

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Phe Nguyen

License No: 26-24955

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Docket No. NU48-0400

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Phe Nguyen, who stipulate and agree as follows:

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, and 1582, the Office of Professional Regulation's and the Board of Nursing's Rules.
2. Respondent Phe Nguyen, of Burlington, Vermont, is a registered nurse holding license number 26-24955 issued by the State of Vermont. By way of history, this license was originally issued on about July 23, 1999 and it has recently been extended.
3. At all times relevant, Respondent was employed at Rutland Regional Medical Center, of Rutland, Vermont. By way of history, Respondent was employed on about October 11, 1999 and terminated following an extended probationary period on about April 3, 2000.
4. Respondent admits that on about March 20, 2000, she attempted to give a patient Catiprol at approximately 0900 hours when the medication order directed this to be done at 1400 hours.

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5. Respondent admits that on about March 29, 2000, Respondent administered Glucophage to a patient who had recently returned from having an M.R.I., when medical orders called for withholding of medications.
6. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
7. 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.
8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. Respondent waives any notification period and requests that this be heard at the next available Board meeting. 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 is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
12. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
13. Respondent agrees that the Board may set forth the order below.

ORDER

Based on the stipulation above it is **ORDERED AND ADJUDGED** as follows:

A. By engaging in the conduct described in the paragraphs above, Respondent acted unprofessionally and in violation of: Nursing Board Rules Chapter 4, Rule IV, B.2.a (performance of unsafe or unacceptable patient care); Chapter 4, Rule IV, B.2.b (failure to conform to the essential standards of acceptable and prevailing nursing practice), and; 3 VSA § 129a.(a)(3)(failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

B. The Nursing Board **CONDITIONS** the Respondent's license to practice as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed **twelve (12) months** of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing [Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis].

(2) Board Approved Course.

Respondent must take a re-entry course, with prior approval by the Board or its designee, within 3 months of entry of this Order, and submit written documentation (certificate of completion, etc.) to the Board or its designee to verify same.

(3) Interview with the Board or its designee.

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

(4) Re-issue of License.

Within five (5) days of the date of entry of this Consent Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned".

(5) 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 notify the Board before beginning such practice. If Respondent fails to notify the Board before, none of the time spent in out-of-state practice will be credited toward the fulfillment of the terms and conditions of this Consent Order.

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

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

(7) 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 in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the

date of entry of this Consent Order or of any such subsequent employment, Respondent shall cause her 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, 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 the conditions in the Consent Order during clinical experience.

(8) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer for which she has been employed as a nurse during that month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. Reports must indicate, to the satisfaction of the Board, that Respondent can safely and competently administer medications.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its

designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(9) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing, or is in good standing in all states that nurse is licensed.

(10) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(11) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(12) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(13) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(14) Reevaluation of Conditions.

In the event Respondent does not work in nursing within twelve (12) months of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(15) Completion of Conditional License Period.

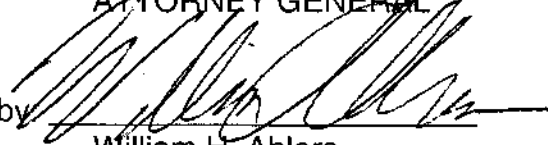
Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Furthermore, Respondent must demonstrate, to the Board's satisfaction, that she can safely return to unrestricted practice, that she has safely and competently administered medications and that she has fully complied with all the terms of this Consent Order.

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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by 
William H. Ahlers
Assistant Attorney General

Dated: 4/23/01

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109 State Street
Montpelier, VT
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RESPONDENT
PHE NGUYEN

Dated: 4/21/01

by: *Phe Nguyen*
Phe Nguyen

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5/14/01

by: *Lusan Farrell*
Chairperson

Date of entry: 5-17-01

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**STATE OF VERMONT
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Docket No. NU48-0400

SPECIFICATION OF CHARGES

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, and 1582, the Office of Professional Regulation's and the Board of Nursing's Rules.
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4. On about March 20, 2000, Respondent attempted to give a patient Catiprol at approximately 0900 hours when the medication order directed this to be done at 1400 hours.
5. On about March 29, 2000, Respondent administered Glucophage to a patient who had recently returned from having an M.R.I., when medical orders called for withholding of medications.
6. The acts, omissions and/or circumstances outlined above violate: Nursing Board Rules Chapter 4, Rule IV, B.2.a (performance of unsafe or unacceptable patient care); Chapter 4, Rule IV, B.2.b (failure to conform to the essential standards of acceptable and prevailing nursing practice); which constitutes unprofessional conduct within the meaning of, and also violates: 3 VSA § 129a.(a)(3)(failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

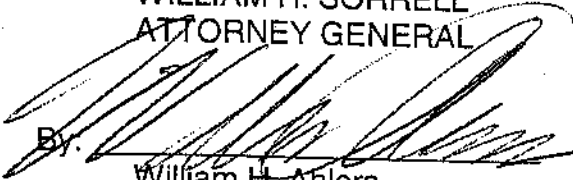
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WHEREFORE, the license of Phe Nguyen should be revoked, suspended or otherwise disciplined.

Dated this 9th day of April, 2001 at Montpelier, Vermont.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By. 

William H. Ahlers
Assistant Attorney General

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