

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

IN RE: )  
CAROL W. PALOMBO, R.N. )  
License No. 026-0011014 )

Docket No: NU 14-0801

**MODIFIED STIPULATION AND CONSENT ORDER**

The Respondent, Carol W. Palombo , RN, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

**Board Authority**

- A. The Vermont State Board of Nursing ["the Board"] has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
- B. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- C. Practicing professional or practical nursing in Vermont without a current license to practice, unless specifically exempted by 26 V.S.A. §§ 1583 and 1601 is unprofessional conduct upon which the Board can base disciplinary action. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(4)(i).

**Facts**

- D. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 20 Prospect Street, Essex Junction, Vermont, 05452) is a Registered Nurse under License Number 026-0011014.
- E. Respondent was originally licensed on July 10, 1975 and Respondent's license lapsed as of March 31, 1991.
- F. In a prior Stipulation (attached and incorporated), Respondent admitted:
  - (1) Respondent was not employed for a period of approximately five (5) years subsequent to her license lapsing.

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GENERAL  
109 State Street  
Montpelier, VT  
05609

- (2) In 1996, the Respondent became a school nurse for the Baird Center.
  - (3) Respondent has not been certified and/or licensed as a school nurse since the Baird Center is a private school.
  - (4) Respondent states she was told by her employer that a valid license was not necessary for this employment position.
  - (5) Respondent and/or the Baird Center contacted the Board of Nursing and reported that Respondent had failed to renew her license since it lapsed in 1991 and had been practicing for five (5) years without a valid license.
- G. Respondent, under the prior Stipulation, was granted a temporary permit with the following condition(s):
- (1) Respondent shall complete the re-entry program, approved by the Board or its designee, within ninety (90) days of the entry of this order.
- H. Respondent failed to complete the conditions as specified and/or ordered.
- I. Respondent has requested an extension of time for her to complete her condition(s) under the prior Stipulation.

### **Understandings**

- J. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- K. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- L. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- M. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- N. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- O. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

### **Consent Order**

- P. Based on the above stipulations, it is **ADJUDGED** as follows:
- (1) The "Facts" listed above are true; and

(2) The Respondent has engaged in unprofessional conduct in that the Respondent has:

- (a) Failed to comply with federal or state statute or rules governing the practice of the profession in that she practiced professional or practical nursing in Vermont without a current license to practice and without being specifically exempted.

Q. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

The Respondent does not meet the requirements for renewal per 26 V.S.A. §1579, and since Respondent has not practiced with a valid license since 1991, Respondent's ability to practice nursing is hereby **CONDITIONED** from the date of entry of this order. **The conditions are as follows:**

1. Respondent shall complete the remainder of the theory portion of the re-entry program, approved prior by the Board or it's designee, within thirty (30) days of the entry of this order.
  2. Failure to complete the re-entry program by the above date will result in Respondent ceasing to practice.
  3. Respondent, upon proof to the Board or designee of ~~successful~~ completion of the theory portion(s) of the re-entry program, shall be granted a **CONDITIONED permit for ninety (90) days in order to complete the clinical portion(s) of the program.** The time period for calculating this permit would begin on the date the Board or designee grant the permit.
- R. Failure to comply with this order shall be grounds for further disciplinary action.
- S. 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).
- T. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in separate future disciplinary matters.

AGREED TO: 2 addendum

BY: CAROL W. PALOMBO  
RESPONDENT

Date: 1/11/02

Carol W. Palombo  
Carol W. Palombo

AND BY: STATE OF VERMONT  
WILLIAM H. SORRELL  
ATTORNEY GENERAL

Date: 1/11/02

George C. Haegle IV  
George C. Haegle IV  
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 1-14-02

Susan Farrell  
Chairperson

Dated entered: 1/16/02

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

IN RE: )  
CAROL W. PALOMBO, R.N. )  
License No. 026-0011014 )

Docket No: NU 14-0801

STIPULATION AND CONSENT ORDER

The Respondent, Carol W. Palombo, RN, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

**Board Authority**

- A. The Vermont State Board of Nursing ["the Board"] has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
- B. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- C. Practicing professional or practical nursing in Vermont without a current license to practice, unless specifically exempted by 26 V.S.A. §§ 1583 and 1601 is unprofessional conduct upon which the Board can base disciplinary action. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(4)(i).

