

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

IN RE:

SUSAN MOIRA RUTHERFORD

License No. 026-0044130

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Docket No. NU72-1208

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Susan Moira Rutherford, RN, who stipulate and agree as follows:

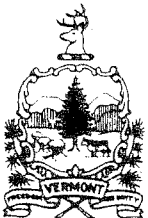
Board Authority

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; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Susan Moira Rutherford (the "Respondent") of Burlington, Vermont is licensed by endorsement by the State of Vermont as a Registered Nurse under license number 026-0044130. This license was originally issued on or about November 14, 2008 and is currently set to expire on or about March 31, 2009.
3. Respondent was originally licensed by the State of California as a Registered Nurse under license number 501973. Respondent's California license was originally issued on or about July 15, 1994 and lapsed on or about April 30, 2000.
4. Respondent is licensed by endorsement by the State of Massachusetts as a Registered Nurse under license number RN266639. Respondent's Massachusetts license was originally issued on or about October 3, 2005 and is currently set to expire on or about March 15, 2010.
5. Respondent began the clinical portion of her Vermont Registered Nurse Re-Entry Program on or about July 14, 2008, and completed the Re-Entry Program on or about August 14, 2008. Respondent did not submit to the Board her Application for Re-Entry Into Nursing Practice until on or about September 9, 2008.

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

6. Therefore, Respondent did not obtain her temporary permit to permit the practice of nursing before beginning the clinical portion of the Re-Entry Program, in violation of 26 V.S.A. Chapter 28, and ARBN Chapter 4, Subchapter 2.

Noncompliance with Administrative Duties

7. By committing the act(s) and/or omission(s) alleged above, the Respondent has violated:
- a. 26 V.S.A. §1584(a)(3) (It shall be a violation of this chapter for any person, including any corporation, association, or individual to practice nursing unless duly registered and currently licensed to do so under the provisions of this chapter); and
 - b. 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).

Understandings

- 8. 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.
- 9. 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.
- 10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 12. 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.
- 13. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
- 14. 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:

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- A. Since these violations occurred only in respect to the Respondent's noncompliance with administrative duties, the Board does NOT make a finding of unprofessional conduct, but rather imposes an **ADMINISTRATIVE PENALTY IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100)** on the Respondent. This fine is to be paid within sixty (60) days of the date of entry of this Order.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Board of Nursing 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: 5/15/09

By: [Signature]

Edward G. Adrian
State Prosecuting Attorney

SUSAN MOIRA RUTHERFORD
RESPONDENT

Dated: 5/5/09

By: [Signature]

Susan Moira Rutherford

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6-8-09

By: [Signature]

Chairperson

Date of Entry: 6/10/09

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