

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

IN RE:)
AMY RENEE PRATER) **Docket No. 2011-93 (NU)**
License No. 026.0045009)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Amy Renee Prater, 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.

Stipulated Facts

2. Amy Renee Prater (the "Respondent") of Norman, Oklahoma was licensed by the State of Vermont as a Registered Nurse under license number 026.0045009. This license was originally issued on or about February 28, 2009 and expired on or about March 31, 2011.
3. At all times relevant, Respondent was employed as a Registered Nurse at the American Mobile Health Care facility (the "Facility"), in Lawton, Oklahoma and the Mercy Health Center (the "Center").
4. On or about February 9, 2011 the Office of Public Regulation received a NURSIS speed memo from Oklahoma indicating that Respondent's nursing license had been revoked due to Respondent's default from the Peer Assistance Program. The memo indicated that Respondent was discharged from the Peer Assistance Program for misrepresenting herself as an RN and not an Administrative Assistant as was her actual title. Her license was initially revoked in 2010 until 2015 for her termination from the Program.
5. On or about August 3, 2010 the Respondent entered into a Stipulation Agreement in which she agreed to remain free from alcohol and drugs, complete an evaluation, pay an administrative fee, and have her license temporarily suspended. This Stipulation

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

was the result of conduct that occurred on or around November 10, 2009 when Respondent was employed at the Facility. Respondent removed Dilaudid 3mg. from PYXIS prior to the beginning of her shift and failed to document the medication's administration to a patient or waste. Attachment A.

6. On or around September 28, 2010 Respondent entered into another Stipulation Agreement which referred her to the Peer Assistance Program, temporarily suspended her license, and ordered her to pay an administrative fee before her license was reinstated. This Stipulation was a result of conduct that occurred on or around May 1, 2010 when the Respondent diverted a minimum of 38 mg. of injectable Dilaudid for personal use while working at the Center. At that time, the Respondent admitted she was addicted to controlled substances. Attachment B.
7. On or around April 4, 2011, in an interview with State Investigator Emily Newman, the Respondent acknowledged the two diversion incidents detailed above. When asked why she was dismissed from the Peer Assistance Program, Respondent stated that it was because she had worn a name badge with the initials "R.N." after her name. At the time of this incident she was working as an Administrative Assistant at a Home Health Agency.
8. Respondent has committed unprofessional conduct because when she engaged in deceptive behavior and diverting prescription medication for her own use she engaged in conduct of a character likely to deceive and she was unable to practice competently. Therefore, the Respondent has failed to comply with the rules governing the practice of the profession and she has not conformed to the essential standards of suitable care.

Violations

9. 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);
 - b. 26 V.S.A. § 1582(a)(7) (Engages in a conduct of a character likely to deceive, defraud or harm the public);
 - 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); and,
 - d. 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

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

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 specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
14. 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.
15. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
16. 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 changes Respondent's license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. If, in the future, Respondent requests reinstatement of her registered nurse 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.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing 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).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

- 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:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 12/5/11

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

AMY RENEE PRATER
RESPONDENT

Dated: 11-29-11

By: Amy Renee Prater
Amy Renee Prater

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12-12-11

By: Jill Hoff
Chairperson

Date of Entry: 12-12-11

nu.prater.stp

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF AMY RENEE HARMON BASTIBLE HARMON PRATER, R.N.
LICENSE NO. R0073116

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 19th day of July, 2010, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

Jan Sinclair, R.N., a Nurse Investigator with the Board, appears in person, and Amy Renee Harmon Bastible Harmon Prater, R.N., (hereinafter, "Respondent") appears in person with counsel, Niki S. Batt, before the Panel on this date. Respondent's counsel and the Nurse Investigator participated in a telephonic conference on July 7, 2010, and subsequently consented to this Order.

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0073116, issued by the Oklahoma Board of Nursing.
2. On or about November 10, 2009, Respondent, while employed with American Mobile Health Care and assigned to work as a staff nurse at Comanche County Memorial Hospital in Lawton, Oklahoma, removed Dilaudid 3 mg for Patient S.H. from the Pyxis prior to the beginning of the Respondent's shift. Respondent failed to document administration of the medication in the patient's medical record or the waste of the medication.

3. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent=s own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

4. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

5. Respondent fully understands and agrees that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

6. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

7. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

8. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent=s license to practice registered nursing in the State of Oklahoma remain in effect, and that Respondent is disciplined as follows:

1. Respondent shall, within **ninety (90) days** from the receipt of this Order, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board; other laws; policies; and accreditation guidelines that govern the practice of nursing; the role of delegation and supervision; and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course; resources to be utilized; and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent=s successful completion of the course to the Board office.

2. Respondent shall submit to periodic body fluid testing in accordance with and in compliance with the Board=s Body Fluid Testing Guidelines, a copy of which is attached hereto and made a part hereof, **at least twice each month until Evaluation is reviewed by the Board or**

an Informal Disposition Panel appointed by the Board, and that the results thereof be submitted to the Board immediately. **Respondent must enroll with the approved Laboratory, FirstLab, within ten (10) days of receipt of this Order.**

3. Respondent shall remain free of alcohol and unprescribed drugs.
4. Any prescribed drug must be verified by Respondent in writing to the Board's office within seventy-two (72) hours and verified by the prescribing physician in writing on the Board's Medication Report form within ten (10) days.
5. Respondent's license shall be immediately temporarily suspended pending a hearing before the Board for any violation of the Board's Body Fluid Testing Guidelines, including but not limited to a positive drug screen, a missed drug screen, failure to utilize the appropriate lab, or for any safety issues identified by the Medical Review Officer reviewing the drug screen.
6. During the period Respondent is under a Board Order for body fluid testing, the Board may amend the frequency and duration of testing as well as the substances being tested for. The Board may also Order Respondent to appear before the Board for such further Orders as may be deemed necessary and proper in the interest of public safety issues, to include but not limited to safety sensitive issues.

IT IS FURTHER ORDERED that **prior to November 4, 2010**, Respondent shall submit documentation of an Evaluation which complies with this Board's Evaluation Criteria, a copy of which is attached hereto and made a part of this Order.

- a. Respondent shall provide written documentation to Board staff confirming name of Evaluator and the date and time of the appointment. The written

documentation shall be received in the Board Office within **fourteen (14)** days of receipt of this Order.

- b. Respondent shall provide a copy of this Order and the Board's Evaluation Criteria to an Evaluator approved by the Board and shall sign consents to disclose information between the Oklahoma Board of Nursing and the approved Board Evaluator.
- c. Counselor shall discuss findings and recommendations with Respondent and shall submit the Evaluation on letterhead directly to the Oklahoma Board of Nursing to include a summary of all assessments completed with tools utilized, diagnosis, prognosis, summary/recommendations and course of treatment if initiated.

IT IS FURTHER ORDERED the Evaluation will be reviewed by the Board or an Informal Disposition Panel appointed by the Board for the purpose of recommending to the Board such further Orders regarding Respondent's license as may be deemed necessary and proper.

4. Within **sixty (60) days** from receipt of this Order, Respondent shall pay an **administrative penalty** payable to the Oklahoma Board of Nursing in the amount of **\$500.00**. The administrative penalty shall be paid only by certified check, money order or cash.

IT IS FURTHER ORDERED that the license to practice registered nursing held by Respondent is hereby **severely reprimanded**.

IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty or written documentation by the due date, including but not limited to proof of successful completion of educational courses, will result in a **three (3) month** suspension of license.

At the completion of the three month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance to the agency approval process or for referral to the Board. The terms of the previous Order will be extended for three (3) months, as applicable. An Administrative penalty of \$500 for each violation of Respondent's Board Order shall be paid by certified check, money order, or cash prior to reinstatement pursuant to statute, 59 O.S. §567.8.J.1. and 2, and §485:10-11-2(d) of the Rules promulgated by the Board.

IT IS FURTHER ORDERED that any failure to comply with submission of documentation by third parties, including late reports, unsatisfactory reports, or other violations of the Oklahoma Nursing Practice Act by the Respondent, will require Respondent's appearance before the Board to **Show Cause** why Respondent's license should not be revoked or other such action taken as the Board deems necessary and proper.

IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Stipulation, Settlement and Order and that no presumption or construction against any party as the drafter of this Stipulation, Settlement and Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern

of behavior and for the purpose of proving additional acts of misconduct.

