

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

IN RE:

BETTY M. OLIVER

License No. 026.0043544

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Docket No. 2009-526

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Betty M. Oliver, RN, 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, 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.
2. In a case involving noncompliance with a statute or rule relating to administrative duties not related to patient, client, or customer care, the Board may determine that ordering a monetary civil penalty does not constitute a finding of unprofessional conduct. 3 V.S.A. § 129(a)(3).

Statement of Facts

3. Betty M. Oliver (the "Respondent") of St. Johnsbury, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0043544. This license was originally issued on or about September 19, 2008 and is currently set to expire on or about March 31, 2011.
4. At all times relevant, Respondent was employed as a Registered Nurse at Fresenius Medical Care (the "Facility"), located in Lancaster, New Hampshire and St. Johnsbury, Vermont.
5. The Vermont Secretary of State's records indicate that the Respondent's license lapsed on or about March 31, 2009.
6. The Respondent did not renew her license until on or about November 12, 2009.

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7. The Respondent was working at the Facility during the time period her license lapsed.

Noncompliance with Administrative Penalties

8. By committing the act(s) and/or omission(s) described above, the Respondent has violated 26 V.S.A. § 1584(a)(3) (It shall be violation of this chapter for any person, including any corporation, association, or individual, to practice nursing unless duly registered and currently licensed to do so under the provisions of this chapter).

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 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.
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

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

- A. Since this violation occurred only in respect the Respondent's noncompliance with administrative duties, the Board of Nursing does NOT make a finding of unprofessional conduct, but rather imposes an **ADMINISTRATIVE PENALTY IN THE AMOUNT OF TWO HUNDRED FIFTY DOLLARS (\$250)** on the Respondent. This penalty is to be paid within sixty (60) days of the date of entry of this Order.

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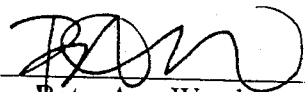
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- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- C. This Stipulation and Consent Order is a matter of public record 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:

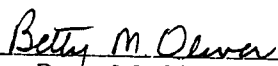
STATE OF VERMONT
SECRETARY OF STATE

Dated: 12-2-09

By: 
Betsy Ann Wrask
State Prosecuting Attorney

BETTY M. OLIVER
RESPONDENT

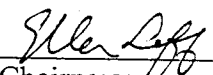
Dated: 11-30-09

By: 
Betty M. Oliver

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 1-11-10

By: 
Chairperson

Date of Entry: 1/13/2010
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