

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

IN RE:
MARGARET NUZZOLO
License No. 026.0007352

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Docket No. 2013-52

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by State Prosecuting Attorney Gabriel M. Gilman, and the Respondent, Margaret Nuzzolo, RN, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing ("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. Margaret Nuzzolo ("Respondent") of Fair Haven, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0007352. This license was originally issued on or about May 16, 1966 and expires on March 31, 2015.
3. At all times relevant, Respondent was employed as a Registered Nurse at Bayada Home Health Care (the "Agency") in Rutland, Vermont.
4. On or about January 8, 2013, Respondent went to the home of patient N.L. to check the patency of a peripherally inserted central catheter ("PICC" or "PICC line"). While working on the line, Respondent did not wear sterile gloves or a mask.
5. The essential standards of acceptable and prevailing nursing practice dictate that a nurse must establish a sterile field before changing dressings on PICC lines. Failure to do so unnecessarily endangers patients.
6. The Facility's written policy for changing dressings on PICC lines requires that sterile gloves and a mask be worn.
7. On or about February 4, 2013, Respondent was interviewed by Investigator Dennis Menard of the Office of Professional Regulation. Respondent acknowledged that she did not wear sterile gloves or a mask when changing N.L.'s PICC line dressing. Respondent acknowledged awareness that proper nursing protocol, and Agency policy, would have called for use of sterile gloves and a mask.

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8. In mitigation, the parties agree that Respondent has been licensed since 1966, including eighteen years of service as a critical care nurse and more than five years as a registered critical care nurse. In that long period of service, Respondent has never previously been the subject of any complaint to the Board.
9. In this case, Respondent believed the patient's line was hopelessly fouled by non-sterile contact with the patient's own hands and concluded that the best course was to hastily dress the line to maintain an intact cover and then to direct the patient immediately to radiology for in-facility replacement.
10. In retrospect, Respondent understands that PICC line care is among the highest-risk procedures performed in the home; that suspicion of non-sterile contact by a patient does not alter the clinical importance of avoiding further contamination; and that strict adherence to sterile-field protocol is vital to patient safety and public health.

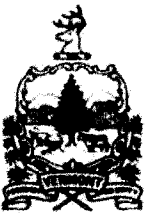
Violation

11. 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 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

12. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
13. 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.
14. 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 on the merits if this agreement is not accepted by the Board.
15. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
16. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
17. 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.

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18. 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.

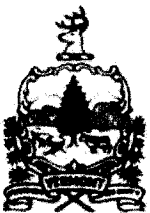
19. Respondent agrees that the Order set forth below may be entered by the Board.

CONSENT ORDER

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

- A. The Board of Nursing hereby **REPRIMANDS** the Respondent's license.
- B. Respondent's license is hereby **CONDITIONED** as follows:
 - a. Corrective Education. Respondent shall, within six months of the date of entry of this Order, at her own expense, complete three courses pre-approved by the Board or its delegate as reasonably related to IV and PICC line care, nosocomial infection control, barrier precautions, or related aspects of nursing practice. Respondent shall supply verifying documentation as courses are completed. Failure to provide satisfactory documentation of timely course completion shall constitute a violation of this Order.
 - b. Practice Restriction. Pending completion of the coursework described above and subsequent termination of conditions, Respondent shall not provide care related to PICC lines.
 - c. Termination of Conditions. Upon receipt of documentation demonstrating satisfactory completion of the coursework described above, the Board's Executive Director shall relieve Respondent of these conditions and restore to Respondent an unencumbered license.
- 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.

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AGREED TO:

Dated: 6/4/2013

STATE OF VERMONT
SECRETARY OF STATE

By: 
Gabriel M. Gilman
State Prosecuting Attorney

MARGARET NUZZOLO, RN
RESPONDENT

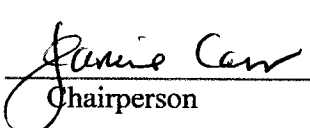
Dated: 6/1/2013

By: 
Margaret Nuzzolo

APPROVED AND SO ORDERED:

Dated: 6/10/13
Date of Entry: 6/11/13

VERMONT BOARD OF NURSING

By: 
Chairperson

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