

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

In re: Morgan Ouellette }
License No. 025-0008832 }
Docket No. NU62-0407 }

ENTRY ORDER

The parties entered into a Stipulation and Consent Order ("Order"). The Board of Nursing adopted the Order in a hearing in this matter on 14 July 2008.

The Order does not set forth whether the Respondent's conditions shall require "on site" supervision, and the Order does not set forth whether the Respondent shall have restrictions on the number of hours she may work per week.

Upon hearing the evidence at the 14 July 2008 disposition hearing, the Board of Nursing ORDERS that the Stipulation and Consent Order adopted by the Board as of today's date include the following provision:

1. While employed at her current employer, Shelburne Bay Senior Living Community, the Respondent shall work no more than fifty (50) hours per week; and
2. The Respondent shall work with the on-site supervision of a registered nurse, or with the availability of a supervising registered nurse who shall be available at all times by phone and physically no more that 30 minutes from the facility.
3. Should the Respondent change employer during the conditional licensure period, the Respondent shall work no more than 40 hours per week and the Respondent shall work only with the on-site supervision of a registered nurse.

Vermont Board of Nursing

By: Linda M. Y. Rice
Linda M. Y. Rice, APRN
Board Chairperson

Dated at Montpelier, VT: 14 July 2008

Date copies sent to:

Resp's Attorney: _____

Respondent: _____

Cert. Mail # _____

Prosecuting Attorney: _____

Other: _____

Docket Clerk's Initials: _____

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

IN RE:

MORGAN OUELLETTE

License No. 025-0008832

)
) Docket No. NU62-0407
)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Morgan Ouellette, 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. Morgan Ouellette (the "Respondent") is a licensed practical nurse holding license number 025-0008832, issued by the State of Vermont. This license was originally issued on or about September 28, 2005 and is currently set to expire on January 31, 2010.
3. At all relevant times, Respondent was employed as a licensed practical nurse at Northwestern Counseling & Support Services ("NCSS") located in St. Albans, Vermont.
4. On or about January 24, 2007, the Respondent was terminated from her employment at NCSS because her employer believed there were ongoing performance issues.
5. During the time the Respondent was employed at NCSS, the Respondent made mathematical and recording errors on the drug inventory. Based on Medication Room Inventory Audits maintained by NCSS from November 15, 2006 to January 8, 2007, the Respondent made approximately ten (10) mathematical or recording errors on the drug inventory within that time period. This issue was discussed with the Respondent on several occasions.
6. On or about December 28, 2006, the Respondent failed to document that she had administered patient A.S. his Haldol shot. As a result, on or about January 11, 2007, nurse

manager N.P. administered A.S. another Haldol shot two (2) weeks before he was scheduled to receive it.

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent's conduct violated:

- i. 3 V.S.A. § 129a(b) (1) and (2); and
- ii. 3 V.S.A. § 129a(a)(3).

Understandings

8. 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.

9. 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.

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

11. Respondent is competent in all respects at the time she signs this Stipulation and Consent Order.

12. 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.

13. 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.

14. 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. The Board of Nursing hereby **CONDITIONS** Respondent's license to practice nursing for a **MINIMUM PERIOD OF ONE (1) YEAR** commencing with the date of entry of this Consent Order. The conditions are as follows:

(1) Re-issue of License.

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned".

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes one (1) year of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

The Parties have not reached agreement as to whether the Respondent shall be prohibited from working more than forty (40) hours per week.

It is the State's position that Respondent shall only practice for forty (40) hours or less a week. At the time of the disposition hearing, the Respondent may argue for a different limitation.

(3) Medication Administration Course.

Respondent shall complete (i.e., receive a passing grade, if applicable) a course covering the subject of medication administration, with an emphasis on math, with prior approval by the Board or its designee, and then submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee. This course must be completed within sixty (60) days of the date of entry of this Stipulation and Consent Order.

(4) Therapeutic Communication Course.

Respondent shall complete (i.e., receive a passing grade, if applicable) a course covering the subject of therapeutic communication, with prior approval by the Board or its designee, and then submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee. This course must be completed within sixty (60) days of the date of entry of this Stipulation and Consent Order.

(5) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event Respondent is attending a nursing program which has a clinical portion which involves actual patient care, she shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with its conditions during clinical experience.

(6) Reports from Employers.

Within one (1) month of the date of entry of this Order and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the relevant time period to submit to the Board an evaluation of Respondent's performance and attendance during that time period. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(7) Practice Under Supervision.

The Parties have not reached agreement as to whether the Respondent shall subject to on-site supervision by a registered nurse.

It is the State's position that Respondent shall practice only in a nursing setting where the Respondent has on-site supervision for the entire shift by a registered nurse. At the time of the disposition hearing, the Respondent may argue for a different limitation.

(8) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse. The Respondent may supervise PCAs and LNAs. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(9) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(10) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(11) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(12) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(13) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(14) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

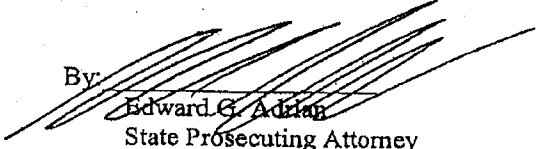
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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: 6/24/08

By: 

Edward G. Adrian
State Prosecuting Attorney

MORGAN OUELLETTE
RESPONDENT

Dated: 6/24/08

By: 

Morgan Ouellette

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: June 27, 2008

By: Thomas H. Somers, Esq.
Thomas H. Somers, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7/14/08

By: Sinda Rice APRN
Chairperson

Date of Entry: 7/14/08

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

IN RE:

MORGAN OUELLETTE
License No. 025-0008832

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)
Docket No. NU62-0407

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Morgan Ouellette, L.P.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. Morgan Ouellette (the "Respondent") is a licensed practical nurse holding license number 025-0008832, issued by the State of Vermont. This license was originally issued on or about September 28, 2005 and is currently set to expire on January 31, 2008.
3. At all relevant times, Respondent was employed as a licensed practical nurse at Northwestern Counseling & Support Services ("NCSS") located in St. Albans, Vermont.
4. On or about January 24, 2007, the Respondent was terminated from her employment at NCSS due to ongoing performance issues.
5. During the time the Respondent was employed at NCSS, the Respondent made numerous mathematical and recording errors on the drug inventory. Based on Medication Room Inventory Audits maintained by NCSS from November 15, 2006 to January 8, 2007, the Respondent made approximately fifteen (15) mathematical or recording errors on the drug inventory within that time period. This issue was discussed with the Respondent on several occasions.
6. On or about December 28, 2006, the Respondent failed to document that she had administered patient A.S. his Haldol shot. As a result, on or about January 11, 2007, nurse manager N.P. administered A.S. another Haldol shot two (2) weeks before he was scheduled to receive it.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Baldwin Street
Montpelier, VT
05609-1107

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. 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, 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);
- ii. 3 V.S.A. § 129a(b) (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: (1) performance of unsafe or unacceptable patient care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
- iii. 3 V.S.A. § 129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Morgan Ouellette should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 30th day of January, 2008.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.ouellette.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
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