

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

IN RE:

BECKY JO VESSA

License No. 075.0015415

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Docket No. 2009-165

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Becky Jo Vessa, LNA, 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. § 1595; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Becky Jo Vessa (the "Respondent") of Rutland, Vermont is licensed by the State of Vermont as a Licensed Nursing Assistant under license number 075.0015415. This license was originally issued on or about July 11, 2005 and is currently set to expire on or about November 30, 2010.
3. At all times relevant, Respondent was employed as a Licensed Nursing Assistant at Rutland Health and Rehabilitation Center (the "Facility"), located in Rutland, Vermont.
4. On or about April 20, 2009 in a Report of Unprofessional Conduct, Assistant Director of Nursing M.C. reported that Respondent openly admitted to not following the plan of care for a resident. M.C. advised that Respondent was terminated as a result of this incident.
5. On or about March 31, 2009, Respondent, along with LNA B.K., transferred Resident C.V. by lifting C.V. by her arms and legs from C.V.'s bed to a shower/bath chair, and then again from the shower/bath chair to the bed, when C.V.'s care plan called for a Hoyer lift to be used in transfer.

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6. During the Facility's investigation of this incident, Respondent readily admitted to improperly transferring C.V.
7. On or about September 23, 2009 in an interview with State Investigator Karl Packer, Respondent admitted that she conducted an improper transfer for C.V. Respondent expressed remorse for doing so.
8. A review of Respondent's personnel file reveals that on or about April 18, 2007, Respondent received counseling for not following Resident J.K.'s care plan by not having J.K.'s bed alarm turned on.

Charges

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. 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 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
 - b. 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.
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.

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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 **REPRIMANDS** the Respondent's nursing assistant license.
- 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 the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 3.17.10

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Betsy Ann Wrask
State Prosecuting Attorney

BECKY JO VESSA
RESPONDENT

Dated: 3/16/10

By: [Signature]
Becky Jo Vessa

APPROVED AND SO ORDERED:

Dated: 7.12.10

VERMONT BOARD OF NURSING

By: [Signature]
Chairperson

Date of Entry: 4/14/10
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