

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

IN RE:

STEPHAN PHILIP

License No. 026.0037263

Docket No. 2010-61

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Stephan Philip, RN, 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. Stephan Philip (the "Respondent") of Upper Darby, Pennsylvania is licensed by the State of Vermont as a Registered Nurse under license number 026.0037263. This license was originally issued on or about May 1, 2007 and is currently set to expire on or about March 31, 2011. Respondent has also been licensed by the State of Arizona as a Registered Nurse under license number RN146512. Respondent's Arizona license was originally issued on or about June 27, 2007 and is currently set to expire on or about April 1, 2011.
3. On or about January 15, 2010 pursuant to a Consent for Entry of Voluntary Surrender signed by Respondent, the Arizona State Board of Nursing accepted the voluntary surrender of Respondent's Arizona RN license. Attachment A. This discipline was due in part to the Arizona Board of Nursing's findings that Respondent was terminated from three nursing positions after his employers found that he was unable to practice nursing competently. Attachment A. In signing this Consent for Entry of Voluntary Surrender, Respondent admitted to the Arizona Board's Findings of Fact. Attachment A.

STATE OF VERMONT



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

Charges

4. 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 performance of unsafe or unacceptable patient care pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(1); and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(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 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

5. 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.
6. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
7. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
8. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order. The Respondent's mental capacity is not diminished in any way at the time he signs this Stipulation.
9. 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.

STATE OF VERMONT



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

10. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
11. 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 **INDEFINITELY SUSPENDS** Respondent's license to practice as a Licensed Practical Nurse **from the date of entry below**.
- B. If, in the future, Respondent requests reinstatement of her nursing license, her license will be **CONDITIONED** by the Board pursuant to whatever terms the Board finds reasonable at the time of Respondent's request for 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). It is the intent of the Parties that this Stipulation and Consent Order should be construed as a contractual resolution to a disputed matter.
- 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:

Dated: 4/13/11

STATE OF VERMONT
SECRETARY OF STATE

By: S. Lauren Hibbert
S. Lauren Hibbert
State Prosecuting Attorney

STATE OF VERMONT



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

STEPHAN PHILIP
RESPONDENT

Dated: 4/9/2011

By: Stephan Philip
Stephan Philip

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5-9-11

By: Ellen Leff
Chairperson

Date of Entry: 5/10/11
nu.philip.stip

STATE OF VERMONT



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

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street, Suite 200
Phoenix, Arizona 85014-3655
602-771-7800

2010 JAN 13 2:10:41

IN THE MATTER OF REGISTERED
NURSE LICENSE NO. RN137070
ISSUED TO:

STEPHAN PHILIP,
RESPONDENT

CONSENT FOR ENTRY OF
VOLUNTARY SURRENDER
ORDER NO. 0807077

A complaint charging Stephan Philip, ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-1663 (D)(5), Respondent voluntarily surrenders his license for a minimum of five years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

FINDINGS OF FACT

1. Stephan Philip ("Respondent") holds Board issued registered nurse license number RN146512.

2. The Board has authority pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664 to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1667.

3. From on or about August 13, 2007 until October 23, 2007, Respondent was employed at Tempe St. Luke's. On or about October 23, 2007, Respondent was involuntarily terminated from employment for not being able to function proficiently as a nurse after extended training. He is not eligible for rehire.

1 4. From on or about December 17, 2007 until January 23, 2008, Respondent was employed
2 with Maricopa Integrated Health Systems (MIHS).

3 5. On or about January 10, 2008, according to his employment file, Respondent was unable
4 to transcribe orders; unable to print out medication information from the pyxis without assistance;
5 unable to determine if lab results were printed out as ordered on admission orders; moved slowly and
6 appeared confused about verbal request from her. Also, Respondent could not determine where the
7 Kardex card went.
8

9 6. On or about January 13, 2008, Respondent received an evaluation that reflected that
10 Respondent lacked the initiative to answer phones, do rounds and transcribe orders and he had to be
11 asked to do tasks even after they were explained and demonstrated. Respondent had difficulty
12 assessing if a patient has delusions or hallucinations and had difficulty prioritizing. Respondent did
13 not seem to comprehend or process information which is necessary in order to function effectively on
14 the unit.
15

16 7. On or about January 22, 2008, according to Respondent's employment file it was
17 documented that Respondent remained in orientation for several weeks and staff voiced concerns
18 regarding his ability to effectively function as a psychiatric nurse. Respondent demonstrated difficulty
19 prioritizing tasks and difficulty understanding the need for limit setting. Respondent was counseled
20 numerous times on the need to have assessments done by the nurse and not the Behavioral Health
21 Technician (BHT). Respondent requested Behavioral Health Technicians to accompany him when
22 assessing a patient.
23

24 8. On or about January 23, 2008, Respondent was terminated for unsatisfactory completion
25 of the initial probationary period.
26
27
28
29

1 9. From on or about June 27, 2008 to July 29, 2008, Respondent was employed at The
2 Arizona Department of Corrections.

