

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

IN RE:	)	
WADE A. SULLIVAN	)	Docket No. 2020-123
License No. 026.0138714	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Benjamin E. Novogroski, and the Respondent, Wade A. Sullivan, who stipulate and agree as follows:

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. Chapter 28; the Administrative Rules of the Board of Nursing (the “ARBN”); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Wade A. Sullivan (“Respondent”) of Morrisonville, New York is licensed by the State of Vermont as a Registered Nurse (“RN”) under license number 026.0138714. This license was originally issued on April 17, 2019 and expires on March 31, 2021.
3. As an RN, Respondent is subject to the standards of acceptable care and prevailing practice, which include, but are not limited to, a prohibition from physically striking a patient.
4. On June 9, 2020, an Agreed Order of the Texas Board of Nursing (the “Texas Board”) became effective to discipline Respondent for allegedly slapping a restrained patient across the face while transporting the patient during assignment at the Behavioral Health Center of Shannon Medical Center (the “Facility”), located in San Angelo, Texas.
5. As a result of the conduct outlined in Paragraph 4, Respondent’s Texas RN license was sanctioned in the following ways:
 - a. Reprimand with stipulations;
 - b. Placed in “Inactive” status;
 - c. A prohibition from using the privilege to practice nursing in Texas granted by any Nurse License Compact member-state until reactivation; and

- d. Upon granting a petition for the license's reactivation, the Respondent is subject to the minimum conditions of:
 - i. Remedial educational courses;
 - ii. Work restrictions;
 - iii. Supervised practice; and
 - iv. Employer Reports.
- 6. On November 23, 2020, the Georgia Board of Nursing (the "Georgia Board") approved a Public Consent Order disciplining Respondent for the conduct outlined in Paragraph 4.
- 7. The Georgia Board sanctioned Respondent's Georgia RN license in the following ways:
 - a. \$500 fine;
 - b. Public reprimand;
 - c. Four (4) Nursing education courses; and
 - d. Quarterly employer reports for a period of one (1) year.

Violation One: 26 V.S.A. § 1582(a)(12) – Abusing or Neglecting a Patient or Misappropriating Patient Property

- 8. Paragraphs 2 through 7 above are incorporated herein.
- 9. Under Vermont law, an RN must refrain from abusing or neglecting a patient.
- 10. Paragraphs 3 through 7 above demonstrate that Respondent abused and/or neglected patients because he was disciplined by the Texas Board and Georgia Board for slapping a restrained patient while on duty at the Facility.
- 11. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional in violation of 26 V.S.A. § 1582(a)(12).

Violation Two: 3 V.S.A. § 129a(a)(15) – Failing to Exercise Independent Professional Judgment in the Performance of Licensed Activities When That Judgment is Necessary to Avoid Action Repugnant to the Profession.

- 12. Paragraphs 2 through 7 above are incorporated herein.
- 13. Under Vermont law, an RN must exercise independent professional judgment in the performance of licensed activities.
- 14. Paragraphs 3 through 7 above demonstrate that Respondent failed to exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession because he was disciplined by the

Texas Board and Georgia Board for slapping a restrained patient while on duty at the Facility.

15. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(15).

Violation Three: 3 V.S.A. § 129a(b)(1) – 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.

16. Paragraphs 2 through 7 above are incorporated herein.
17. Under Vermont law, an RN must practice competently through the performance of safe and acceptable patient or client care.
18. Paragraphs 3 through 7 above demonstrate that Respondent failed to practice competently through the performance of unsafe or unacceptable patient care because he was disciplined by the Texas Board and Georgia Board for slapping a restrained patient while on duty at the Facility.
19. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(b)(1).

Violation Four: 3 V.S.A. § 129a(b)(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: (2) Failure to Conform to the Essential Standards of Acceptable and Prevailing Practice.

20. Paragraphs 2 through 7 above are incorporated herein.
21. Under Vermont law, an RN must practice competently by conforming to the essential standards of acceptable and prevailing practice.
22. Paragraphs 3 through 7 above demonstrate that Respondent failed to conform to the essential standards of acceptable and prevailing practice because he was disciplined by the Texas Board and Georgia Board for slapping a restrained patient while on duty at the Facility.
23. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(b)(2).

Violation Five: 26 V.S.A. § 1582(a)(3) – Engaging in Conduct of a Character Likely to Deceive, Defraud, or Harm the Public.

24. Paragraphs 2 through 7 above are incorporated herein.
25. Under Vermont law, an RN is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
26. Paragraphs 3 through 7 above demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public because he was disciplined by the Texas Board and Georgia Board for slapping a restrained patient while on duty at the Facility.
27. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 26 V.S.A. § 1582(a)(3).

