

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

IN RE:
ANN K. WADE
License No. 025.0008367

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Docket No. 2011-700

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by State Prosecuting Attorney Gabriel M. Gilman, and the respondent, Ann K. Wade, LPN, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("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. § 1582; the Administrative Rules of the Board of Nursing (ARBN); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Ann Wade ("Respondent") of Washington, VT is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0008367. The license was originally issued on or about August 4, 2003 and is currently set to expire on January 31, 2014.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse at Rowan Court Health & Rehabilitation in Barre, VT.
4. On or about September 23, 2011, at approximately 2:45 a.m., Respondent placed resident D.H., who was yelling out, into the shower room and closed the door.
5. Resident D.H. was incapable of pushing open the door to the shower room. D.H. did have an operable personal alarm. D.H. was not injured as a result of the incident.
6. C.D., LNA found D.H. asleep on a Broda chair and took D.H. out of the shower room at approximately 5:15 a.m.

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7. Respondent was forthright about the events when interviewed by the Board's investigator. Respondent admitted putting D.H. into the shower room. Respondent felt that she had exhausted other options. Respondent emphasized that she attempted a series of rational and appropriate solutions before relocating D.H. to the shower room, including giving prescribed Haldol and Ativan, relocating the patient to the nurse's station, relocating the patient to the sunroom of the facility, and speaking with D.H. in an effort to calm D.H. Respondent recalled that the resident continued to yell, and another resident commented that he could not sleep because of the yelling. Respondent acknowledged that D.H. probably could not open the door to the shower area on her own. Respondent stated that she checked on D.H. every 15 minutes when she first put D.H. in the shower room. Respondent acknowledged that she had been overwhelmed and had not checked D.H.'s care plan as she tried to manage D.H.
8. Respondent acknowledges in retrospect that placing D.H. in the shower room was inconsistent with the essential standards of acceptable and prevailing nursing practice.

Violation

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 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 has 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.)

CONSENT ORDER

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

- A. The Board of Nursing hereby **WARNS** Respondent's license.
- B. Respondent's license is **CONDITIONED** as follows:
 - a. Respondent shall, within ninety days of this Order, at her own expense, complete a course pre-approved by the Board as reasonably related to care of dementia patients. Failure to complete such a course within the prescribed timeframe shall constitute a violation of this Order.

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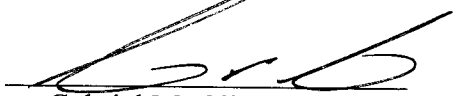
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- b. Upon receipt of satisfactory evidence that Respondent has completed the described course, the Board or its designee shall terminate the conditions upon Respondent's license and restore the license to unencumbered status.
- C. Notwithstanding any 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:

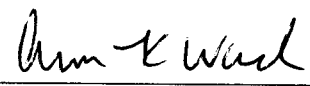
STATE OF VERMONT
SECRETARY OF STATE

Dated: November 1, 2012

By: 
Gabriel M. Gilman
State Prosecuting Attorney

ANN K. WADE
RESPONDENT

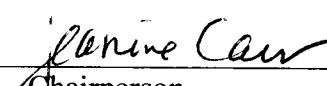
Dated: Nov. 1, 2012

By: 
Ann K. Wade

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11/5/12

By: 
Chairperson

Date of Entry: 11/6/12

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