

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

IN RE:

**ASHLEY L. WALKER
License No. 026.0029730**

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Docket No. 2012-354

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by and through S. Lauren Hibbert, and the Respondent, Ashley L. Walker, RN, 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. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Ashley L. Walker (the "The Respondent") of Bennington, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 026.0029730. This license was originally issued on or about June 29, 2004 and is currently set to expire on or about March 31, 2013.

3. At all times relevant, the Respondent was employed as a Registered Nurse at Southwestern Vermont Health Care (the "Facility"), located in Bennington, Vermont.

4. On or about May 27, 2012, the Respondent administered Risperdol via injection to Patient 1, who is developmentally disabled and had a prior history of assaultive behavior toward nursing staff. Patient 1 stated that he did not want the injection prior to its administration. Patient 1 was severely agitated and he assaulted Respondent, pushing her against a window, and he twisted respondent's arm, thereby causing her pain and placing her in fear of her safety. During his assault of Respondent, Patient 1 knocked the needle out of Respondent's hand and it fell to the floor. Witnesses contend that Respondent injected Patient 1 without cleaning the needle, and that the needle was bent. Respondent believes that the needle cap had remained intact, and that she wiped the two hubs of the needle with alcohol prior to injecting Patient 1. Respondent admits that she should not have administered the Risperdol against the Patient's will and after the needle had fallen to the floor and it was possibly contaminated and/or damaged.

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Violations

5. 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(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
- b. 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).

Understandings

6. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
7. 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.
8. 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.
9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. 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.
12. 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.
13. 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:

STATE OF VERMONT



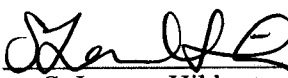
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- A. The Board of Nursing hereby **REPRIMANDS** the Respondent's license.
- B. Respondent's license is **CONDITIONED** as follows:
- a. Respondent shall, within ninety days of this Order, at her own expense, complete ~~X~~ courses, pre-approved by the Board, in the following:
 - i. Patient's Rights
 - ii. Nursing Ethics
 - iii. Infection Control
 - b. Failure to complete ~~such a course~~ within the prescribed timeframe shall constitute a violation of this Order.
 - c. 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: 3/21/13

By: 
S. Lauren Hibbert
State Prosecuting Attorney

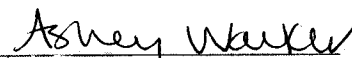
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RESPONDENT

Dated: 3/15/13

By: 

APPROVED AS TO FORM:

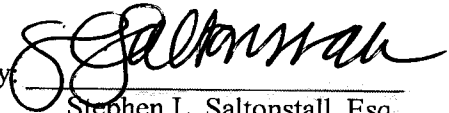
Dated: 3/14/13

APPROVED AND SO ORDERED:

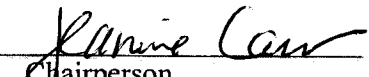
Dated: 4/8/13

Date of Entry: 4/8/13

ATTORNEY FOR RESPONDENT

By: 
Stephen L. Saltonstall, Esq.

VERMONT BOARD OF NURSING

By: 
Chairperson

STATE OF VERMONT



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