

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Kathleen E. Smith

License No: 25-_____

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Docket No. APP/NU24-1000

SPECIFICATION OF CHARGES, STIPULATION AND CONSENT ORDER

SPECIFICATION OF CHARGES

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Kathleen E. Smith, of Petersburg, New York, has been a licensed practical nurse, holding license number 231024-1, issued by the State of New York, since about 1993.
3. Upon information and belief, during about July 1993 to June 1994, Respondent was employed as a licensed practical nurse at Bennington Family Practice, of Bennington, and then, at the office of Nancy Scattergood, M.D., also of Bennington, from about June 1994 until the present.
4. On or about August 14, 2000, Respondent prepared, signed and/or filed a Application for Registration and Licensure by Endorsement with the Vermont Secretary of State, Office of Professional Regulation (thus, she is both an "Applicant" and "Respondent").
5. The above act(s), omission(s) and/or circumstance(s) violate: Nursing Board Rules: Chapter 4, Rule IV, B.4.i (practicing professional or practical nursing in Vermont without a current Vermont license to practice, unless the practice is

specifically excepted by §§ 1583, 1601, Exceptions) and 26 VSA §1584(a)(3) (It shall be a violation of this chapter...to: Practice nursing unless duly registered and currently licensed to do so...), which constitutes unprofessional conduct and also violates: 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

WHEREFORE, should the application of Kathleen E. Smith be granted, her license should be disciplined.

STIPULATION

NOW COME the State of Vermont, through its Attorney General William H. Sorrell, and Respondent Kathleen E. Smith, and stipulate and agree as follows:

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Kathleen E. Smith, of Petersburg, New York, admits that she has been a licensed practical nurse, holding license number 231024-1, issued by the State of New York, since about 1993.
3. Respondent admits that during about July 1993 to June 1994, she was employed as a licensed practical nurse at Bennington Family Practice, of Bennington, and then, at the office of Nancy Scattergood, M.D., also of Bennington, from about June 1994 until the present.

4. Respondent admits that on or about August 14, 2000, she prepared, signed and/or filed a Application for Registration and Licensure by Endorsement with the Vermont Secretary of State, Office of Professional Regulation (thus, she is both an "Applicant" and "Respondent").
5. Respondent represents that:
 - a. Her New York license is current and she is not licensed in other states.
 - b. She has never had any unprofessional conduct findings in New York.
 - c. The previous failure to apply for a Vermont license was her error.
 - d. Upon speaking with co-workers about licensure and realizing her error, she immediately stopped performing all nursing duties and submitted her application in Vermont.
 - e. She apologizes for the above.
6. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
7. 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.
8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. 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 is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

11. 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.

12. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

13. Respondent agrees that the Board may set forth the order below.

ORDER

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

A. By engaging in the conduct above, Respondent acted unprofessionally pursuant to, and in violation of: Nursing Board Rules: Chapter 4, Rule IV, B.4.i (practicing professional or practical nursing in Vermont without a current Vermont license to practice, unless the practice is specifically excepted by §§ 1583, 1601, Exceptions) and 26 VSA §1584(a)(3) (It shall be a violation of this chapter...to: Practice nursing unless duly registered and currently licensed to do so...), which constitutes unprofessional conduct and also violates: 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

B. The Nursing Board **REPRIMANDS** the Respondent and grants her license.

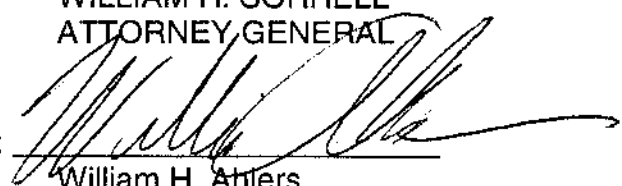
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 1/31/01

by: 

William H. Ahlers
Assistant Attorney General

RESPONDENT
KATHLEEN E. SMITH

Dated: 1/29/01

by: 

Kathleen E. Smith

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/12/01

by: 

Chairperson

Entry Date: 2-14-01