

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

IN RE:	)	
GINA M. NICKELS	)	Docket No: NU71-0605
License No. 101-0027011	)	

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Gina M. Nickels, A.P.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); 3 V.S.A. 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent does not admit to any of the facts listed below. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below.

3. The Respondent, Gina M. Nickels, is licensed in the State of Vermont as an advanced practice registered nurse under license number 101-0027011. This license was originally issued on February 27, 2002 and is currently set to expire on March 31, 2007.

4. At all times relevant, the Respondent was employed as an A.P.R.N. at Brookside Pediatrics located in Bennington, Vermont.

5. On or about May 11, 2005, the Respondent failed to appropriately utilize and chart one rapid strep test.

Charges

6. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

(i) 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes performing unsafe or unacceptable patient care and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2).

Understandings

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 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.

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

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 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.

12. 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.

13 Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

A. The Board of Nursing hereby **REPRIMANDS** the Respondent's nursing license.

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).

Barr Sternberg Moss
Lawrence Silver
Saltonstall & Fenster,
P.C.
ATTORNEYS AT LAW

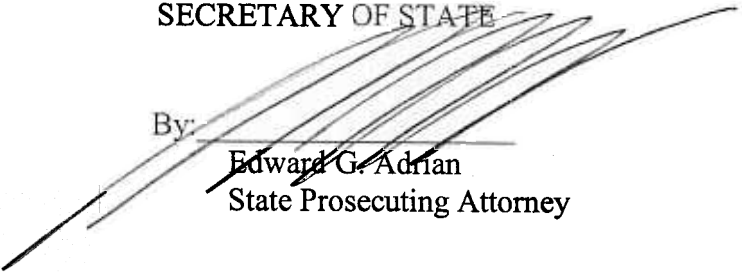
507 Main Street
Bennington, VT 05201

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: 6/7/06

By: 
Edward G. Adrian
State Prosecuting Attorney

GINA M. NICKELS
RESPONDENT

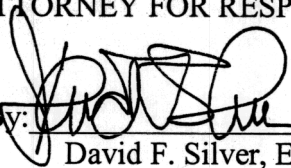
Dated: 6/6/06

By: Gina M Nickels
Gina M. Nickels

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 6/6/06

By: 
David F. Silver, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6/12/06

By: Jessie Fandell
Chairperson

Date of Entry: 6/14/06

nu.nickels.stip

Barr Sternberg Moss
Lawrence Silver
Saltonstall & Fenster,
P.C.
ATTORNEYS AT LAW

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

IN RE:)
GINA M. NICKELS) **Docket No: NU71-0605**
License No. 101-0027011)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Gina M. Nickels, A.P.R.N.:

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); 3 V.S.A. 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Gina M. Nickels, is licensed in the State of Vermont as an advanced practice registered nurse under license number 101-0027011. This license was originally issued on February 27, 2002 and is currently set to expire on March 31, 2007.

3. At all times relevant, the Respondent was employed as an A.P.R.N. at Brookside Pediatrics located in Bennington, Vermont.

4. On or about May 11, 2005, Respondent performed two rapid strep tests, one on patient C.B. and one on patient T.C. L.P.N. J.S. observed Respondent perform the tests and became suspicious that Respondent charted the tests as positive when in actuality they were negative. J.S. retrieved the test results from the trash and discovered that they were indeed negative. J.S. then checked the charts and confirmed that Respondent had charted positive test results.

Charges

5. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- (i) 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes performing unsafe or unacceptable patient care and

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
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failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2);

(ii) 3 V.S.A. §129a(a)(7) (willfully making or filing false reports or records in the practice of the profession); and

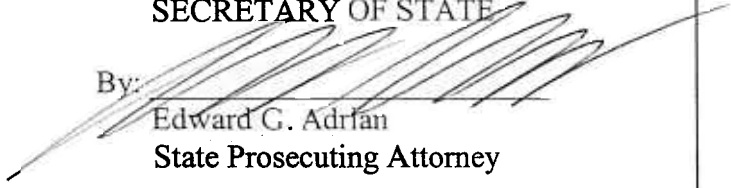
(iii) 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Gina M. Nickels should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 26th day of October 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

nu.nickels.soc

STATE OF VERMONT



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