3 10. On or about July 30 2008, the Board received a complaint from Katie Wingate, RN
4 Nursing Program Manager at Arizona Department of Corrections that Respondent displayed
5 incompetent practice and attempted to write a prescription for an inmate while working at the Florence
6 State Prison in Florence, Arizona. Based upon the complaint, the Board conducted an investigation.
7

8 11. According to Respondent's employment file, Respondent was not able to perform basic
9 nursing tasks. Reportedly, he attempted to write a prescription for an inmate but stopped when
10 challenged by another nurse. He appeared to lack fundamental knowledge of nursing principles and
11 procedures. In addition to attending the new employee orientation, Respondent was required to attend
12 four weeks of orientation/training in health services.
13

14 12. On or about July 29, 2008, Respondent was terminated from employment.
15

16 13. On September 10, 2008 and April 15, 2009, Respondent was mailed an investigative
17 questionnaire. He did not respond and the questionnaire was not returned to the Board. On August 21,
18 2009, Respondent was sent a letter requesting him to contact the Board. On September 3, 2009,
19 Respondent contacted the Board regarding the complaint against his license and submitted his response
20 on or about September 16, 2009.
21

22 14. On or about December 16, 2009, Respondent requested to voluntary surrender his
23 license.
24

25 CONCLUSIONS OF LAW

26 Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and
27 personal jurisdiction in this matter.
28

29 The conduct and circumstances described in the Findings of Fact constitute a violation of

1 A.R.S. § 32-1601(16) (d) and (j), and A.A.C. R4-19-403(B) (1) (7) (9) (12) (14) and (31) (adopted
2 effective November 13, 2005).

3
4 The conduct and circumstances described in the Findings of Fact constitute sufficient cause
5 pursuant to A.R.S. §§ 32-1663(D)(5) and 32-1664(N) to take disciplinary action against Respondent's
6 license to practice as a registered nurse in the State of Arizona.

7 Respondent admits the Board's Findings of Fact, Conclusions of Law.

8
9 Respondent understands that he has an opportunity to request a hearing and declines to do so.
10 Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing,
11 appeal, or judicial review relating to this Order.

12 Respondent understands that all investigative materials prepared or received by the Board
13 concerning these violations and all notices and pleadings relating thereto may be retained in the
14 Board's file concerning this matter.

15
16 Respondent understands that the admissions in the Findings of Fact are conclusive evidence of
17 a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any
18 future disciplinary matter.

19
20 Respondent understands the right to consult legal counsel prior to entering into the Consent
21 Agreement and such consultation has either been obtained or is waived.

22
23 Respondent understands that this voluntary surrender is effective upon its acceptance by the
24 Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto.
25 Respondent's signature obtained via facsimile shall have the same effect as an original signature.
26 Once signed by Respondent, the agreement cannot be withdrawn without the Executive Director or
27 the Board's approval or by stipulation between Respondent and the Executive Director or the Board.
28 The effective date of this Order is the date the Voluntary Surrender is signed by the Executive
29

1 Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the
2 later date is the effective date.

3 Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent
4 also understands that he may not reapply for re-issuance during the period of Voluntary Surrender.
5

6 Respondent agrees that he may apply for re-issuance after the period of Voluntary Surrender
7 under the following conditions, and must comply with current law at the time of their application for
8 re-issuance:
9

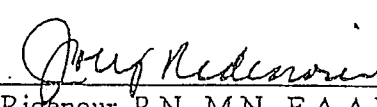
10 The application for re-issuance must be in writing and shall contain therein or have attached
11 thereto substantial evidence that the basis for the Voluntary Surrender has been removed and that the
12 re-issuance of the license does not constitute a threat to the public's health, safety and welfare. The
13 Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding
14 Respondent as it deems necessary. These conditions shall be met before the application for re-
15 issuance is considered.
16

17
18
19 
20 Respondent

21 Date: 01/10/2010

22
23 ARIZONA STATE BOARD OF NURSING

24 SEAL

25 
26 Joey Ridenour, R.N., M.N., F.A.A.N.
27 Executive Director

28 Dated: 1/15/10
29

Foster/RN146512/Philip

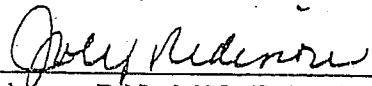
ORDER

Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender of registered nurse license number RN146512, issued to Stephan Philip. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multistate license.

IT IS FURTHER ORDERED that Respondent may apply for re-issuance of said license after a period of five years.

SEAL

ARIZONA STATE BOARD OF NURSING


Joey Ridehour, R.N., M.N., F.A.A.N.
Executive Director

Dated: 1/15/10

JR/AF:

COPY mailed this 16th day of December, 2009, by First Class Mail to:

Stephan Philip
34 Kent Rd
Upper Darby, PA 19082

By: Amy Foster

2010 JAN 13 11:10:41

10. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
11. 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 Respondent agrees to **never seek reactivation or attempt to renew** his license, number 026.0037263, issued by the State of Vermont. The Respondent further agrees that the Secretary of State's Office of Professional Regulation, the licensing agency for Registered Nurses, will indicate on the list of Registered Nurses that his license was **voluntarily surrendered** as of the date of entry of this Order.
- B. The Respondent agrees not to seek reactivation, reinstatement, or renewal of his Registered Nurse license and agrees not to apply for any nursing or nursing assistant license in the future. If the Respondent attempts to seek reactivation, reinstatement, or renewal of his Registered Nurse license, or attempts to apply for any other nursing or nursing assistant license, he agrees that his application will be automatically denied pursuant to this Stipulation and Consent Order.
- 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). It is the intent of the Parties that this Stipulation and Consent Order should be construed as a contractual resolution to a disputed matter.
- 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:

STATE OF VERMONT
SECRETARY OF STATE

Dated: _____

By: _____
S. Lauren Hibbert
State Prosecuting Attorney

STATE OF VERMONT



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