

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

IN RE:)
DIANNA M. STOLPP) **Docket No. 2011-10(NU)**
License No. 025.0001829)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Dianna M. Stolpp, LPN:

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. Dianna M. Stolpp (the "Respondent") of Winchester, New Hampshire is licensed by the State of Vermont as a Licenses Practical Nurse ("LPN") under license number 025.0001829. This license was originally issued on or about September 9, 1965 and expires on or about January 31, 2012.
3. At all times relevant, Respondent was employed as an LPN at Vernon Green Nursing Home in Vernon, Vermont.
4. On or about December , 2011 the Office of Public Regulation received a referral complaint from the Department of Licensing and Protection alleging that on or about December 21, 2010 the Respondent was observed yelling at a resident and holding a pillow over the resident's face.
5. On or about February 11, 2011, in an interview with State Investigator June Kelly, the Respondent admitted on or about December 21, 2010 she put a pillow over resident E.M.'s head after E.M. had been continuously combative. The Respondent additionally stated that she realized immediately what she had done and remains shaken by her actions. The Respondent additionally stated that at that time she was taking two over the counter medications, one for leg cramps and one for sinus pain, and that she has found that taking the

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two medications at the same time has an adverse effect for her and makes her hostile.

6. On or about February 22, 2011, in an interview with Investigator Kelly, Licensed Nursing Assistant M.C. stated that on or about December 21, 2010 resident E.M. was being combative and that she observed the Respondent put a pillow over E.M.'s head. M.C. added that the Respondents conduct was "out of character" for the Respondent but that it made her feel like she could not "trust" the Respondent.
7. On or about February 22, 2011, in an interview with Investigator Kelly, Licensed Nursing Assistant D.T. stated that on or about December 21, 2010 she observed resident E.M. being very combative, including biting and hitting, towards the Respondent.
8. Respondent has committed unprofessional conduct because she performed unsafe patient care when she put a pillow over a residents head. By engaging in harmful behavior the Respondent did not conform to the essential standards of suitable care, and failed to comply with the rules governing the practice of the profession.

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. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause);
 - 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 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); and,
 - c. 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

10. 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.

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11. 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.
12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
14. 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.
15. 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.
16. 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 changes Respondent's license status to **INACTIVE-CONDITIONED, commencing with the date of entry below.** If, in the future, Respondent requests reinstatement of her licensed practical nurse license, her license will be **CONDITIONED** by the Board pursuant to whatever terms the Board finds reasonable at the time of Respondent's request for reinstatement.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing 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

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Dated:

11/28/11

By:

S. Lauren Hibbert

S. Lauren Hibbert
State Prosecuting Attorney

DIANNA M. STOLPP
RESPONDENT

Dated:

11/21/11

By:

Dianna M. Stolpp
Dianna M. Stolpp

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated:

12-12-11

By:

Glen Leff

Chairperson

Date of Entry:

12/12/11

na.stolpp.stip

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