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**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Amy Jo Levi Rousseau)
License Number 101-13566)

Docket No. NU54-0399

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Amy Jo Levi Rousseau who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is an advance practice registered nurse licensed by the State of Vermont holding license number 101-13566.
3. Respondent does not dispute that the board may find that on or about January 7, 1999 she became responsible for the care of one MG who was present for delivery of her child. The delivery was to be by a certified nurse midwife.
4. Respondent does not dispute that the board may find that in the course of her caring for MG, she failed to appropriately read and appreciate the significance of the signs of fetal distress as represented by an external fetal monitor device.
5. Respondent does not dispute that the board may find that on that same occasion, Respondent did not employ an internal fetal monitor device that would have provided additional information for assessing the condition of the fetus.
6. Respondent does not dispute that the board may find that on that same occasion, she failed to communicate with the consulting physician on site regarding

the indications on the fetal monitor that were non-reassuring. Respondent does not dispute that the board may find that had she consulted and the degree of fetal distress been appreciated appropriate intervention/response could have been determined and initiated.

7. Respondent does not dispute that the board may find that on that same occasion, she did not consult with a physician, after second stage labor had lasted longer than two hours. Hospital protocols require this step, namely consultation with a physician, by a midwife after second stage labor has lasted longer than two hours. An attending obstetrical physician, Dr. J. McBean, was in the hospital and on call.

8. Respondent admits that as an Advance Practice Register Nurse, she is bound by practice guidelines approved by the Board as part of her advance practice licensure. These guidelines incorporated the hospital guideline, which required a consultation with a physician after two hours of second stage labor.

9. Respondent does not dispute that the board may find that she failed to have the pediatric service team alerted and standing by so that intervention and response could have been timely made.

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

12. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

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 a contested hearing before the Board of Nursing.

15. Respondent agrees that the Board may enter the order set forth below.

ORDER

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

A. The Board hereby **CONDITIONS** Respondent's license to practice nursing **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 place until Respondent has completed one (1) year of supervised nursing practice as an APRN Nurse Midwife 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.

(2) Privilege as Nurse Midwife/ APRN Status

Respondent's certification and privilege granted by the State of Vermont to practice as an advance practice registered nurse and nurse midwife is hereby conditioned. Respondent will not practice as an advanced practice nurse or nurse midwife until she has successfully completed the coursework outlined in paragraph (3) that follows. Upon successful completion of said coursework and the filing of appropriate certification that said coursework has been successfully completed with the Board or its designee, this condition shall be removed. During

the period Respondent is completing the coursework outlined in paragraph (3), Respondent may practice as a registered nurse subject to all other conditions set forth in this order.

(3) Coursework Requirement

Respondent shall take and successfully complete the following courses of study: the Perinatal Continuing Education Program (PCEP as developed by the University of Virginia) and a course in Electronic Fetal Monitoring such as that to be given in Oct. of 2000 by Michele Murray. Both courses shall be approved in advance by the Board or its designee. Respondent shall cause the program directors of the above-described courses of study to certify such successful completion to the Board or its designee.

(4) Six months evaluation

Respondent shall cause her immediate supervisor/employer to provide to the Nursing Board a detailed evaluation of Respondent's performance covering the first six months of this stipulation term. This shall be **in addition** to the monthly employer reports.

(5) Interview with the Board or its designee.

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

(6) Re-issue of License.

Upon imposition of these conditions, Respondent shall be re-issued a license labeled "conditioned".

(7) 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 obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order.

(8) 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, 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.

(9) Notification to Employers/Nursing School/Collaborating Physician.

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 so long as these conditions remain in effect. Within ten (10) days of the date of entry of this Consent Order or of any 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. Advance Practice Registered Nurses shall cause a copy of the Stipulation and Consent Order to be provided to their collaborating physician and have that individual notify the Board in writing of their receipt of same, on their professional letterhead

(10) 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 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 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities.

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.

(11) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by her collaborating physician, other physician, or an Advance Practice R.N. Respondent shall give the persons who will be supervising

Respondent a copy of this stipulation and 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) Release of Information Forms.

Respondent shall execute all release of information forms which are deemed necessary to the Board of Nursing, its investigators, and the Attorney General's Office in furtherance of this stipulation and consent order. All information disclosed to the Board shall be made available to its investigators and the Attorney General's Office. Respondent shall specifically execute a consent to disclosure form which meets the requirements of 42 C.F.R. §2.31 to permit disclosure of all information regarding Respondent to the Nursing Board, its investigators, and the Attorney General's Office. Any revocation by Respondent of such a consent to disclosure during the term of this Consent Order shall be considered a violation of this Consent Order.

(14) Costs.

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

(15) 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.

(16) 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.

(17) 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 shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order and that she may safely be returned to the practice of nursing without condition.

B. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for 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)(7).

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: 3/22/01

by:

Robert W. Gagnon
Robert W. Gagnon
Senior Assistant Attorney General

RESPONDENT
AMY JO LEVI ROUSSEAU

Dated: March 12, 2001

by:

Amy Jo Levi Rousseau
Amy Jo Levi Rousseau

APPROVED AS TO FORM

William Dorsch
William Dorsch, Attorney for Ms.
Rousseau

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 4-9-01

by:

Diane Dowielewicz
Chairperson

Date of entry 4.12.01