

**STATE OF VERMONT
BOARD OF NURSING**

In re: Karen St. Peter
License No. 026-11268

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Docket No. 2011-638(RN)

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Alan Weiss, Public Member
Donna Rae Metcalf, LNA
Sandra Norton, LNA
William G. White, Jr., Public Member
Deborah Swartz, RN
Douglas Sutton, RN
Ellen Watson, APRN
Sheila Davis, LPN
Virginia Hudson, RN

Appearances:

for Petitioner, State of Vermont: Lauren Hibbert
for Respondent: Did not appear

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on June 11, 2012 at the National Life Building in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The prosecution alleges in its Specification of Charges that Ms. St. Peter, in violation of Vermont Statutes, gave Tramadol to a patient without a physician's order. Ms. St. Peter does not contest the charges and informed the prosecutor that she would not appear at the hearing. Ms. St. Peter offered to relinquish her license. Ms. St. Peter expressed concern that if her license was going to be "conditioned," she would be unable to find employment.

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. Ms. St. Peter is a licensed registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. In August, 2011 Ms. St. Peter administered the drug Tramadol to a resident at the Meadows where Ms. St. Peter was employed. The patient did not have an order permitting Tramadol to be administered to her.
3. Ms. St. Peter relied on her memory rather than checking the resident's MAR. In fact there was no order for Tramadol for the resident. Ms. St. Peter saw her error when she documented that she administered Tramadol. She reported her error to another nurse at the facility.
4. Ms. St. Peter admits her error and admits that her conduct violated professional practice standards.
5. Ms. St. Peter has been a nurse since 1975. Her license received a reprimand in 2005 for administering Tylenol to students who did not have a parental permission slip.
6. Because Ms. St. Peter was not present at the hearing, the Board did not hear the details of Ms. St. Peter's error.

Discussion

The Board appreciates Ms. St. Peter's response to her own error. Although her error violated the duties of a registered nurse, Ms. St. Peter reported the error when she discovered it. We do not see this error as one which should end Ms. St. Peter's nursing career. Nor do we see the need for severe sanctions to protect the public or educate Ms. St. Peter.

Conclusions of Law

Based on the evidence presented and Facts found above we conclude as follows:

1. **Re: Alleged Violation of 3 V.S.A. § 129a(b)(1) and (2):** The State has proved by a preponderance of the evidence that Ms. St. Peter failed to practice competently. We find that Ms. St. Peter's conduct as found above constituted performance of unsafe or unacceptable patient or client care, and a failure to conform to the essential standards of acceptable and prevailing practice. This is unprofessional conduct.

Order

For the violation above, to protect the public, health, safety and welfare, the following sanction is necessary.

Rather than accept the tender of Ms. St. Peter's license, we order that it be placed as **"inactive conditioned."**

Should Ms. St. Peter wish to resume practice and is otherwise eligible to practice, on her

request, her license may be re-issued as "conditioned." Within 90 days of resuming practice Ms. St. Peter shall:

Successfully complete with a passing grade 1) a medication administration course; and 2) a medication documentation course, approved by the Board.

After Ms. St. Peter has demonstrated compliance with this condition, she may petition the Board to remove the license condition.

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, Office of Professional Regulation, National Life Bldg., North, FL2, Montpelier, Vermont 05620-3402 within 30 days of the entry of this Order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By:


Deborah Swartz, RN

Date June 12, 2012

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 6/13/12