

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

IN RE:
ANTOINETTE M. PUTNAM
License No. 025 - 0006084

Docket No: NU 02 - 0899

MODIFIED STIPULATION AND CONSENT ORDER

The Respondent, Antoinette M. Putnam, LPN, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

Board Authority

1. The Vermont State Board of Nursing ["the Board"] has authority to issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
2. The Board has authority to revoke, suspend or otherwise condition the practice of a licensee for certain conduct. 26 V.S.A. §§1582.
3. The Board has authority to adopt consent orders approving a settlement which has been agreed to and submitted by a respondent and the investigating committee. 3 V.S.A. §129(a)(3).

Facts

4. The Respondent (whose address is listed in the database of the Office of Professional Regulation as RR #2, Box 924, Cornish, New Hampshire, 03745) is a Licensed Practical Nurse under License Number 025 - 0006084.
5. Respondent's license has a current expiration date of January 31, 2002.
6. On March 13, 2000 the Vermont Board of Nursing approved a Stipulation and Consent Order granting the Respondent a Conditioned License (In Re: Antoinette Putnam, Doc. No. NU 02-0899, attached and incorporated by reference)(hereinafter the "March 2000 order").
7. The Respondent has requested that the condition, labeled as "Restriction on Responsibilities" which stated that the "...Respondent shall take at least sixteen (16) hours off between shifts" be modified.
8. Respondent has complied with all aspects of the March 2000 order as required.

Understandings

- A. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- B. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- C. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.

- D. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- E. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- F. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.
- G. The Respondent understands that when she does seek reinstatement of her license, the Board of Nursing will, at that time, determine appropriate conditions to be imposed on her license and the length of time for such conditions.

Consent Order

A. Based on the above stipulations, it is **ADJUDGED** as follows:

- a The "Facts" listed above are taken as true;
- b The Respondent has established that she is safe to practice with less than sixteen (16) hours between shifts with the remainder of the Conditions from the March 2000 Order remaining in effect and the provision for as "Restriction on Responsibilities" modified as stated below;
- c The Conditions established under the March 2000 Order, with the exception of the requirement of at least sixteen (16) hours off between shifts, remain necessary with the number of hours off between shifts modified as stated below.

B. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

C. The Respondent's license is hereby **CONDITIONED** for a minimum period of **one (1) year from the date of entry of the March 2000 Order**. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in effect until Respondent has completed all conditions ordered. Respondent's license is conditioned as follows.

(2) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall sign a consent, upon request of the Board, to authorize her employer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

(3) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered and/or licensed nurse in good standing with the Vermont Board of Nursing. Respondent shall not practice as a charge nurse. In addition, Respondent shall be supervised during all administrations of medication until the time Respondent takes a nationally approved

medication administration examination acceptable to the Board or it's designee and receives a score that meets the nationally accepted standard. Following the successful completion of the examination, Respondent shall be supervised during all administrations of medication for a period of three (3) months.

(4) Restriction on Responsibilities.

Respondent shall not be scheduled to work the 11-7 shift. If both the 3-11 shift and the 7-3 shift are scheduled, Respondent shall take at least sixteen (16) hours off between shifts with the following exceptions:

- a. Respondent may work up to three (3) twelve hour long shifts every two (2) weeks as long as they are not consecutive shifts and Respondent has at least twelve (12) hours off before and/or after the previous and/or subsequent shifts; and
- b. Respondent does not work more than two (2) shifts that eight (8) hours long every two weeks if those shifts are prior to and/or subsequent to a twelve (12) hour shift.

(5) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(6) Costs.

Respondent shall bear all costs of complying with this Consent Order.

(7) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(8) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(9) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a nurse. Such proof shall include appropriate support from her employer. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

D. However, the conditions are only imposed on her right to practice nursing and the license remains in effect to the extent necessary to ALLOW the Respondent to continue to perform under her nursing license the duties of a licensed nursing assistant provided that her employer makes monthly reports to

the Board on her performance as a LNA and the Respondent works in a structured setting under supervision.

- E. If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practicing as a LPN, the Respondent must timely apply for renewal of her nursing license or obtain a license to be a Licensed Practical Nurse.
- F. 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. §128(a)(8).
- G. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

Date: 9/22/00

BY: ANTOINETTE M. PUTNAM
RESPONDENT

Antoinette M. Putnam
Antoinette M. Putnam

AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Date: 9/22/00

William H. Sorrell
Assistant Attorney General

ACCEPTED AND SO ORDERED:

Date: October 5, 2000

Dated entered: 10-5-00

BOARD OF NURSING

Juan O. Farrell
Chairperson

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

IN RE:
ANTOINETTE M. PUTNAM
License No. 025 - 0008084

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Docket No: NU 02 - 0899

STIPULATION AND CONSENT ORDER

The Respondent, Antoinette M. Putnam, LPN, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

Board Authority

- A. The Vermont State Board of Nursing ["the Board"] has authority to issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
- B. Being unable 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).

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- C. 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. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(B)(2).
- D. Engaging in conduct of a character likely to harm the public is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(7).
- E. In the course of practice, the failure to use and exercise on repeated occasions that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, careful and prudent professional engaged in similar practice under similar conditions, whether or not actual injury to a client occurred, is unprofessional conduct. 3 V.S.A. §129a(a)(10).