**Facts**

- D. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 20 Prospect Street, Essex Junction, Vermont, 05452) is a Registered Nurse under License Number 026-0011014.
- E. Respondent was originally licensed on July 10, 1975 and Respondent's license lapsed as of March 31, 1991.
- F. Respondent was not employed for a period of approximately five (5) years subsequent to her license lapsing.
- G. In 1996, the Respondent became a school nurse for the Baird Center.

- H. Respondent has not been certified and/or licensed as a school nurse since the Baird Center is a private school.
- I. Respondent states she was told by her employer that a valid license was not necessary for this employment position.
- J. Respondent and/or the Baird Center contacted the Board of Nursing and reported that Respondent had failed to renew her license since it lapsed in 1991 and had been practicing for five (5) years without a valid license.

#### Charges

- K. By failing to renew her nursing license as required and by practicing without a current Vermont nursing license for a period of five (5) years, the Respondent has:
  - (1) Failed to comply with federal or state statute or rules governing the practice of the profession in that she practiced professional or practical nursing in Vermont without a current license to practice and without being specifically exempted.

#### Understandings

- L. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- M. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- N. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- O. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- P. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- Q. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

#### Consent Order

- R. Based on the above stipulations, it is **ADJUDGED** as follows:
  - (1) The "Facts" listed above are true; and

(2) The Respondent has engaged in unprofessional conduct in that the Respondent has:

- (a) Failed to comply with federal or state statute or rules governing the practice of the profession in that she practiced professional or practical nursing in Vermont without a current license to practice and without being specifically exempted.

S. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

The Respondent does not meet the requirements for renewal per 26 V.S.A. §1579, and since Respondent has not practiced with a valid license since 1991, Respondent's license is hereby **CONDITIONED** from the date of entry of this order. The conditions are as follows:

1. Respondent shall complete the re-entry program, approved by the Board or it's designee, within ninety (90) days of the entry of this order.

T. Failure to comply with this order shall be grounds for further disciplinary action.

U. 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).

V. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in separate future disciplinary matters.

AGREED TO:

BY: CAROL W. PALOMBO  
RESPONDENT

Date: 9/28/01

Carol W. Palombo  
Carol W. Palombo

AND BY: STATE OF VERMONT  
WILLIAM H. SORRELL  
ATTORNEY GENERAL

Date: 9/28/01

George C. Haegele IV  
George C. Haegele IV  
Assistant Attorney General

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ATTORNEY  
GENERAL  
109 State Street  
Montpelier VT  
05609

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 10-1-01

Sinda Rice  
Chairperson

Dated entered: 10/2/01

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

IN RE:

CAROL W. PALOMBO, R.N.

License No. 026-0011014

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Docket No: NU 14-0801

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Carol W. Palombo, RN:

**Board Authority**

- A. The Vermont State Board of Nursing ["the Board"] has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
- B. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- C. Practicing professional or practical nursing in Vermont without a current license to practice, unless specifically exempted by 26 V.S.A. §§ 1583 and 1601 is unprofessional conduct upon which the Board can base disciplinary action. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(4)(i).

**Facts**

- D. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 20 Prospect Street, Essex Junction, Vermont, 05452) is a Registered Nurse under License Number 026-0011014.
- E. Respondent was originally licensed on July 10, 1975 and Respondent's license lapsed as of March 31, 1991.
- F. Respondent was not employed for a period of approximately five (5) years subsequent to her license lapsing.
- G. In 1996, the Respondent became a school nurse for the Baird Center.

- H. Respondent has not been certified and/or licensed as a school nurse since the Baird Center is a private school.
- I. Respondent states she was told by her employer that a valid license was not necessary for this employment position.
- J. Respondent and/or the Baird Center contacted the Board of Nursing and reported that Respondent had failed to renew her license since it lapsed in 1991 and had been practicing for five (5) years without a valid license.

### Charges

- K. By failing to renew her nursing license as required and by practicing without a current Vermont nursing license for a period of five (5) years, the Respondent has:
- (1) Failed to comply with federal or state statute or rules governing the practice of the profession in that she practiced professional or practical nursing in Vermont without a current license to practice and without being specifically exempted.

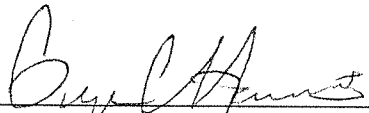
### Relief Requested

WHEREFORE, the license of Carol W. Palombo, RN, should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 20<sup>th</sup> day of September 2001.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

By:   
George C. Haegele IV  
Assistant Attorney General

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