

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

IN RE:)
LINDA M. ROBERTS) Docket No: NU 24-1004
License No. 026-0014089)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Linda M. Roberts, R.N., 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, 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 pursuant to 3 V.S.A. §129, §129a, and §814; 26 V.S.A. §1582, the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
3. The inability 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).
4. The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Statement of Facts

5. The Respondent, Linda M. Roberts, is licensed in the State of Vermont as a Registered Nurse under license number 026-0014089. This license was originally issued on May 1, 1981, and is currently set to expire on March 31, 2007.

6. At all times relevant, the Respondent was employed as a R.N. by Correctional Medical Services ("C.M.S."), located in at the Marble Valley Correctional Facility in Rutland, Vermont.

7. Upon information and belief, it is C.M.S.'s policy to allow a nurse to obtain a verbal order over the phone from a doctor or physician's assistant in order to begin the administration of detox medications to a client to help the client detox off of heroin and/or alcohol. This verbal phone order is later to be signed by the doctor or physician's assistant. This medication regime had been prescribed to past clients with similar presenting symptoms.

8. On or about April 11, 2004, the Respondent administered detox medications to client R.P. The Respondent failed to receive a phone order or a written order from a doctor or physician's assistant before administering the medications to R.P. The Respondent later received an order.

9. On the medication administration record, the Respondent indicated that she had received a phone order from physician's assistant, Tom Buck, to administer the detox medications to R.P. Although untrue, this documentation was done negligently rather than falsely.

10. At the time of the incident, the protocol for the administration of detox medications was not a written protocol. There was a standard non-written protocol. No harm came to the client as a result of this incident.

Charges

11. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

- (i) 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and
- (ii) 26 V.S.A. §1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and

Understandings

12. 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.

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85689-1107

13. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

14. 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.

15. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

16. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

A. Respondent's actions as alleged above demonstrate grounds for discipline because Respondent violated:

(i) 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and

(ii) 26 V.S.A. §1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and

B. The Board of Nursing hereby issues a **WARNING** against the Respondent's license to practice as a nurse and imposes a **\$500 ADMINISTRATIVE PENALTY** against Respondent.

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 the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT



Prosecuting Attorney
Office of
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9 Baldwin Street
Montpelier, VT
05609-1107

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 11/9/05By: [Signature]
Edward G. Adrian
State Prosecuting AttorneyLINDA M. ROBERTS
RESPONDENTDated: 11-8-05By: [Signature]
Linda M. Roberts

Approved as to Form:

ATTORNEY FOR RESPONDENT

Dated: 11/9/05By: [Signature]
Kavey S. Shahi, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11/14/05By: [Signature]
ChairpersonDate of Entry: 11/18/05

nu.roberts.stip2

STATE OF VERMONT



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

IN RE:

**LINDA M. ROBERTS
License No. 026-0014089**

Docket No: NU 24-1004

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Linda M. Roberts, R.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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 pursuant to 3 V.S.A. §129, §129a, and §814; 26 V.S.A. §1582, the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
3. The inability 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).
4. The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2).
5. Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(7).
6. Conduct or character likely to deceive, defraud or harm the public includes falsifying or altering clinical records or making inaccurate or misleading entries. ARBN Chapter 4, Rule IV(II)(D)(3).

Statement of Facts

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

7. The Respondent, Linda M. Roberts, is licensed in the State of Vermont as a Registered Nurse under license number 026-0014089. This license was originally issued on May 1, 1981, and is currently set to expire on March 31, 2007.
8. At all times relevant, the Respondent was employed as a R.N. by Correctional Medical Services ("C.M.S."), located in St. Johnsbury, Vermont.
9. Upon information and belief, it is C.M.S.'s policy to allow a nurse to obtain a verbal order over the phone from a doctor or physician's assistant in order to begin the administration of detox medications to a client to help the client detox off of heroin and/or alcohol. This verbal phone order is later to be signed by the doctor or physician's assistant.
10. On or about April 11, 2004, the Respondent administered detox medications to client R.P. The Respondent failed to receive a phone order or a written order from a doctor or physician's assistant before administering the medications to R.P.
11. On the physician's orders form, the Respondent indicated that she had received a phone order from physician's assistant, Tom Buck, to administer the detox medications to R.P. The Respondent advised the State's investigator that she never received a phone order from Mr. Buck.
12. At the time of the incident, the protocol for the administration of detox medications was not a written protocol.

Charges

13. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

- (i) 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and
- (ii) 26 V.S.A. §1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2); and
- (iii) 26 V.S.A. §1582(a)(7) (Engaging in conduct of character likely to deceive, defraud or harm the public) which includes falsifying or altering clinical records or making inaccurate or misleading entries pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(D)(3).

Relief Requested

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

WHEREFORE, the license of Linda M. Roberts should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 28th day of June 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.roberts.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
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