Amy Prater
Respondent

Niki S. Batts 20157
Attorney for Respondent OBA#

Approved and ordered this 3rd day of August, 2010.

OKLAHOMA BOARD OF NURSING

By: Therone W. Wootley
President

JS:sr

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF AMY RENEE HARMON BASTIBLE HARMON PRATER, R.N.
LICENSE NO. R0073116

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 14th day of September, 2010, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

Jan Sinclair, R.N., a Nurse Investigator with the Board, appears in person, and Amy Renee Harmon Bastible Harmon Prater, R.N., (hereinafter, "Respondent") appears neither in person nor by counsel, before the Panel on this date. Respondent and the Nurse Investigator participated in a telephonic conference on August 12, 2010, and subsequently consented to this Order.

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma, and is the holder of License No. R0073116 issued by the Oklahoma Board of Nursing.
2. On or about May 1, 2010, Respondent, while employed as an agency nurse and assigned on a temporary contract to Mercy Health Center in Oklahoma City, Oklahoma, and working the 11 pm to 7 am shift in Oncology Services, diverted a minimum of 38 mg injectable Dilaudid for her own personal use.

3. Respondent admits to having a problem with controlled dangerous substances/alcohol.
4. Respondent has requested a referral to the Peer Assistance Program.
5. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.
6. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.
7. Respondent fully understands and agrees that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.
8. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the

Board incorporating said stipulation.

9. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

10. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent is referred to the Peer Assistance Program of the Oklahoma Board of Nursing on the following terms and conditions:

1. Respondent's license to practice registered nursing is hereby **temporarily suspended** as of the date of this Order, which temporary suspension shall be set aside provided Respondent provides documentation, satisfactory to the Board, of Respondent's acceptance into the Peer Assistance Program by **November 11, 2010**.

2. If Respondent is not accepted into the Peer Assistance Program on or before **November 11, 2010**, or having been accepted is terminated from the Program for any reason other than successful completion of Respondent's contract and treatment plan, Respondent's license is hereby **revoked for a period of five (5) years**.

3. In the event Respondent's license is revoked as provided herein, any application to reinstate Respondent's license shall not be considered by the Board until Respondent presents evidence satisfactory to the Board of compliance with the Board's Guidelines For Individuals Requesting Reinstatement After Suspension, Surrender Or Revocation For Misappropriation Or Misuse Of Drugs/Alcohol, a copy of which is attached hereto and made a part

hereof. Respondent must also submit evidence of the continued qualifications for practice as set forth in the applicable Statutes and Rules of the Oklahoma Board of Nursing in effect at the time of Respondent's reinstatement.

4. In the event Respondent's license is revoked as provided herein, Respondent shall pay an administrative penalty payable to the Oklahoma Board of Nursing in the amount of Four Thousand Dollars (\$4,000.00). The administrative penalty shall be paid only by certified check, money order or cash. Any Application to Reinstate Respondent's license will not be considered until the administrative penalty is paid in full.

5. Upon Reinstatement, Respondent's license will be immediately placed in temporary suspension pending readmission to the Peer Assistance Program. Respondent shall provide documentation, satisfactory to the Board, of Respondent's acceptance into the Peer Assistance Program within sixty (60) days of reinstatement.

6. The parties agree that both (all) parties have participated in the drafting of this Stipulation, Settlement and Order and that no presumption or construction against any party as the drafter of this **Stipulation, Settlement and Order**, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

7. This stipulation shall not be effective until the fully executed Order is received in the Board office.

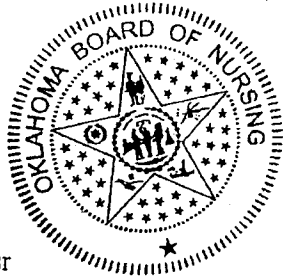
8. Upon successful completion by Respondent of Respondent's Contract, Amended Contract(s), and treatment plan with the Peer Assistance Program, no further Order of the Board shall be deemed necessary.

9. This Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this

Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

Amy Prater
Respondent

Approved and ordered this 28th day of September, 2010.



JS:sr

OKLAHOMA BOARD OF NURSING

By: Francine Warkentin
President