

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

IN RE:

DONNA MARIE PACE

License No. 026.0042151

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Docket No. 2008-254 (NU08-0708)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Donna Marie Pace, 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.

Statement of Facts

2. Donna Marie Pace (the "Respondent") of Williamston, South Carolina is licensed by the State of Vermont as a Registered Nurse under license number 026.0042151. This license was originally issued on or about May 21, 2008 and lapsed on or about March 31, 2009.
3. At all times relevant, Respondent was employed as a traveling nurse through Independent Nursing Services and was working as a Labor and Delivery Registered Nurse at North Country Hospital (the "Facility"), located in Newport, Vermont.
4. On or about July 11, 2008 in a Report of Unprofessional Conduct, Director of the Facility's MCH/ICU K.F. reported that Respondent began working at the Facility on or about May 19, 2008, and was terminated on or about June 24, 2008 due to patient care and safety issues. K.F. advised that in general, Respondent often exhibited sloppy practice.
5. Moreover, in this same Report, K.F. advised that on or about June 21, 2008, Respondent was caring for a post-operative twelve-year-old patient, Patient 1. K.F. stated Respondent advised the oncoming nurse that Patient 1 had uncontrolled pain

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for most of the night, which Respondent attributed to anxiety and fear. The oncoming nurse found Patient 1's IV to be dry and infiltrated. As a result of the infiltration, Patient 1 had not received morphine for an unknown amount of time. K.F. advised Respondent's charting for Patient 1 was "completely inadequate." K.F. advised Respondent documented Patient 1 had pain but did not go through the routine steps to alleviate the patient's pain. Respondent did not document IV assessment for Patient 1's two (2) IV sites. Respondent only performed one (1) pain assessment for over twelve (12) hours.

6. In this same report, K.F. advised that on or about June 23, 2008, Respondent administered Pitocin to Patient 2 who was being administered Cervidil. Pitocin and Cervidil should not be administered simultaneously for the induction of labor.
7. In this same report, K.F. advised that on or about June 23, 2008 at approximately 6:45 p.m., Respondent began caring for a postpartum patient, Patient 3. K.F. advised that at approximately 4:00 a.m. on or about June 24, 2008, a senior nurse found Patient 3's bed was saturated with blood and instructed Respondent to clean Patient 3; however, Respondent did not document doing so. Thereafter at approximately 5:00 a.m. and 6:09 a.m., Respondent documented Patient 3 had moderate lochia (vaginal bleeding). K.F. advised that the oncoming nurse found Patient 3's bed saturated with blood again, and the ice pack the Respondent had documented was placed on Patient 3's perineum earlier was not in place on Patient 3's perineum or anywhere in Patient 3's room. K.F. advised Patient 3 had marked swelling of the perineum. K.F. stated Patient 3 was at risk for postpartum hemorrhage and was not adequately cared for by Respondent.
8. On or about February 13, 2009 in an interview with State Investigator Karl Packer, Respondent acknowledged that some of her documentation was not up to par.
9. On or about March 21, 2009 in a written statement, Respondent denied Patient 1's IV was infiltrated during the night, but stated it may have been infiltrated in the morning. Respondent stated her documentation was probably lacking.
10. In this same statement, Respondent admitted that she did leave Patient 2's Cervidil in place for approximately ten (10) minutes after this patient's Pitocin was started.
11. In this same statement, in regard to Patient 3, Respondent stated that if there is any unacceptable practice that she is guilty of, it is inadequate documentation.
12. On or about April 1, 2009 in a letter to Chief Investigator Amy Carlson, K.F. advised that on or about June 22, 2008, the mother of Patient 1 complained to K.F. regarding the amount of pain and discomfort Patient 1 experienced during Respondent's care. The mother of Patient 1 advised that Patient 1 stated she was in pain for most of the night in question, and the mother requested that Respondent not be assigned to Patient 1 for the remainder of the child's stay. K.F. stated that at no time during Respondent's care of Patient 1 on the night in question did Respondent call a

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physician to address the pain issue, nor did Respondent administer any rescue pain medication.

Charges

13. 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:
- a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performance of unsafe or unacceptable patient care pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(1); and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(2);
 - b. 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); and
 - c. 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).

Understandings

14. 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.
15. 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.
16. 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.
17. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
18. 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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19. 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.
20. 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.
21. 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. The Board of Nursing hereby changes Respondent's license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. If, in the future, Respondent requests and is granted reinstatement of her license, Respondent's license will be **CONDITIONED FOR A MINIMUM OF ONE (1) YEAR**. The conditions will be as follows:

(1) Re-issue of License.

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

(2) Length of Time of 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 a **minimum of one (1) year** of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.

(3) Notification to Employers/Program Director.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a registered 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 registered 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 the Respondent is attending a nursing program which has a clinical portion that involves actual patient care, Respondent 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 the ability of the program to comply with the conditions in the Consent Order during clinical experience.

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(4) Reports from Employers/Program Director.

Within one (1) month of the date of license reinstatement and **monthly** thereafter, Respondent shall cause every nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance and attendance.

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. All Program Director reports shall indicate satisfactory performance and attendance.

(5) Practice Under Supervision.

Respondent shall practice as a registered nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.

(6) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency or as a private duty nurse or personal care provider during the effective period of this Consent Order.

(7) Out-of-State Practice.

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

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

Within five (5) days of the date of license reinstatement, 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.

(9) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont registered nursing license within thirty (30) days of the date of license reinstatement. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

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(10) 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 as a registered nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(11) Costs.

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

(12) 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.

(13) Completion of Conditional License Period.

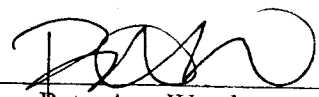
After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

- 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: 1-4-10

By: 
Betsy Ann Wrask
State Prosecuting Attorney

DONNA MARIE PACE
RESPONDENT

Dated: 12/30/09

By: 
Donna Marie Pace

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APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 1-11-10

By: Ellen Riff
Chairperson

Date of Entry: 1/12/2010
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