

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Linda Young Vining
License Number 26-7621

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Docket No: NU40-0300

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell,
and Respondent Richard L. Barnard, who stipulate and agree as follows:

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a registered nurse licensed by the State of Vermont holding license number 26-7621.
3. Respondent admits that on or about March 1, 2000 she was Charge Nurse and working at the Union House Nursing Home in Glover, Vermont. Respondent was informed that a resident, D.L., was giving trouble to the aide. She went to the bathroom where the resident was seated on the commode and banging his head on the back of the toilet.
4. Respondent admits that the resident is a diabetic and Respondent was concerned that he was having a diabetic reaction. Fearing he would hurt himself and after repeated efforts to speak with him failed to gain his attention, Respondent took the tack of hitting the resident on his leg. This she did with such force that it was heard outside the

bathroom. Additionally, the blow left a red mark that was visible for some time afterward.

5. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.

6. 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.

7. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

8. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.

9. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

10. Respondent agrees that the Board may enter the Order set forth below.

ORDER

Based on the Stipulation above it is ORDERED AND ADJUDGED as follows:

A. Respondent's actions described in paragraphs 3 and 4 above are grounds for discipline pursuant to 26 V.S.A. §1582(a)(3)(unable to practice nursing competently by reason of any cause) and Vermont Nursing Board Rule IV.B. (2)(A)&(B), since they constitute unacceptable patient care and fail to conform to the essential standards of acceptable and prevailing nursing practice.

B. Respondent Linda Y. Vining's license is hereby **REPRIMANDED**.

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)(7).

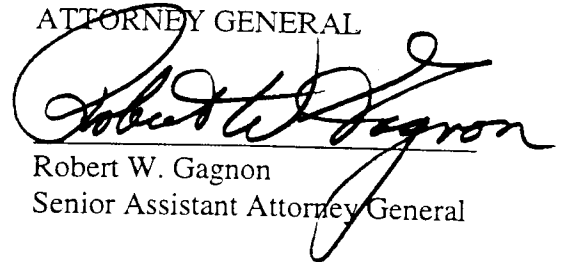
D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 5/22/00

by:


Robert W. Gagnon
Senior Assistant Attorney General

LINDA YOUNG VINING

Dated: 8-15-00

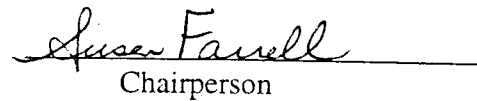
Linda R. Vining
Linda Young Vining, Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Sept. 11, 2000

by:


Chairperson

Date of entry: 9-13-00