

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE:	Angela Stuart	)	
	Case File No. NU53-0204	)	DEFAULT ORDER
	License No. 26-28748	)	

Introduction

The Board of Nursing held a default hearing in the above matter on August 8, 2005 at 81 River Street in Montpelier, Vermont. Board members Susan Farrell, De-Ann Welch, Sandra Norton, Donarae Metcalf, Linda Rice, Alan Weiss, Ellen Leff, and Kenneth Bush participated in the decision. State Prosecuting Attorney Edward Adrian appeared for the State. Marie Becker ("the Respondent") did not attend.

Findings of Fact

1. The Respondent was sent notice of the Charges against her to her last known address by international registered mail and first class mail on June 6, 2005.
2. Nothing has been returned to the office as of this date.
3. Notice of the default hearing was mailed to the same address by international registered and regular mail on July 19, 2005.
4. The Respondent has not filed an answer to the charges or contacted the office.
6. After taking notice of its own file, the Board found the Respondent to be in default. The allegations contained in the State's Specification of Charges dated May 31, 2005 (copy attached) are therefore treated as the facts on which the Board's order is based.

Conclusions of Law

The Respondent has received adequate notice of the charges against her as indicated by the Board's file. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby INDEFINITELY SUSPENDED.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell, RN
Chair

Date: August 17, 2005

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/24/05

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

IN RE:)
ANGELA STUART) **Docket No: NU 53-0204**
License No. 026-0028748)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Angela Stuart, R.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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) and 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582(a); 26 V.S.A. §1595; the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.
2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
3. The inability to practice nursing by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
4. This inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2).
5. Failing to practice competently by way of failure to conform to the essential standards of acceptable and prevailing practice is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(b)(2).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Statement of Facts

6. The Respondent, Angela Stuart, is licensed in the State of Vermont as a Registered Nurse under license number 026-0028748. This license was originally issued on September 22, 2003, and it expired on March 31, 2005.

7. At all times relevant, the Respondent was employed as a R.N. by Fletcher Allen Health Care located in Burlington, Vermont.

8. On or about January 16, 2004, while working on the surgical ICU, Respondent disconnected a patient's chest tube, then placed gauze over it before leaving for break. Respondent did not assess the patient after disconnecting the chest tube.

9. The Respondent failed to disconnect the chest tube properly. It was disconnected proximal, rather than distal so that it was "sucking air," placing the patient in danger of a collapsed lung.

Charges

10. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

(i) 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and

(ii) 26 V.S.A. §1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2); and

(iii) 3 V.S.A. §129a(b)(2) (Failure to conform to the essential standards of acceptable and prevailing practice).

Relief Requested

WHEREFORE, the license of Angela Stuart should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 31st day of May 2005.

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
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