

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

IN RE:

**Dorothy R. Sanborn
License No. 025.0006358**

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Docket No. 2014-149

STIPULATED SURRENDER OF LICENSE

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. Jarvis, and the Respondent, Dorothy R. Sanborn, 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. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Dorothy R. Sanborn (the "Respondent") of Ludlow, Vermont, is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0006358. This license was originally issued on or about December 28, 1988, and expired on or about January 31, 2016. The Respondent's license is currently inactive.
3. During the relevant time period, Respondent was employed as a Licensed Practical Nurse at The Meadows (the "Facility"), an assisted living community in Rutland, Vermont.
4. On or about January 12, 2014, Resident Assistants A.R. and K.C. were attempting to position patient B.C. in her bed in a safe position so she would not aspirate, as she had a condition that caused vomiting.
 - a. The Respondent was the charge nurse on this date.
 - b. The Respondent appeared in the doorway to B.C.'s room while A.R. and K.C. were attempting to reposition B.C. The Respondent told A.R. and K.C. that they did not need to reposition B.C. because she would not cooperate.

STATE OF VERMONT



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- c. Patient B.C. heard the Respondent's comments and stated, "I will cooperate, I will cooperate."
 - d. The Respondent further stated in front of B.C. that B.C. was a resident of the Facility because her family could not deal with her any longer.
 - e. The Respondent instructed A.R. and K.C. to leave B.C. as she was and return to the dining room to help other patients.
5. The essential standards of acceptable and prevailing practice require Licensed Practical Nurses to deliver care in a manner that preserves, protects, and respects the dignity of patients.
 6. Resident Assistant K.C. also reported that the Respondent showed K.C. how to draw up insulin and give a subcutaneous injection, but K.C. refused to actually give the injection.
 - a. K.C. is not qualified by training, experience, education, or licensing credentials to perform this task.
 - b. On or about February 6, 2015, the Respondent told Investigator Mike Ruse that she had tried to teach staff members how to draw up insulin and give injections while at the Facility, but denied allowing anyone to actually give an injection.
 - c. The Respondent was not authorized to delegate the professional responsibility of insulin injections to Resident Assistants.
 7. The essential standards of acceptable and prevailing practice prevent Licensed Practical Nurses from delegating professional responsibilities when not authorized to do so, and/or to individuals who are not qualified by training, experience, education, or licensing credentials to perform the delegated task.
 8. The Respondent did not renew her license by the most recent renewal period deadline of January 31, 2016, and has no plans to do so. The Respondent does not wish to continue the practice of nursing.

Violations

9. 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);

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- b. 3 V.S.A §129a(a)(6) (Delegating professional responsibilities to a person whom the licensed professional knows, or has reason to know, is not qualified by training, experience, education, or licensing credentials to perform them, or knowingly providing professional supervision or serving as a preceptor to a person who has not been licensed or registered as required by the laws of that person's profession);
- c. 3 V.S.A §129a(a)(15) (Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession);
- d. 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 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

- 10. Respondent admits that the facts above are true and the parties reach a full and final Stipulation pursuant to these Understandings and the Acceptance of Surrender and Order below.
- 11. Respondent understands that the Nursing Board must review and accept the terms of the Stipulated Surrender of License. If the Board rejects any portion, the entire Stipulated Surrender of License shall be null and void.
- 12. 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.
- 13. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 14. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulated Surrender of License.
- 15. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulated Surrender of License.
- 16. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulated Surrender of License.
- 17. Respondent agrees that the Acceptance of Surrender and Order set forth below may be entered by the Board.

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ACCEPTANCE OF SURRENDER AND ORDER

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

- A. The Board of Nursing hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her nursing license.
- B. Any future application for licensure shall be subject to the licensing requirements of that particular profession. If a future application for licensure in the State of Vermont is approved, that license shall be **CONDITIONED** pursuant to whatever terms are found to be reasonable at the time of Respondent's application for licensure.
- 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: 2/19/16

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

DOROTHY R. SANBORN
RESPONDENT

Dated: 2-12-16

By: Dorothy R. Sanborn
Dorothy R. Sanborn

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
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APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3/14/16

By: Janine Can
Chairperson

Date of Entry: 3/14/16