

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

IN RE:

DONNA O'DELL

License No. 025-0008211

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Docket No: NU42-1206

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Donna O'Dell, L.P.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, Donna O'Dell, is licensed in the State of Vermont as a licensed practical nurse under license number 025-0008211. This license was originally issued on or about August 13, 2002 and is currently set to expire on January 31, 2008.
3. At all times relevant, the Respondent was employed as a licensed practical nurse at The Pines Rehabilitation and Health Center (the "Facility") located in Lyndonville, Vermont.
4. On or about December 4, 2006, the Respondent documented that she had administered one (1) methadone tablet to patient D.H., but that D.H. spit the tablet out. The Respondent documented that she signed one (1) additional methadone tablet out and wasted the first methadone tablet.
5. The narcotics record indicates that licensed nursing assistant B.B. signed that she had witness the Respondent waste the first methadone tablet. However, B.B. denied witnessing the waste and signing the narcotics record.
6. By way of history, the Respondent's license was reprimanded pursuant to a Findings of Fact, Conclusions of Law, and Order entered by the Board on May 1, 2006. This reprimand was based on an incident in which the Respondent left a medication cart unlocked and unattended.

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Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
- i. 3 V.S.A. § 129a(a)(7) (willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records);
 - ii. 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public) which includes, but is not limited to, falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN Chapter 4, Rule IV(II)(D)(3);
 - iii. 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes, but is not limited to, failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2);
 - iv. 3 V.S.A. § 129a(b)(2) (failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); 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).

Understandings

8. 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. Although the Respondent does not admit to the truth of the State's allegations, she does not contest that the State would be able to present credible evidence from which a Board could conclude these facts by a preponderance of the evidence at a hearing.
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

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.

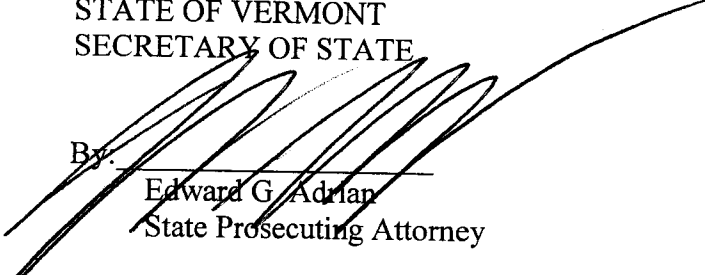
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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: 11/1/07

By: 

Edward G. Adrian
State Prosecuting Attorney

DONNA O'DELL
RESPONDENT

Dated: 10-22-07

By: Donna O'Dell

Donna O'Dell

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11/05/07

By: Susan Farrell

Chairperson

STATE OF VERMONT



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Date of Entry: 11/7/07

nu.o'dell.stip

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