Understandings

28. Respondent acknowledges that the facts above are true and that the conditions set out in the Consent Order below are appropriate and necessary to protect the public.
29. Respondent understands that the 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.
30. This Stipulation and Consent Order is intended to resolve all matters related to Docket No. 2020-123.
31. Respondent specifically waives any claims that any disclosures made to the Board during the review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
32. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
33. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
34. 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.
35. Respondent voluntarily waives Respondent's right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.

36. 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 **REPRIMANDS** Respondent's RN license.
- B. The Board of Nursing hereby **CONDITIONS** Respondent's license **FOR A MINIMUM OF ONE (1) YEAR**. The conditions will be as follows:
 - 1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."
 - 2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions ordered (hereinafter referred to as the "Conditions"). Respondent shall be subject to the Conditions until Respondent completes **a minimum of one (1) year** of supervised nursing practice in which Respondent works at least eighty (80) hours every calendar month as a Registered Nurse. Part time hours of fewer than eighty (80) hours every calendar month shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.
 - 3. Required Coursework. Respondent shall, at his own expense and within ninety (90) days of date of entry of this Stipulation and Consent Order ("Consent Order or "Order"), successfully complete (i.e., receive a passing score, if applicable) the following pre-approved online courses (or equivalent that are pre-approved by the Enforcement Case Manager):
 - a) "Righting a Wrong: Ethics & Professionalism in Nursing" (3.0 hours), and any accompanying workbook, through the National Council of State Boards of Nursing Learning Extension. Accessible at: <https://www.learningext.com/#/online-courses/957bd899-1acc-431c-b9fc-a4612c0307cd>;
 - b) "Professional Accountability & Legal Liability" (4.6 hours), and any accompanying workbook, through the National Council of State Boards of Nursing Learning Extension. Accessible at: <https://www.learningext.com/#/online-courses/9568337a-896c-4884-8023-71b0008c35f6>; and
 - c) "Sharpening Critical Thinking Skills" (3.6 hours), and any accompanying workbook, through the National Council of State Boards of Nursing Learning Extension. Accessible at: <https://www.learningext.com/#/online-courses/f63e048b-32c6-4fd1-ab09-f736c921282f>.

- d) Respondent must submit the completed workbook and written documentation of completion of the above-referenced courses (certificate of completion, etc.) to the Enforcement Case Manager.
 - e) Failure to complete the above-referenced courses and coursework within the prescribed timeframe shall constitute a violation of this Order. The coursework shall not be counted toward any continuing education requirement of licensure.
4. 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 Respondent practices as a registered nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Board an employer agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event Respondent is attending a nursing program which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

5. Reports from Employers/Program Director. Within three (3) months of the date of this Order or within three (3) months of the commencement of nursing employment and **quarterly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the quarter to submit to the Board an evaluation of Respondent's work performance and attendance during that quarter. In the event Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a quarterly basis, a written evaluation of Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (i.e., consistently meeting all standards of nursing practice) and attendance.
6. Practice Under Supervision. Respondent shall practice as a registered nurse only in a setting where Respondent is supervised for the entire shift by a registered nurse that is in good standing with the Board or a foreign jurisdiction's equivalent licensing authority. The level of supervision required is On-Site Supervision. On-Site Supervision means the supervising nurse is present in the same facility as Respondent.
7. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
8. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board or its

designee. The Board will approve out-of-state nursing practice so long as Respondent can still comply with the provisions of this Consent Order. If Respondent receives discipline on a nursing license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

9. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of Respondent's current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.
 10. Notification to Other States. In the event that Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.
 11. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
 12. Costs. Respondent shall bear all costs of complying with this Consent Order.
 13. Violation of this Order. If Respondent violates this Order, the Board, after giving Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.
 14. Completion of Conditional License Period. Respondent shall submit a petition to the Docket Clerk to remove any and all conditions on Respondent's license. The State will assent to, or oppose, Respondent's petition. The Board will conduct a hearing, if necessary. Respondent bears the burden and must present proof that Respondent has fully complied with the terms of this Order and these conditions are no longer necessary to protect the public.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
 - 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).
 - 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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 2/23/2021

By: /s/ Benjamin E. Novogroski
Benjamin E. Novogroski
Prosecuting Attorney

WADE A. SULLIVAN
RESPONDENT

Dated: 02/22/2021

By: /s/ Wade A Sullivan

Print Name Here: Wade A Sullivan

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: _____

By: _____
Board Chair

Date of Entry: 3/8/2021