. 026.0025646

)
)
)
STIPULATION

Docket No. 2014-526

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Jennifer M. Muchler, 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 M. Muchler (the "Respondent") of Manchester Center, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0025645. This license was originally issued on or about July 3, 2000 and expires on March 31, 2017.
3. At all times relevant, Respondent was employed as a Registered Nurse at Grace Cottage Hospital, located in Townshend, Vermont.
4. Respondent was responsible for administering medications withdrawn from the automated medication dispensing system and documenting medication administration. A review of the medical records shows that from July 11, 2014 through August 12, 2014 Respondent had nineteen instances where she failed to appropriately document administration of narcotics, specifically hydromorphone, hydrocodone, and fentanyl. Additionally, Respondent had two instances where she made medication errors in her administration of narcotics, specifically hydrocodone.
5. Essential standards of RN practice require documentation of medication administration and proper accounting for all controlled substances removed from an automated medication dispensing system.

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:

STATE OF VERMONT



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

- a) 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).

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 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.
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.
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 **CONDITIONS** the Respondent's license to practice nursing **for one (1) year from the date of entry below**. The conditions are as follows:

1) Term of Conditions:

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned." Respondent shall be subject to the conditions until Respondent

STATE OF VERMONT



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

completes a **minimum of one (1) year** of supervised nursing practice in which she works at least 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. The Respondent shall be prohibited from working more than forty (40) hours per week during the conditioned period.

2) Required Drug and Alcohol Screening:

Within forty-five (45) days Respondent must obtain the following:

- i. Obtain an independent evaluation report by a licensed professional specializing in drug and alcohol abuse who is pre-approved by the Board ("Independent Evaluator") and who has verified receipt of this Order, the Specification of Charges related to this docket, and the Order related to docket number 2007-260. The results of independent evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients. If the independent evaluation raises concerns about Respondent's current ability to practice this Stipulation and Consent Order shall be reviewed in a hearing before the Board at its next available public meeting;
- ii. Submit to the Board the results of a minimum of three (3) random urine analyses, collected in an observed setting; administered by a person or entity that has been pre-approved by the Board; and analyzed by a lab qualified to analyze samples for forensic purposes and pre-approved by the Board, the results of which shall be negative; failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed positive. Positive urines shall be considered a violation of this Board Order;
- iii. If recommended by Independent Evaluator, enter into a treating professional agreement and substance abuse treatment plan with a treating professional(s) pre-approved by the Board.

3) Required Course Work:

Respondent must successfully complete (i.e., receive a passing grade, if applicable) the following courses that have prior approval by the Board or its designee, and then submit written documentation of completion:

- i. Medication Administration
- ii. Documentation

These courses must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order.

STATE OF VERMONT



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

4) Notification to Employers/Nursing School and Required Reports:

Within ten (10) days of the date of entry of this Order, Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current employment or in the event of future practice, within ten (10) days, and inform them of Respondent's conditional license status. Respondent's immediate supervisor shall submit to the Board an employer agreement on the Board approved form. If the Respondent is in a nursing program that has a clinical portion involving patient care, Respondent shall give Stipulation and Consent Order to the Program Director. The Director shall submit to the Board a nursing program agreement on a Board approved form.

Within one (1) month of receipt of the agreement form every nursing employer or program director shall submit to the Board an evaluation of Respondent's work performance and attendance on a monthly basis. These reports shall be submitted in writing on forms issued by the Board. All reports shall be satisfactory.

5) Practice Under Supervision.

Respondent shall practice nursing only in a setting where Respondent has on site supervision for the entire shift by a registered nurse that is licensed and in good standing with the Board.

6) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.

7) Out-of-State Practice and Licensing.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. Failure to seek approval shall result in out-of-state practice not being credited toward the fulfillment of the terms and conditions of this Consent Order.

If the Respondent receives discipline on a nursing license held in another state during the conditioned period, the Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

8) Notification of Employment/ Personal Address/Telephone Number:

Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number.

STATE OF VERMONT



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

Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

9) Notification to Other States:

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the other nursing licensing boards of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry.

10) License Renewal and Costs:

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. Respondent must timely apply for renewal and pay the applicable fee.

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

11) 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.

12) 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. Respondent shall have the burden of proof.

- 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

STATE OF VERMONT



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

Dated: 6/9/16

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

JENNIFER M. MUCHLER
RESPONDENT

Dated: 6/7/2016

By: Jennifer M. Muchler
Jennifer M. Muchler

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6/13/16

By: Chairperson
Chairperson

Date of Entry: 6/13/16

STATE OF VERMONT



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