

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

IN RE:	)	
Mark A. Rowell	)	Docket No. 2014-725
License No. 025.0104885	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. Jarvis, and the Respondent, Mark A. Rowell, LPN, 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; 26 V.S.A. §1584; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Mark A. Rowell (the "Respondent") of Burlington, Vermont, is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0104885. This license was originally issued on or about August 4, 2014, and expires on or about January 31, 2016.
3. During the relevant time period, Respondent was employed as a Licensed Practical Nurse at Starr Farm Nursing Center (the "Facility") in Burlington, Vermont.
4. On or about September 11, 2014, the Respondent substituted a capsule form of Cardizem/Diltiazem for a tablet form because he could not locate the tablet on the medication cart. The Respondent reported this mistake and was provided re-education by the Facility.
5. On or about September 13, 2014, the Respondent used a heparin lock syringe to flush a cholecystectomy line when he could not find an appropriate syringe. The Respondent emptied the heparin solution and cleaned the syringe with sterile water before flushing the cholecystectomy

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line. The Respondent was provided with re-education regarding the correct process for flushing a cholecystectomy line.

6. On or about October 15, 2014, the Respondent administered Patient A's 75 milligram dose of Lyrica to Patient B. Patient B should have received a 50 milligram dose. The Respondent reported this error to the Facility.
7. On or about October 22, 2014, the Respondent administered an extra insulin bolus to a patient which resulted in a drop in blood sugar levels that required the patient to drink orange juice to bring her blood sugar up to a safe level.
8. On or about October 25, 2014, the Respondent's medication pass was observed by RN N.A. She observed ten unsatisfactory procedures and cautioned the Respondent to follow the Five Rights and check each medication three times prior to administration. The Five Rights of medicine administration are right patient, right medication, right dosage, right time, and right route.
9. On or about October 26, 2014, the Respondent administered one drop of Debrox eardrops into a patient's eye instead of artificial tears. The Respondent reported this error to the Facility.
10. On or about January 7, 2015, the Respondent wrote an email to Investigator John Lewis in which he admitted the medication administration errors contained in paragraphs four, five, six, seven, and nine above.
11. The essential standards of acceptable and prevailing practice require persons administering medication check to make sure they have the right patient, the right medication, the right dosage, the right time, and the right route prior to administering medication.

Violations

12. 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. 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. 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

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client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice);

Understandings

13. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
14. 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.
15. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
16. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
17. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
18. 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.
19. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
20. 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 **CONDITIONS** Respondent's license **FOR A MINIMUM OF Eight (8) MONTHS**. The conditions will be as follows:
 1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

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2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a **minimum of eight (8) months** of supervised nursing in which Respondent works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of fewer than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.
3. Required Coursework. Respondent must successfully complete (i.e., receive a passing grade, if applicable) the following course that has prior approval of the Board or its designee, and then submit written documentation of completion:

- a. **Medication Errors: Detection & Prevention**, through the National Council of State Boards of Nursing

This course must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order.

4. 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 Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Board an employer agreement form approved by the Board, 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 which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

5. Reports from Employers/Program Director. Within one (1) month of the date of this order or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. In the event Respondent is attending a nursing program, Respondent shall cause the Program Director to submit

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to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

6. Practice Under Supervision. Respondent shall practice as a nurse only under the direct supervision of an LPN or registered nurse that is in good standing with the Board, for his entire shift. Employer reports must be submitted by a registered nurse who either provides direct supervision or works with the Respondent and the supervising LPN.
7. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.
8. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
9. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. The Board will approve out-of-state nursing practice so long as Respondent can still comply with the provisions of this Consent Order. If Respondent receives discipline on a nursing license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.
10. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of Respondent's current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.
11. Notification to Other States. In the event that Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.

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12. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
13. Costs. Respondent shall bear all costs of complying with this Consent Order.
14. Violation of this Order. If Respondent violates this Order the Board, after giving Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.
15. Completion of Conditional License Period. Respondent must petition the Board, or its designee, to remove any and all conditions on Respondent's license. Respondent must present proof that Respondent has fully complied with the terms of this Order.

- B. Notwithstanding any provision above, the Respondent must continue to meet all 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).
- 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: June 5, 2015

By: Elizabeth A. Jarvis
Elizabeth A. Jarvis
State Prosecuting Attorney

MARK A. ROWELL
RESPONDENT

Dated: 6/5/15

By: Mark A. Rowell
Mark A. Rowell

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 6/5/15

By: Richard R. Goldsborough
Richard R. Goldsborough

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APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6/8/15

By: Jeanine Carr
Chairperson

Date of Entry: 6/9/15

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