

STATE OF VERMONT
BOARD OF NURSING

IN RE:)
Joyce Tudor) Case File No. NU22-1297
License No. 25-5512)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, March 13, 2000, at 133 State Street in Montpelier, Vermont. Board members Raymond Phillips, Susan Farrell, Louise Lamphere, Susan Cota, Larry Kingsbury, Elayne Clift, Margaret Luce, Louise Hamilton and Diane Dowgiewicz participated in the decision. George Haegele, Assistant Attorney General, appeared for the State. Joyce Tudor ("the Respondent") was not present.

The Board took official notice of its own file and found that the Respondent was given adequate notice of the hearing. The Respondent did file a letter, dated November 8, 1999, which served as her answer to the charges. The Respondent did not participate in a prehearing conference held on December 7, 1999 and gave no indication as to why she did not attend.

Findings of Fact

1. Joyce Tudor is a licensed practical nurse who holds license number 25-5512 issued by the State of Vermont. That license is currently lapsed.
2. Respondent, at all times relevant, was employed by the Burlington Health and Rehabilitation Center of Burlington, Vermont.
3. On or about November 11, 1997, the Respondent attempted to administer a Phenergan suppository to a resident when the physician's order called for Compazine.
4. Respondent believed that the Phenergan was Compazine.
5. When confronted by Sue Emery, RN regarding the suppository and whether she knew the difference between the two, the Respondent had no response.

Conclusions of Law

- A. The Board of Nursing may revoke, suspend, discipline or otherwise condition the license of a nurse who engages in unprofessional conduct as defined by 26 V.S.A. §1582.
- B. Respondent, by engaging in the conduct described above, has engaged in unprofessional conduct evincing an inability to practice nursing competently by reason of any cause pursuant to 26 V.S.A. §1582(a)(3) which further constitutes unacceptable patient care and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to Board Rule Chapter 4, IV(B)(2).
- C. The State did not prove, by a preponderance of the evidence, those allegations found in paragraphs 9a, 9c, 10 and 11 of the Specification of Charges. The testimony of Nurses Bell and Anderson was inconsistent, disjointed and unsupported by documented evidence from the institution. The Board did not find these witnesses to be particularly credible or their testimony alone enough to sustain the allegations in the charges.
- D. Additionally, much of the evidence presented (i.e., not recognizing a skin tear, confusing two types of syringes, using saline instead of sterile water) was not alleged in the charges and therefore was not considered by the Board.

Order

In light of the above findings and conclusions, the Board hereby REPRIMANDS Respondent's license, effective as of the date of entry of this Order, below.

The Board also CONDITIONS the Respondent's license as follows:

Prior to being able to renew her currently lapsed license, the Respondent must take and pass a national medication administration exam approved by the Board or its designee. The passing score must meet the nationally accepted standard. Notwithstanding this condition, the Respondent must still meet all other Board requirements for licensure, renewal and reinstatement.

Appeal Rights

This is a final administrative determination by the Vermont 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
Chair

Date: March 26, 2000

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 4-4-00