

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

IN RE:)
MARA NOVAK) Docket No. NU 25-1004
License No: 026-0026654)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Mara Novak, R.N., who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing ("the Board") has jurisdiction to investigate complaints of unprofessional conduct and discipline nurses pursuant to 3 V.S.A. §§129 and 129a; 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, Mara Novak, was licensed by the State of Vermont as a Registered Nurse under license number 026-0026654.
3. The Respondent's license was originally issued on August 28, 2001 and the Respondent's license expired on March 31, 2005.
4. At all times relevant, the Respondent was employed as an R.N. at Springfield Hospital located in Springfield, Vermont.
5. On ten separate work days between January 18, 2004 and September 19, 2004, the Respondent entered a "callback" code on her computer time records without having received prior authorization and without knowing if it was a "callback" situation. The "callback" code is entered for overtime and is paid at time and a half.
6. On both September 21 and 29, 2004, the Respondent admitted to management at Springfield Hospital that she had entered the hours in this manner.
7. The State does not allege, nor should it be construed from the facts above that the Respondent provided substandard nursing care to any of her patients.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Charges

8. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

- i. 3 V.S.A. §129a(a)(7) and
- ii. 3 V.S.A. §129a(a)(3).

Understandings

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

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 a contested hearing before the Board of Nursing.

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

ORDER

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

A. Respondent's actions described above demonstrate grounds for discipline because Respondent violated:

- i. 3 V.S.A. §129a(a)(7) and
- iv. 3 V.S.A. §129a(a)(3).

B. The Board of Nursing hereby **SUSPENDS THE RESPONDENT'S LICENSE FOR THIRTY (30) DAYS** to commence on the date of entry listed below.

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 the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 7/13/05

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

MARA NOVAK
RESPONDENT

Dated: 7/6/05

By: [Signature]
Mara Novak

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: 8-8-05

By: [Signature]
Chairperson

Date of Entry: 8/12/05

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STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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

IN RE:)
MARA NOVAK) **Docket No. NU 25-1004**
License No: 026-0026654)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Mara Novak, R.N.:

Board Authority

1. The Vermont Board of Nursing ("the Board") has jurisdiction to investigate complaints of unprofessional conduct and discipline nurses pursuant to 3 V.S.A. §§129 and 129a; 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. Willfully making or filing false reports or records in the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(7).
3. The inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
4. The inability to practice nursing competently includes failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2).
5. Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(7).
6. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).

Statement of Facts

7. The Respondent, Mara Novak, is licensed by the State of Vermont as a Registered Nurse under license number 026-0026654.
8. The Respondent's license was originally issued on August 28, 2001 and the

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Respondent's license is currently set to expire on March 31, 2005.

9. At all times relevant, the Respondent was employed as an R.N. at Springfield Hospital located in Springfield, Vermont.

10. On ten separate work days between January 18, 2004 and September 19, 2004, the Respondent entered a "callback" code on her computer time records without having received authorization and without it having been a "callback" situation. The "callback" code is entered for overtime and is paid at time and a half.

11. On both September 21 and 29, 2004, the Respondent admitted to management at Springfield Hospital that she had entered the hours in this manner.

Charges

12. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

- i. 3 V.S.A. §129a(a)(7) (willfully making or filing false reports or records in the practice of the profession); and
- iii. 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and
- iv. 26 V.S.A. §1582(a)(7) (engaging in conduct of a character likely to deceive, defraud or harm the public); and
- v. 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 Mara Novak should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 24th day of March 2005.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

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STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney