

In Re:)
Allen Starbuck) Docket No. NU59-0598
License No. 75-5482)

STIPULATION

4. Respondent admits that while employed at Berlin

Health and Rehabilitation Center he made a number of medication errors. Said errors occurred between March 1997 and June 1998.

5. Respondent admits that late in 1998 he took a leave of absence from Berlin Health and Rehabilitation Center in order to address the issue of medication errors.

6. Respondent has taken a remedial course from the Vermont State Nursing Association in an effort to improve his performance in the administration of medication.

7. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

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

10. 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.

11. Respondent voluntarily waives his right to charges

and a contested hearing before the Board of Nursing.

12. 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. Respondent's actions described in paragraph 4 are grounds for discipline pursuant to 26 V.S.A. §1582(a)(3) (unable to practice nursing competently by reason of any cause) and Vermont Nursing Board Rule IV.B. (2)(A)&(B), since they constitute unacceptable patient care and fail to conform to the essential standards of acceptable and prevailing nursing practice.

B. Respondent Allen Starbuck's license is hereby **REPRIMANDED** and it is **CONDITIONED** for a minimum period of one year commencing with the date of entry of this Stipulation and Consent Order and subject to the following terms and restrictions:

(1) Length of Time Conditions Imposed.

These conditions shall remain in place until respondent has completed one year of supervised nursing practice in

which he 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) Notification of Place of Employment/Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Stipulation and Consent Order, Respondent shall notify the Board, in writing, of his 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.

(3) 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 he practices as a nurse and inform them of his conditional license status. Within ten (10) days of the date of entry of this Stipulation and Consent Order or of any subsequent employment, Respondent shall cause his immediate supervisor(s) to write to the Board, on the employer's letterhead, acknowledging receipt of the

Stipulation and Consent Order and the ability to comply with its conditions. In the event Respondent is attending a nursing program, he 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 its conditions during clinical experience.

(4) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Stipulation and Consent Order and every month thereafter for the year the conditions are in place, Respondent shall cause every employer he 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 and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, he shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of his performance and attendance. This report shall be

submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

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

(5) Practice Under Supervision.

Respondent shall practice only in a setting where he has on-site supervision on the unit for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(6) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(7) Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Stipulation and Consent Order.

(8) Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Stipulation and

Consent Order. Respondent shall not work the night shift during the effective period of this Stipulation and Consent Order.

(9) Violation of the Stipulation and Consent Order.

If Respondent violates the terms of this Stipulation and Consent Order in any respect, the Board, after giving him 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 Stipulation and Consent Order, the conditional license period shall be extended until the matter is final.

(10) Reevaluation of Conditions.

In the event Respondent does not work in nursing within one year of the date of entry of this Stipulation and Consent Order, he may appear before the Board for reevaluation of the conditions of this Stipulation and Consent Order.

(11) Re-issue of License.

Within five (5) days of the date of entry of this Stipulation and Consent Order, Respondent shall submit his license to the Board of Nursing for a re-issued license

labeled "conditioned".

(12) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must be first approved by 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 Stipulation and Consent Order.

(13) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on his license and after formal review by the Board, his nursing license may be fully restored by appropriate Board action. Respondent shall demonstrate, to the Board's satisfaction, that he fully complied with all the terms of this Stipulation and Consent Order. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

(14) Respondent is also required to take and

successfully complete a course in dispensing medications and a course in charting and documentation. This must be approved in advance by the Board or its designee. In the event an appropriate course(s) is not available, then with the approval of the Board or its designee, he may take a pre-approved self study course and then take the League of Nurses Medication Course and must get a passing grade agreeable to the Board or its designee. In reaching its decision as to what study is required of Respondent the Board or its designee will consider the courses taken by Respondent since May 1998. However, additional courses or study may be required.

C. By signing this Stipulation and Consent Order; Respondent authorizes his employer and 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 this Stipulation and Consent Order is in effect.

D. 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).

E. 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: 6-12-00

by: Michael McShane
Michael McShane
Assistant Attorney General

Dated: 6/15/00

ALLEN STARBUCK

Allen Starbuck
Allen Starbuck
Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7/10/00

by: Susan Fawell
Chairperson

Date of entry: 7-11-00

STATE OF VERMONT
VERMONT BOARD OF NURSING

In Re:	)	
Allen Starbuck	)	Docket No. NU59-0598
License No. 75-5482	)	

SPECIFICATION OF CHARGES

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and to conduct hearings pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 75-5482.
3. At all times relevant to this Specification of Charges, Respondent was employed by Berlin Health and Rehabilitation Center located in Berlin, Vermont.
4. Respondent made eleven medication errors while employed at Berlin Health and Rehabilitation Center.
5. On June 17, 1998 Respondent failed to administer antihypertensives and antibiotic drugs that were required by a patient scheduled for same day surgery.
6. On 8/11/97 respondent administered an incorrect dose of MISR to patient M.C.

7. On 11/21/97 respondent used an insulin syringe to administer morphine. In so doing the patient received 18 units less than ordered for the patient.
8. On 10/29/97 respondent administered Omeprazole to the wrong patient.
9. On 4/7/97 respondent administered 2mg of Ativan to a patient when the order was for 1mg.
10. On 12/22/97 respondent administered 5mg of Oxycodone to a patient when the order was for 10 mg.
11. On 9/12/97 respondent administered 5 units of regular insulin to a patient when the order was for 25 units of 70/30 Humulin.
12. On 12/4/97 respondent failed to administer insulin that had been ordered for a patient.
13. On 3/17/97 respondent administered 1mg of Ativan to a patient when the order was for one half that amount.
14. On 3/19/97 respondent administered Rocephin to a patient when that patient was supposed to receive Flagyl.
15. On 3/17/97 respondent was supposed to administer Prednisone to a patient at 7:00 AM, but failed to do so.
16. By engaging in the conduct described in paragraphs 4 through 15 above, Respondent has engaged in unprofessional conduct pursuant to 26 V.S.A. §1582(a)(3)(unable to practice nursing competently by reason of any cause) and Vermont Nursing Board Rule IV.B.2.b which defines "inability to practice nursing

competently" to include performance of unsafe or unacceptable patient care, and fail to conform to the essential standards of acceptable and prevailing nursing practice, and are grounds for discipline, and §1582(a)(7)(Engages in conduct of a character likely to harm the public).

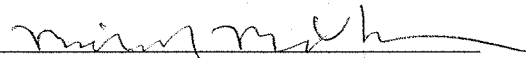
WHEREFORE, the license of Allen Starbuck should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 3-15-00

by:



Michael McShane
Assistant Attorney General