

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

IN RE:
Jason L. Ploof
License No. 026.0105029

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**Docket Nos. 2015-498
2015-467**

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. Jarvis, and the Respondent, Jason L. Ploof, 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. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Jason L. Ploof (the "Respondent") of Nashville, Tennessee is licensed by the State of Vermont as a Registered Nurse under license number 026.0105029. This license was originally issued on or about October 14, 2014, and expires on or about March 31, 2017.

Facts re: Docket No. 2015-498

3. During the relevant time period, Respondent was employed as a Registered Nurse at Vermont Psychiatric Care Hospital ("Facility 1"), in Berlin, Vermont.
4. On or about June 28, 2015, at approximately 3:00 p.m., Facility 1 staff exiting the building found one 2 mg Ativan tablet in a wrapper on the sidewalk in front of the staff entrance. It had rained recently but the wrapper was dry, suggesting the pill had just been dropped. A review of the security footage of the staff entrance from slightly before until after the pill was found revealed the Respondent was the only employee to walk near where the pill was found.

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5. A subsequent audit of the Respondent's Ativan administration between on or about June 4, 2015, and July 5, 2015 revealed that the Respondent documented approximately fourteen (14) instances of administration of Ativan to Patient 1 on the MAR at a time when Patient 1 was also noted to be sleeping. The Respondent did not document these administrations in a separate nursing note. Several of these instances also involved Pyxis withdrawal times that occurred after the MAR entry time of medication administration.
6. The essential standards of acceptable and prevailing practice require registered nurses to accurately document all controlled medications they administer and properly waste all controlled medications not administered.
7. The Respondent admitted to not always properly wasting medication.

Facts re: Docket No. 2015-467

8. During the relevant time period, Respondent was employed as a Registered Nurse at Central Vermont Home Health and Hospice ("Facility 2"), in Barre, Vermont.
9. The Respondent documented home visits to Patient 2 on both October 1, 2015 and October 2, 2015. The documentation for both home visits included a detailed nursing note, vital sign readings, travel time, and mileage.
10. The Respondent did not visit Patient 2 on October 1, 2015.
11. The Respondent only visited Patient 2 on October 2, 2015. At this visit, Respondent administered the flu vaccine to Patient 2 and left a vial of flu vaccine for Patient 2 to administer to his wife. Respondent did not obtain a vaccine consent form from Patient 2 at this visit.
12. After concerns arose regarding a possible discrepancy in the dates Respondent may or may not have visited Patient 2's home, Respondent made an unplanned visit to Patient 2's home to obtain a backdated vaccine consent form from Patient 2.
13. On February 19, 2016, during an interview with Investigator Dennis Menard, the Respondent admitted that he had a habit of "preloading" his visit notes by cutting and pasting the previous visit note into the current note prior to a visit. The Respondent estimated that approximately 10% of these "preloaded" visits never actually ended up happening.
14. On February 19, 2016, the Respondent also admitted to Investigator Menard that he returned to Patient 2's home on or about October 21, 2015, to obtain a backdated flu vaccine consent form.

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Violations

15. 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. 3 V.S.A §129a(a)(7) (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);
 - b. 3 V.S.A §129a(a)(15) (Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession); and
 - c. 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).

Understandings

16. Respondent acknowledges that the facts above are true and that the conditions set out in the Consent Order below are appropriate and necessary to protect the public.
17. 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.
18. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing if this agreement is not accepted by the Board and proceeds to a contested hearing.
19. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
20. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
21. 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.

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22. Respondent voluntarily waives Respondent's right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
23. 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 **CONDITIONS** Respondent's license **FOR A MINIMUM OF TWO (2) YEARS**. The conditions will be as follows:

1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."
2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has successfully completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a **minimum of two (2) years** of supervised nursing in which Respondent works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of fewer than forty (40) hours every two (2) weeks shall be credited on a prorated basis.
3. Notification to Employers/Nursing School. Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Board an employer agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event Respondent is attending a nursing program which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

4. Reports from Employers/Program Director. Within one (1) month of the date of this order or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. In the event Respondent is attending a nursing program, Respondent shall cause the Program Director to submit

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to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

5. Practice Under Supervision. Respondent shall practice as a nurse only in a setting where Respondent has direct supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.
6. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.
7. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
8. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. The Board will approve out-of-state nursing practice so long as Respondent can still comply with the provisions of this Consent Order. If Respondent receives discipline on a nursing license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.
9. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of Respondent's current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.
10. Notification to Other States. In the event that Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.
11. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
12. Costs. Respondent shall bear all costs of complying with this Consent Order.
13. Violation of this Order. If Respondent violates this Order the Board, after giving Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of

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unprofessional conduct is made against Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

14. Completion of Conditional License Period. Respondent must petition the Board, or its designee, to remove any and all conditions on Respondent's license. Respondent must present proof that Respondent has fully complied with the terms of this Order.

- B. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license 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).
- 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: 2/10/17

STATE OF VERMONT
SECRETARY OF STATE

By: Elizabeth A. Jarvis
Elizabeth A. Jarvis
State Prosecuting Attorney

JASON L. PLOOF
RESPONDENT

Dated: 2/10/17

By: Jason L. Ploof BSN, RN
Jason L. Ploof

APPROVED AND SO ORDERED:

Dated: 3/6/17

VERMONT BOARD OF NURSING

By: Janis Carr
Chairperson

Date of Entry: 3/6/17

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2/10/17

REV. 10
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