Facts

- F. The Respondent (whose address is listed in the database of the Office of Professional Regulation as RR #2, Box 924, Cornish, New Hampshire, 03745) is a Licensed Practical Nurse under License Number 025 - 0006084.
- G. Respondent's license has a current expiration date of January 31, 2000.
- H. At all times relevant to these Charges, the Respondent was employed by Mount Ascutney Health Center in Windsor, Vermont.
- I. In 1998 and 1999, the Respondent made a number of errors in the course of her practice, specifically:

- (1) On or about February 4, 1998, the Respondent gave patient R. B. Percocet instead of Tylenol #3 as ordered;
- (2) On or about May 7, 1998, the respondent failed to give patient M. B. Insulin at 0700;
- (3) On or about June 4, 1998, the Respondent gave patient P. H. Florent 110 mg. instead of Alrovent as ordered;
- (4) On or about June 22, 1998, the Respondent failed to give patient W. H. Sulfisoxide at midnight as ordered;
- (5) On or about July 25, 1998, the Respondent failed to give patient F. K. Metaprolol as ordered at midnight;
- (6) On or about October 4, 1998, the Respondent failed to make out lab slips for patients H. D. and R. W.;
- (7) On or about October 14, 1998, the Respondent failed to change patient C. C. after he had informed her of an incontinent stool;
- (8) On or about March 2, 1999, the Respondent failed to give patient K. W. Loppessor as ordered;
- (9) On or about June 19, 1999, the Respondent gave patient C. A. MS Contin instead of Oxycontin as ordered;
- (10) On or about July 14, 1999, the Respondent confused systolic and diastolic while taking the blood pressure of patient M. W.; and

(11) On or about August 4, 1999, the Respondent misread a fingerstick of patient C. J. which resulting in the patient not receiving insulin as needed.

J. During the past year and a half, the Respondent has exhibited memory problems and a lack of judgment at times and needs constant supervision.

K. The Respondent self-reported many of these incidents.

L. The Respondent has admitted that she seems to have forgotten much of her nursing knowledge, has a hard time remembering the names of drugs, has difficulty reading charts and feels, at times, that her job was too much for her.

Charges

M. By making the above errors, the Respondent has:

- (1) performed unsafe or unacceptable patient care and failed to conform to the essential standards of acceptable and prevailing nursing practice;
- (2) engaged in conduct of a character likely to harm the public; and
- (3) failed to use and exercise on repeated occasions that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, careful and prudent professional engaged in similar practice under similar conditions.

Understandings

- N. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- O. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- P. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- Q. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- R. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- S. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.
- T. The Respondent understands that when she does seek reinstatement of her license, the Board of Nursing will, at that time, determine appropriate conditions to be imposed on her license and the length of time for such conditions.

Consent Order

- A. Based on the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and

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(2) The Respondent has engaged in unprofessional conduct in that the Respondent has:

- (a) performed unsafe or unacceptable patient care and failed to conform to the essential standards of acceptable and prevailing nursing practice;
- (b) engaged in conduct of a character likely to harm the public; and
- (c) failed to use and exercise on repeated occasions that degree of care, skill and proficiency which is commonly exercised by the ordinary skillful, careful and prudent professional engaged in similar practice under similar conditions.

B. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

C. The Respondent's license is hereby **CONDITIONED** for a minimum period of one (1) year. The **CONDITIONS ON** Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in effect until Respondent has completed all conditions ordered. Respondent's license is conditioned as follows.

(2) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event Respondent is not employed in nursing

during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

Respondent shall sign a consent, upon request of the Board, to authorize her employer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

Should Respondent be employed at Mt. Ascutney Hospital and Health Center around March 1, 2000, a written evaluation shall be performed. A copy of this evaluation shall be submitted to the Board.

(3) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered and/or licensed nurse in good standing with the Vermont Board of Nursing. Respondent shall not practice as a charge nurse. In addition, Respondent shall be supervised during all administrations of medication until the time Respondent takes a nationally approved medication administration examination acceptable to the Board or its designee and receives a score that meets the nationally accepted standard. Following the successful completion of the examination, Respondent shall be supervised during all administrations of medication for a period of three (3) months.

(4) Restriction on Responsibilities.

Respondent shall not be scheduled to work the 11-7 shift. If both the 3-11 shift and the 7-3 shift are scheduled, Respondent shall take at least sixteen (16) hours off between shifts.

(4) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

(5) Costs.

Respondent shall bear all costs of complying with this Consent Order.

(6) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(7) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

(8) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Respondent, however, must present proof to the satisfaction of the Nursing Board, that she poses no danger to the practice of

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nursing and that she can safely and competently perform the duties of a nurse. Such proof shall include appropriate support from her employer. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

D. However, the conditions are only imposed on her right to practice nursing and the license remains in effect to the extent necessary to ALLOW the Respondent to continue to perform under her nursing license the duties of a licensed nursing assistant provided that her employer makes monthly reports to the Board on her performance as a LNA and the Respondent works in a structured setting under supervision.

E. If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practicing as a LPN, the Respondent must timely apply for renewal of her nursing license or obtain a license to be a Licensed Practical Nurse.

F. 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)(8).

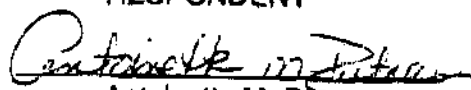
G. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

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AGREED TO:

BY: ANTOINETTE M. PUTNAM
RESPONDENT

Date: 4/29/00


Antoinette M. Putnam

AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Date: 3/1/00

Gene Chausse

Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: March 13, 2000

Susan Forsell

Chairperson

Dated entered: 3-16-00

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