STATE OF VERMONT
BOARD OF NURSING

In re: Tammy L. Platt	}	
License No. 026-27733	}	Docket No. NU82-0308
	}	

Decision on
UNPROFESSIONAL CONDUCT CHARGE

Participating Board Members:
Ellen W. Leff, RN, Chair
Jeanine Carr, RN, Vice Chair
Alan Weiss
Sandra Norton, LNA
Donarae Metcalf, LPN
Kenneth W. Bush, RN
Deborah Robinson, RN
Susan Dumas, APRN

Appearances:
for Petitioner, State of Vermont: Edward G. Adrian and Gregg Meyer
for Respondent: Judy G. Barone

Presiding Officer: Larry S. Novins

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The Vermont Board of Nursing held a hearing in the above matter on April 13, 2009 at the National Life Building in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The prosecution alleges in its Specification of Charges that Ms. Platt left her place of employment without cause or notification and in possession of the keys to the medication cart.

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. Ms. Platt is licensed as a registered nurse by and subject to the disciplinary authority of

this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. §§ 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.

2. Ms. Platt at all times relevant was employed as a registered nurse at Eden Park Nursing Home located in Rutland, Vermont.
3. On March 20, 2008, Ms. Platt left work for her supper break. She was not feeling well, but did not tell her supervisor that.
4. When she left, she had the keys to the nursing home medication cart with her.
5. Ms. Platt suffered from "dumping" syndrome which is manifest by bouts of severe diarrhea. She had not told her employers about the condition because she was afraid if they knew, they would not hire her.
6. Ms. Platt experienced "dumping" syndrome that night while away from work on her dinner break.
7. Ms. Platt drove to the emergency room at the hospital. When she got to the hospital, she waited a while in her car, then decided she did not need to go inside.
8. About 45 minutes after she left for what should have been her 30 minute break, Ms. Platt called her supervisor B.E. Ms. Platt told her she was having "health issues." She did not provide details. B.E. told her that she needed to return the keys to the medication cart.
9. Ms. Platt agreed that she would return the keys even though she had severe doubts that she could.
10. She continued to have diarrhea, and then vomited.
11. Ms. Platt again called work to ask whether someone from the Facility could meet her to retrieve the keys. B.E. responded that she could not, that they had no one available to go out.
12. Ms. Platt stopped at a convenience store where a long time friend of hers, J.R., worked as cashier. Ms. Platt went into the bathroom for several minutes.
13. J.R. testified at the hearing and confirmed that Ms. Platt was extremely emotionally distraught. While Ms. Platt was in the convenience store bathroom, her friend cleaned the inside of Ms. Platt's car.
14. Ms. Platt once again called work, this time from the convenience store. She said that she could not return to the Facility, but that she would be at the convenience store, that she could turn over the keys there. B.E. agreed to meet her at the convenience store.
15. Ms. Platt realized that she might be able to make it home. Her friend told her to go. Ms. Platt told J.R. that she had keys from work and that a person from work was on her way to pick them up. Her friend agreed to safeguard the keys and give them to the woman whose name she knew at the time.
16. B.E. arrived at the convenience store after Ms. Platt left. She asked the cashier if "Tammy" was there. The cashier identified B.E. and gave her the keys she held at Ms. Platt's request.
17. Ms. Platt has worked as a traveling nurse. She has worked in the State of Maryland and in Albany, New York, and was a supervising nurse at the Helen Porter Nursing and Rehabilitation facility in Middlebury.

Discussion

Ms. Platt, as a licensed professional, understood the importance of assuring the security

of the medication cabinet keys. Where she erred was in not adequately protecting the keys once she discovered she had them. Entrusting the keys to a non-professional not affiliated with her place of employment created a impermissible security risk. Rather than leaving the keys in a public place, Ms. Platt could have retained them in her possession, even if it meant delaying her trip home and having her employer see her in her sorry state. Alternatively, she could have taken the keys home to assure their safety until they could be returned to work or a responsible person from work.

Conclusions of Law

Based on the evidence presented and Facts found above we conclude as follows:

1. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(3):** The State has not proved by a preponderance of the evidence that Ms. Platt is unable to practice nursing competently by reason of any cause. This charge is dismissed.

2. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(7):** The State has not proved by a preponderance of the evidence that Ms. Platt has engaged in conduct of a character likely to deceive, defraud or harm the public. This charge is dismissed.

3. **Re: Alleged Violation of 3 V.S.A. § 129a(b)(1) and (2)**: The State has proved by a preponderance of the evidence that Ms. Platt failed to practice competently. We do find that Ms. Platt's conduct as found above constituted a failure to conform to the essential standards of acceptable and prevailing practice This is unprofessional conduct.

4. **Re: Alleged Violation of 26 V.S.A. § 129a(a)(3)**: 3 V.S.A. § 129a(a)(3) defines unprofessional conduct to include failing to comply with provisions of federal or state statutes or rules governing the practice of the profession. Any allegation of failure to comply with statutes or rules has been addressed above. This statute does not provide an independent grounds for discipline. There is no violation of this statute. This charge is dismissed.

Order

For the violation above, to protect the public, health, safety and welfare, the following sanction is necessary:

Ms. Platt's license is **reprimanded**.

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, Office of Professional Regulation, National Life Bldg., North, FL2, Montpelier, Vermont

05620-3402 within 30 days of the entry of this Order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By: Ellen Leff
Ellen Leff, RN, Chair

Date April 15, 2009

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 4/22/09