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

IN RE:)
HEIDI PENTKOWSKI, R.N.)
License No. 026-0021653)

Docket No: NU 05-0701

STIPULATION AND CONSENT ORDER

The Respondent, Heidi Pentkowski, 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

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)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
2. 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).
3. Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(7).
4. Conduct of a character likely to deceive, defraud or harm the public includes falsifying or altering clinical records or making inaccurate or misleading entries. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(4)(c).
5. Inability to practice nursing competently is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
6. Inability to practice nursing competently includes the failure to conform to the essential standards of the acceptable and prevailing nursing. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(2)(b).

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

Facts

7. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 222 Lewis Creek Drive, Ferrisburg, Vermont 05456) is a Registered Nurse under License Number 026-0021653.
8. Respondent was originally licensed on July 5, 1994 and Respondent's license has a current expiration date of March 31, 2003.
9. At all times relevant, the Respondent was employed by Fletcher Allan Health Care in Burlington, Vermont.
10. On or about June 16, 2001, Respondent signed the names of two (2) other nurses on medical form(s) approving the written order(s).
11. Upon information and belief, Respondent was aware that the two (2) nurses had in fact approved the written orders, as well as the pharmacy approving them based on the computer records.
12. Respondent should have deleted the relevant computer entries and re-entered the information, checked proper dosage, and approved them herself by signing her own name to the order(s).
13. Respondent was issued a written warning from the facility for her above actions.

Charges

14. By falsifying clinical records, the Respondent has:
 - a) Failed to comply with the provisions of state statutes or rules governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3);
 - b) Engaged in conduct of a character likely to deceive, defraud or harm the public in violation of 26 V.S.A. §1582(a)(7), specifically falsifying or altering clinical records or making inaccurate or misleading entries in violation of the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(4)(c); and
 - c) Shown an inability to practice nursing competently in violation of 26 V.S.A. §1582(a)(3), specifically performance of unsafe or unacceptable patient care and a failure to conform to the essential standards of the acceptable and prevailing nursing practice in violation of the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(2)(a) and Rule IV(B)(2)(b).

Understandings

15. 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.
16. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
17. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
18. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
19. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
20. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

A. 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:

- i) Failed to comply with the provisions of state statutes or rules governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3);
- ii) Engaged in conduct of a character likely to deceive, defraud or harm the public in violation of 26 V.S.A. §1582(a)(7), specifically falsifying or altering clinical records or making inaccurate or misleading entries in violation of the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(4)(c); and
- iii) Shown an inability to practice nursing competently in violation of 26 V.S.A. §1582(a)(3), specifically performance of unsafe or unacceptable patient care and a failure to conform to the essential standards of the acceptable and prevailing nursing practice in violation of the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(2)(a) and Rule IV(B)(2)(b).

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

C. The Board hereby **REPRIMANDS** Respondent's license to practice nursing.

D. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

E. 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).

F. 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:

Date: 4/26/02

BY: HEIDI PENTKOWSKI
RESPONDENT

Heidi Pentkowski
Heidi Pentkowski

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

Date: 6/19/02

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

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 7-8-02

Sandra Rice APRN, FNP
Chairperson

Dated entered: 7/9/02