

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

IN RE:)
DEBRA KOTTAN PERRY) **Docket No. NU 67-0404**
License No: 026-0011485)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Debra Kottan Perry, R.N., who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing ("the Board") has jurisdiction to investigate complaints of unprofessional conduct and discipline nurses pursuant to 3 V.S.A. §§129 and 129a; 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Facts

2. The Respondent, Debra Kottan Perry, is licensed by the State of Vermont as a Registered Nurse under license number 026-0011485.
3. Respondent's license was originally issued on April 30, 1983 and Respondent's license is currently set to expire on March 31, 2005.
4. At all times relevant, the Respondent was employed as an R.N. at Rutland Regional Medical Center in Rutland, Vermont.
5. On or about November 17, 2003, the Respondent was found sleeping while on duty for telephone triage by the charge nurse, C.W.
6. On or about March 22, 2004, C.W. again found the Respondent sleeping while on duty for telephone triage.
7. On or about May 24, 2004, the Respondent admitted to State Investigator Ron West that she had fallen asleep at work in November 2003 and on March 22, 2004.
8. Respondent does admit to the truth of the facts above and voluntarily consents

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

to the discipline as set forth below.

Charges

9. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

i. 26 V.S.A. §1582(a)(3) (The inability to practice nursing competently by reason of any cause), which includes performance of unacceptable patient care and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2); and

ii. 3 V.S.A. §129a(a)(5) (Practicing the profession when medically or psychologically unfit to do so).

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.

11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

12. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.

13. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

14. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

A. Respondent's actions as alleged above demonstrate grounds for discipline because Respondent violated:

i. 26 V.S.A. §1582(a)(3) (The inability to practice nursing competently by reason of any cause), which includes performance of unacceptable patient care and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2); and

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iii. 3 V.S.A. §129a(a)(5) (Practicing the profession when medically or psychologically unfit to do so).

B. The Board of Nursing hereby issues a **WARNING** against the Respondent's license to practice as a nurse.

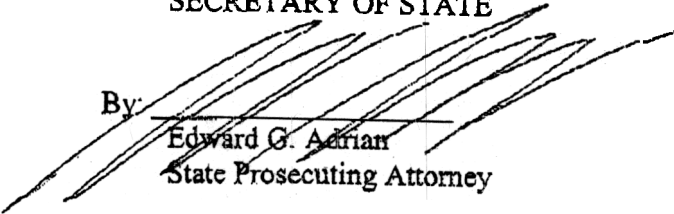
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

D. This Stipulation and Consent Order will remain part of the 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

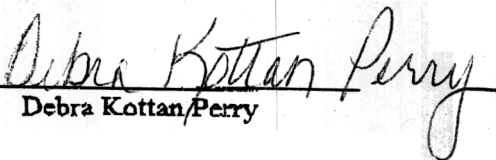
Dated: 2/7/05

By: 

Edward G. Adrian
State Prosecuting Attorney

DEBRA KOTTAN PERRY
RESPONDENT

Dated: 2/8/05

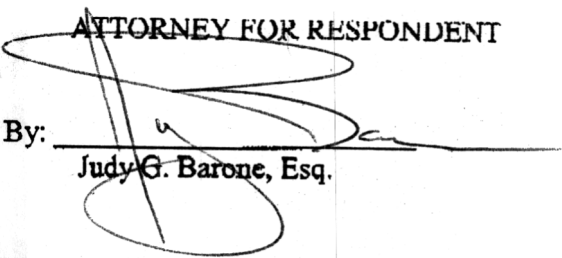
By: 

Debra Kottan Perry

Approved as to Form:

ATTORNEY FOR RESPONDENT

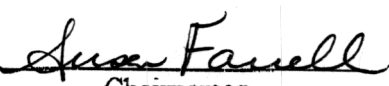
Dated: 2/8/05

By: 

Judy G. Barone, Esq.

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: Feb. 14, 2005

By: 

Chairperson

Date of Entry: 2/22/05

nu.perry.stip

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IN RE:)
DEBRA KOTTAN PERRY) Docket No. NU 67-0404
License No: 026-0011485)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Debra Kottan Perry, R.N.:

Board Authority

1. The Vermont Board of Nursing ("the Board") has jurisdiction to investigate complaints of unprofessional conduct and discipline nurses pursuant to 3 V.S.A. §§129 and 129a; 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. The inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
3. The inability to practice nursing competently includes performance of unsafe or unacceptable patient care and failure to conform to the essential standards of acceptable and prevailing nursing practice. ARBN Chapter 4, Rule IV(II)(B)(1) and (2).
4. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

5. The Respondent, Debra Kottan Perry, is licensed by the State of Vermont as a Registered Nurse under license number 026-0011485.
6. Respondent's license was originally issued on April 30, 1983 and Respondent's license is currently set to expire on March 31, 2005.
7. At all times relevant, the Respondent was employed as an R.N. at Rutland Regional Medical Center in Rutland, Vermont.

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8. On or about November 17, 2003, the Respondent was found sleeping while on duty by the charge nurse, C.W.
9. On or about March 22, 2004, C.W. again found the Respondent sleeping while on duty.
10. On or about May 24, 2004, the Respondent admitted to State Investigator Ron West that she had fallen asleep at work in November 2003 and on March 22, 2004.

Charges

11. The acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:

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

Relief Requested

WHEREFORE, the license of Debra Kottan Perry should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 5 day of September 2004.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

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