

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

IN RE:

JACQUELINE S. PATENAUDE
License No. 025.0006917

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Docket No. 2009-148

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Jacqueline S. Patenaude, LPN, 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. Jacqueline S. Patenaude (the "Respondent") of Brownington, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0006917. This license was originally issued on or about April 14, 1993 and is currently set to expire on or about January 31, 2010.
3. Respondent's license is currently conditioned pursuant to a Stipulation and Consent Order (the "Order") entered by the Board on or about October 14, 2008. Attachment A. This discipline was due to Respondent's falsification of documents. Attachment A. The Order required in part that Respondent: 1) successfully complete a documentation course within ninety (90) days of the date of entry of the Order; 2) notify the Board of her current place of employment within five (5) days of the date of entry of the Order; and 3) cause her employer to submit monthly reports to the Board regarding Respondent's performance and attendance within one (1) month of the date of entry of the Order. Attachment A.
4. Pursuant to the Order, Respondent was to have completed the documentation course by January 14, 2009. Respondent did not complete this course until March 16, 2009, in violation of the Order.

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

5. Pursuant to the Order, Respondent was to have notified the Board of her current place of employment by October 19, 2008. Respondent did not notify the Board of this information until on or about December 31, 2008, in violation of the Order.
6. Pursuant to the Order, Respondent was to have caused her nursing employer to submit monthly employer reports to the Board beginning on or about November 14, 2008. The Board did not receive Respondent's first employer report until on or about March 10, 2009, in violation of the Order.
7. Moreover, Respondent's January 2009 employer report (submitted retroactively) indicated that Respondent had committed medication errors by using four (4) outdated vials of insulin for several residents on or about December 31, 2008 and January 15, 2009; and by failing to remove an old Lidoderm patch from Resident B.H. on or about January 19, 2009.
8. Furthermore, Respondent's April 2009 employer report indicated that Respondent had committed a medication error by administering more Otarax to Resident E.H. than was prescribed during a 24-hour period on or about April 29, 2009.

Charges

9. 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. 3 V.S.A. § 129a(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the Board);
 - 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

10. 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.

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11. 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.
12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
14. 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.
15. 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.
16. 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 **REPRIMANDS** Respondent's license to practice as a Licensed Practical Nurse.
- B. The Board of Nursing hereby **EXTENDS THE CONDITIONS** currently in place in the attached Order **for a minimum of SIX (6) MONTHS**.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- D. 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).
- E. 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:

Dated: 9/2/09

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian

STATE OF VERMONT



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

State Prosecuting Attorney

JACQUELINE S. PATENAUDE
RESPONDENT

Dated: 8/31/09

By: Jacqueline Patenaude
Jacqueline S. Patenaude

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 10-12-09

By: Marlene Carr
Chairperson

Date of Entry: 10/16/09
nu.patenaude.stip2

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

IN RE:

JACQUELINE S. PATENAUDE

License No. 025-0006917

Docket No. NU38-1007

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Jacqueline S. Patenaude, who stipulate and agree as follows:

Board Authority

1. The Vermont 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Jacqueline S. Patenaude (the "Respondent") of Brownington, Vermont is licensed in the State of Vermont as a licensed practical nurse under license number 025-0006917. This license was originally issued on or about April 14, 1993 and is currently set to expire on January 31, 2010.
3. At all times relevant, the Respondent was employed as a licensed practical nurse at the Northern State Correctional Facility in Newport, Vermont.
4. On or about September 25, 2007, the Respondent documented that she had done "segregation checks" on clients J.L. and T.H. for that date. Segregation checks are performed on clients who are in segregation at the facility to help insure their health and well being. The Respondent falsified these documentations as J.L. had returned to the general population on September 23, 2007 and T.H. had been sent back to the general population on September 24, 2007.
5. The Respondent was terminated on September 27, 2007 due in part to the above referenced falsification.

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Montpelier, VT
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ATTACHMENT A

Charges

6. 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 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);
 - 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. 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);
 - c. 3 V.S.A. § 129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession); and
 - d. 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public.

Understandings

- 7. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
- 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 not under the influence of any drugs or alcohol 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.

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Montpelier, VT
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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 on the Stipulation above, it is hereby **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **CONDITIONS** the Respondent's license to practice practical nursing for a minimum period of **SIX (6) MONTHS** commencing with the date of entry of this Consent Order. 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 six (6) months of practical nursing in which she works forty (40) hours every two (2) weeks as a practical 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) Documentation Course.

Respondent must successfully complete (i.e., receive a passing grade, if applicable) a documentation course focusing on documentation with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This course must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order.

- (4) 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.

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(5) 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.

(6) Practice Under Supervision.

The parties have not reached agreement as to whether the Respondent shall be required to practice nursing under supervision during the conditioned period.

It is the State's position that Respondent shall practice under on-site supervision during the conditioned period. At the time of the disposition hearing, the Respondent may argue for a different limitation.

(7) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse. 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.

(8) 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.

(9) 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.

(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 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.



(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.

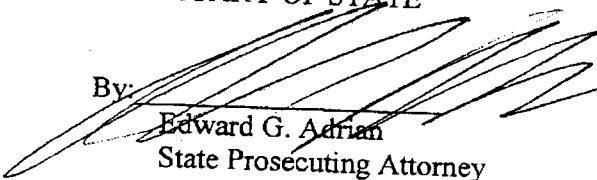
After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

- 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

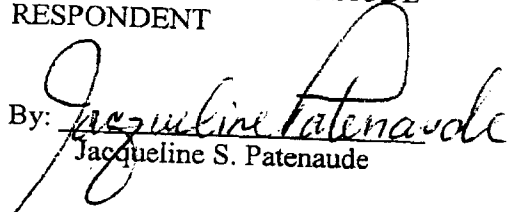
Dated: 8/23/08

By: 

Edward G. Adrian
State Prosecuting Attorney

JACQUELINE S. PATENAUDE
RESPONDENT

Dated: 8/19/2008

By: 

Jacqueline S. Patenaude

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

STATE OF VERMONT



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

Dated: 10-13-56

By: Sandra Rice
Chairperson

Date of Entry: 10/14/08

nu.paternaude.stip

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VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

In re: Jacqueline Patendaude }

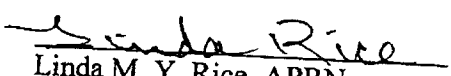
License No. 025-0006917 }

Docket No. NU 38-1007 }

ENTRY ORDER

As long as Respondent remains at her current place of employment, Maple Lane, Respondent's supervision requirement shall consist of monthly employer reports that will include at least two instances of an unannounced visits for purposes of on-site supervision. Respondent's supervisor shall conduct the unannounced visits.

Furthermore, Respondent shall have a registered nurse, in good standing, available by phone or beeper at all times when she is on duty.


Linda M. Y. Rice, APRN
Board Chairperson

Dated at Montpelier, VT 13 October 2008

Date copies sent to:

Resp's Attorney: _____

Respondent: 10/14/08

Cert. Mail # _____

Prosecuting Attorney: _____

Other: _____

Docket Clerk's Initials: _____