

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

IN RE:	)	
Lois Barton Pease	)	Docket No.: NU 20-0902
License No.: 025-0001048	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through the State Prosecuting Attorney, Edward G. Adrian, and Respondent, Lois Barton Pease who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129 and 129a; 26 V.S.A. Chapter 28 and; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 3 V.S.A. §129a(a)(7).
3. In the course of practice, gross failure to use and exercise on a particular occasion or the failure to use and exercise on repeated occasions that degree of care, skill and proficiency which is commonly exercised by the ordinary

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Montpelier, VT 05602

skillful, and prudent professional engaged in similar practice under the same or similar conditions, whether or not actual injury to a client, patient or customer has occurred is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. 3 V.S.A. §129a(a)(10).

4. Failure to conform to the essential standards of acceptable and prevailing practice is unprofessional conduct and is a basis upon which the Board can impose disciplinary action. 3 V.S.A. §129a(b)(2).
5. Inability to practice nursing competently by failure to conform to the essential standards of acceptable and prevailing nursing practice is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. ARBN, Chapter 4, Rule IV(II)(B)(2).

Facts

6. Lois Barton Pease ("Respondent") of Brattleboro, Vermont is a registered nurse holding license number 025-0001048 issued by the State of Vermont. Respondent's license was issued on February 1, 2002 and is currently set to expire on January 31, 2004.
7. At all times relevant to these charges, the Respondent was practicing as a licensed practical nurse at Thompson House in Brattleboro, Vermont.
8. On or about August 2, 2002, Respondent received a telephone order to increase resident A.M.'s potassium order from once a day to twice a day.
9. Respondent transcribed the order on A.M.'s Synthroid order in error increasing the Synthroid dosage to twice a day.

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10. As a result, from August 2, 2002 through August 26, 2002 Resident A.M. received twice her daily Synthroid dosage and did not receive the second prescribed dose of Potassium.
11. D.C., a licensed practical nurse at Thompson House, discovered the medication error and notified the Respondent.
12. Respondent advised D.C. she did not know anything about the medication error.
13. Respondent crossed out "BID" from the Synthroid order and wrote "BID" in the Potassium order on the medication administration record.
14. Respondent also crossed out her initials on the medication administration record on August 2, 2002, August 7, 2002 and August 16, 2002 for the extra Synthroid dose.
15. Respondent then initialed the medication administration record on August 2, 2002, August 7, 2002 and August 16, 2002 for a second potassium dosage that was not administered.
16. Respondent was the only nurse who initialed the medication administration record as administering the second dose of potassium.
17. Respondent was confronted by the Director of Nursing A.V. and denied making the changes.
18. When interviewed by OPR Investigator Steve Kennedy, Respondent initially denied taking the order and making false entries.

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19. Respondent admitted later in the interview that she did take the order, later changed the order on the medication administration record and made the false entries on the record.

Charges

20. By committing the above act(s), circumstance(s) and/or omission(s), the

Respondent has:

- i. Committed unprofessional conduct by willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records in violation of 3 V.S.A. §129a(a)(7);
- ii. Committed unprofessional conduct by in the course of practice, gross failure to use and exercise on a particular occasion or the failure to use and exercise on repeated occasions that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, and prudent professional engaged in similar practice under the same or similar conditions, whether or not actual injury to a client, patient or customer has occurred in violation of 3V.S.A. §129a(a)(10);
- iii. Committed unprofessional conduct by failing to conform to the essential standards of acceptable and prevailing practice in violation of 3 V.S.A. §129a(b)(2);

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- iv. Committed unprofessional conduct by failing to conform to the essential standards of acceptable and prevailing nursing practice in violation of Administrative Rules, Chapter 4, Rule IV(II)(B)(2).

Understandings

- A. 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.
- B. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- C. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- D. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- E. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- F. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

- G. Based on the above stipulation and on the above findings and conclusions of this Board, it is **ORDERED** that:

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The Board hereby **INDEFINITELY SUSPENDS** Respondent's license to practice nursing. If the Respondent does re-apply, her license may be conditioned and limited pursuant to the Laws of the State of Vermont and the Rules of this Board. Typically the Board would recommend a less severe sanction in a matter of this type. However, because the Respondent no longer intends to practice as a nurse, rather than imposing a less restrictive sanction, her license must be indefinitely suspended.

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

AGREED TO:

BY:

LOIS BARTON PEASE
RESPONDENT

Date: Nov. 26, 03

Lois Barton Pease
Lois Barton Pease

AND BY:

STATE OF VERMONT
SECRETARY OF STATE

Date: 12/11/03

Edward G. Adrian
State Prosecuting Attorney

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: Dec. 8, 2003

Susan Farrell
Chairperson

Dated entered: 12/11/03

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