

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Elizabeth Rhoades

License No: 26-19424

Docket No. NU11-0800

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through its Attorney General, William H. Sorrell, and Respondent Elizabeth Rhoades, who stipulate and agree as follows:

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Elizabeth Rhoades, of Jericho, Vermont, is a registered nurse holding license number 26-19424 issued by the State of Vermont, which was originally issued on about March 30, 1990 and it is currently extended.
3. At all times relevant, Respondent was employed by or associated with Genesis Elder Care, of Morrisville, Vermont. Further, Respondent worked at "Genesis" from about June 12, 2000 to August 3, 2000, and was terminated during her probationary period.
4. Respondent admits that on or about June 30, 2000, she left an insulin filled syringe in a medication cart drawer contrary to instructions.
5. Respondent admits that on or about July 12, 2000, she left a telephone order (or several orders) taken from physicians, and receipts, which were put into the

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wrong box. Further, these were never sent to physicians to sign until they were found by another Genesis employee about a week later.

6. Respondent admits that on or about July 26, 2000, she omitted giving medication(s) at about 1200 hours as ordered, including those for patient "C.S.", and left them on top of a medication cart. Further, said medication(s) remained on the cart until discovered by another Genesis employee several hours later.
7. Respondent does not admit, but will not contest that that on multiple occasions, including but not necessarily limited to July 27, 2000, she worked after having consumed alcohol.
8. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
9. 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.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. 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 is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

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13. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
14. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
15. Respondent agrees that the Board may set forth the order below.

ORDER

Based on the stipulation above it is **ORDERED AND ADJUDGED** as follows:

A. By engaging in the conduct above, Respondent acted unprofessionally pursuant to, and in violation of: Nursing Board Rules Chapter 4, Rule IV(B)(2)(a) (performance of unsafe or unacceptable nursing care) and Chapter 4, Rule IV(B)(2)(b) (failure to conform to the essential standards of acceptable and prevailing nursing practice), and; 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).

B. The Nursing Board **SUSPENDS** the Respondent's license, commencing on the date this order is entered, continuing until she completes an alcohol and drug evaluation, by an alcohol and drug abuse counselor with prior approval by the Board or its designee, and who shall present his/her findings to the Board or its designee. The Board or designee shall then acknowledge same to Respondent, in writing. This may occur prior to approval of this Stipulation and Consent Order by the Board, but in any event, the following **CONDITIONS** shall thereafter apply:

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(1) Completion of Counseling and Treatment Plan.

If the Board or its designee, after examining the findings by the (above) alcohol and drug abuse counselor, so orders, Respondent shall enter into and/or continue counseling with a treating professional approved by the Board's designee, for three years, or until the treating professional notifies the Board's designee in writing that such counseling is no longer necessary in her/his professional opinion and the Board (or its designee) agrees, in writing, and; Respondent shall comply with paragraphs 1.a to 1.f, herein. Respondent shall comply with a treatment plan, including participation in a support group, approved by the professional and the Board (or its designee). This shall be done as soon as possible and prior to the end of suspension.

(1.a) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board or its designee of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(1.b) Substance Abuse Therapy and Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

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(1.c) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. A preliminary report shall accompany the treatment plan and the first report thereafter is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(1.d) Random Alcohol and Drug Testing.

Respondent shall submit to random alcohol and drug screening at the request of the Board. Respondent shall ensure an identified contact person, approved by the Board, shall administer random drug and alcohol tests. All screens shall be negative except for drugs prescribed for her under the care of a physician, dentist, or nurse practitioner. (See paragraph 1.f - Drug Use Exception).

(1.e) Abstain from Alcohol and Drug Use.

Respondent shall abstain completely from the consumption or the use or possession of any alcohol or drugs with the exception of prescribed medications as outlined in paragraph (1.f).

(1.f) Drug Use Exception.

Respondent may take medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity

shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's chemical dependency within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription. The Board or its designee may request at any time that the practitioner document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(2) Length of Time of Other Conditions Imposed.

Notwithstanding paragraphs 1 through 1.f above, the following Other Conditions shall remain in place until Respondent has completed twelve (12) months of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing [Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis].

(3) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(4) Re-issue of License.

Within five (5) days of successful renewal, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned".

(5) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first notify the Board before beginning such practice. If Respondent fails to notify the Board before, none of the time spent in out-of-state practice will be credited toward the fulfillment of the terms and conditions of this Consent Order.

(6) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment (if she is employed as a nurse), personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(7) 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 she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any such subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, 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, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt

of the Stipulation and Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(8) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer for which she has been employed as a nurse during that 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 the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. This report shall be submitted in writing on forms issued by the Board. Reports must indicate, to the satisfaction of the Board, that Respondent can safely and competently administer medications.

Respondent shall authorize her employer and her nursing school administrator 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.

(9) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing, or is in good standing in all states that nurse is licensed.

(10) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(11) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Consent Order.

(12) 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.

(13) 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.

(14) 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. Furthermore, Respondent must demonstrate, to the Board's satisfaction, that she can safely return to unrestricted practice, that she has safely and competently administered medications and that she has fully complied with all the terms of this Consent Order.

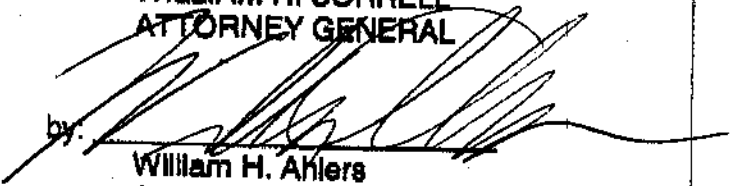
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 9 V.S.A. §129(a).

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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 11/2/01

by: 
William H. Ahlers
Assistant Attorney General

ELIZABETH RHOADES
RESPONDENT

Dated: 10/30/01

by: 
Elizabeth Rhoades

NORMAN R. BLAIS, ESQ.
RESPONDENT'S ATTORNEY

Approved as to form:

Dated: 10/30/01

by: 
Norman R. Blais, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11.05.01

by: 
Chairperson

Date of entry: 11/7/01

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