

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

IN RE:

ANDREA A. (LOVATO) NATAL
License No. 025.0008878

Docket No. M2009-186

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Andrea A. (Lovato) Natal, LPN, 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. Andrea A. (Lovato) Natal (the "Respondent") of St. Johnsbury, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0008878. This license was originally issued on or about February 1, 2008 and is currently set to expire on or about January 31, 2010.
3. Respondent has also been licensed as a Licensed Practical Nurse in the State of New Hampshire under license number 013303-22. Respondent's New Hampshire license was originally issued on or about January 31, 2005 and was revoked on or about April 20, 2006. Respondent's New Hampshire license was revoked due in part to Respondent documenting work that she did not perform, such as failing to administer medications as scheduled and failing to perform glucometer checks between on or about May 9 and May 23, 2005, while spending a considerable amount of time on the station computer for personal use, surfing the internet and accessing personal email. Attachment A.
4. On or about January 23, 2008 in her Vermont Licensed Practical Nurse Renewal Application, Respondent answered "NO" to the question, "Has Vermont, any other state, territory, or other jurisdiction, restricted, suspended, revoked, or taken any other

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disciplinary action against a license, certificate, or registration that you hold or held in any profession or occupation?"

5. On or about April 9, 2008 in a telephone call to Board Executive Director Mary Botter, Respondent admitted that she had chosen to incorrectly complete her Vermont renewal application and stated that she was sorry that she had lied.
6. On or about July 13, 2009, the Board indefinitely suspended Respondent's license.

Charges

7. 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:
 - a. 26 V.S.A. § 1582(a)(1) (Has made or caused to be made a false, fraudulent, or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing);
 - b. 3 V.S.A. § 129a(a)(1) (Fraudulent or deceptive procurement or use of a license); 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

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

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13. 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.
14. 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.
15. 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 imposes an **ADMINISTRATIVE PENALTY IN THE AMOUNT OF FOUR HUNDRED DOLLARS (\$400)** on the Respondent. This administrative penalty is to be paid within sixty (60) days of the date of entry of this Order.
- B. The Board of Nursing hereby **REINSTATES** Respondent's license to practice as a licensed practical nurse and **CONDITIONS** Respondent's license for a **MINIMUM PERIOD OF ONE (1) YEAR** from the date of entry below. The conditions are as follows:

(1) Re-issue of License.

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

(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 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.

(3) Medication Administration Course.

Respondent must successfully complete (i.e., receive a passing grade, if applicable) a medication administration course focusing on medication administration with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This course must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order.

(4) Notification to Employers/Nursing School.

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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 Consent Order or of any subsequent 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, Respondent 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/Program Directors.

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

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. All Program Director reports shall indicate satisfactory performance and attendance.

(6) Practice Under Supervision.

Respondent shall practice nursing only in a 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) 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 during the effective period of this Consent Order.

(8) Out-of-State Practice.

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

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(9) 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.

(10) 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.

(11) Costs.

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

(12) 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.

(13) 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 fully complied with the terms of this Order.

- 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: 11.24.09

By: 
BetsyAnn Wrask
State Prosecuting Attorney

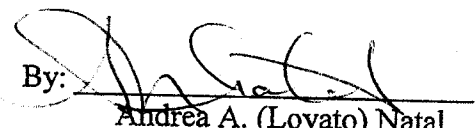
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ANDREA A. (LOVATO) NATAL
RESPONDENT

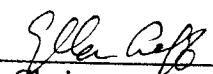
Dated: 11.17.09

By: 
Andrea A. (Lovato) Natal

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12.14.09

By: 
Chairperson

Date of Entry: 12/17/09
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**STATE OF VERMONT
BOARD OF NURSING**

In re: Andrea (Lovato) Natal
License No. 025-8878

}
}
} Docket No. NU86-0408
2008-159

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Ellen W. Leff, RN, Chair
Jeanine Carr, RN, Vice Chair
Alan Weiss
Sandra Norton, LNA
Donarae Metcalf, LPN
William G. White Jr.
Deborah Robinson, RN
Margaret Luce, RN

Appearances:

for Petitioner, State of Vermont: Betsy Ann Wrask
for Respondent: Did not appear

Presiding Officer: Larry S. Novins and Kevin Leahy

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

The Vermont Board of Nursing held a hearing in the above matter on July 13, 2009 at the National Life Building 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 prosecution alleges in its Specification of Charges that Ms. Natal failed, in violation of Vermont statutes, to reveal on her renewal application that her license as a practical nurse had been revoked in the State of New Hampshire.

Findings of Fact

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

1. Ms. Natal is licensed as a licensed practical nurse by and subject to the disciplinary 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. Ms. Natal was also licensed in the State of New Hampshire.
3. Ms. Natal was given notice of this hearing. Although she and the prosecuting attorney may have had discussions toward a resolution of this case without a hearing, no Stipulation has been filed with the Board, and no request for a continuance from either party has been received.
4. Ms. Natal's New Hampshire license was revoked on April 20, 2006. The revocation was "without recourse to petition for reinstatement for at least two years."
5. On her January 23, 2008 Vermont license renewal application Ms. Natal failed to reveal the New Hampshire action. In response to the question, "Has Vermont or any other state, territory, or other jurisdiction restricted, suspended, revoked, or taken any other disciplinary action against a license, certificate, or registration that you hold or held in any profession or occupation?" Ms. Natal wrote "no."
6. It is not known at this time what Ms. Natal's license status is in New Hampshire. We do not have any current information about her employment status or any relevant information which would assist in formulating the details of a sanction.

Conclusions of Law

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

1. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(1):** The State has proved by a preponderance of the evidence that Ms. Natal has made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).
2. **Re: Alleged Violation of 3 V.S.A. § 129a(a)(1):** The State has proved by a preponderance of the evidence that Ms. Natal engaged in fraudulent or deceptive procurement or use of a license. This is unprofessional conduct.
3. **Re: Alleged Violation of 26 V.S.A. § 129a(a)(3):** 3 V.S.A. § 129a(a)(3) defines unprofessional conduct to include failing to comply with provisions of federal or state statutes or rules governing the practice of the profession. Any allegation of failure to comply with statutes or rules has been addressed above. This statute does not provide an independent grounds for discipline. There is no violation of this statute. This charge is dismissed.

Order

For the violations above, to protect the public, health, safety and welfare, the following sanction is necessary.

Ms. Natal's license is indefinitely suspended. She may apply for reinstatement. If she

does, the Board will review her petition and will require her to provide relevant documentation and evidence for us to determine whether the suspension should be extended or ended. Ms. Natal must show the Board that reinstatement of her license is not inconsistent with public health, safety and welfare. At that time, the Board may determine whether it can impose any conditions that will protect the public and allow her to resume practice.

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, National Life Bldg., North, FL2, 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: Ellen Leff
Ellen Leff, RN, Chair

Date July
June 14, 2009

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7/20/09