

**STATE OF VERMONT
BOARD OF NURSING**

In re: Nancy Warren, 25-4920

}
} NU44-1201
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Participating Board Members:

Susan Farrell, RN, Chair
Linda Rice, RN
Alan Weiss
Sandra Norton, NA
Donarae Metcalf
Patricia Rock, RN

Appearances:

Petitioner, State of Vermont: Edward Adrian
Respondent: Harley Brown

Presiding Officer: Larry S. Novins

Hearing on
UNPROFESSIONAL CONDUCT CHARGES

**Findings of Fact, Conclusions of Law,
and Order**

The Board of Nursing held a hearing in the above matter on July 14, 2003 at 81 River Street in Montpelier, Vermont. Ms. Warren appeared and testified.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The State alleged in its Specification of Charges that:

Count I, on June 18, 2001 Ms. Warren 1) did not discontinue a duragesic patch for a patient as ordered, 2) did not start a morphine pump for a patient as ordered;

Count II, on August 28, 2001 Ms. Warren did not perform a finger stick test for a patient as ordered;

Count III, on September 30, 2001 Ms. Warren was rude to and/or yelled at a relative of a

patient and inappropriately documented the incident in the patient's records.

Count IV, on November 24, 2001 she handed a pair of scissors to a licensed nursing assistant and/or instructed the assistant to remove a foley catheter from a deceased patient, and on that same date forgot to remove a morphine pump from the same patient;

Count V, on November 24, 2001 she administered ultracet to patient G.B. instead of administering it to patient S.A, as ordered, and did not document the medication error.

Findings of Fact

Based on substantial credible evidence, the Board finds as follows:

Regarding Counts 1 and 2.

1. Ms. Warren is a licensed practical nurse subject to the disciplinary authority of this Board.
2. On June 18, 2001 Ms. Warren was employed at Redstone Villa, in St. Albans, Vermont.
3. On June 18, 2001 Ms. Warren was ordered to discontinue a duragesic patch for a patient.
4. She did not. She admitted she did not follow the order.
5. On June 18, 2001 Ms. Warren was ordered to start a morphine pump for that patient.
6. She did not. She admitted she did not follow the order.
7. Ms. Warren testified that there were reasons to justify her failure to follow the orders.
8. On June 18, 2001 Ms. Warren did not consult a superior about her reasons for failing to follow directions, or ask what she should do if unable to follow the orders.
9. On August 28, 2001 Ms. Warren received an order to perform a finger stick test.
10. She did not perform the test as ordered. She admitted not following the order.

The Board finds there was insufficient reliable evidence for the Board to find the necessary facts alleged in Counts 3,4 and 5.

Conclusions of Law

- The State has proved by a preponderance of the evidence the allegations in Counts 1 and 2. There is insufficient evidence to prove the allegations in Counts 3, 4, and 5.

Ms. Warren did commit, as alleged in Counts 1 and 2, unprofessional conduct in violation of the Rules of this Board. Specifically, she performed unsafe or unacceptable nursing care and failed to conform to the essential standards of acceptable and prevailing nursing practice.

Order

Ms. Warren's license is suspended for a period of 60 days from the date of this order. Her license is conditioned as follows for a period of 2 years from the date of this order.

Conditions

The conditions shall remain in place until Ms. Warren, hereinafter Respondent, has completed **twenty four (24) months** of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks in nursing [Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis].

Interview with the Board or its designee. Respondent shall appear in person for interviews with the Board or its designee upon request.

Re-issue of License.

Within five (5) days of the date of entry of this Order, Respondent shall submit her license to the Board of Nursing for a re-issued license labeled "conditioned".

Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first notify the Board before beginning such practice. If Respondent fails to notify the Board before, none of the time spent in out-of-state practice will be credited toward the fulfillment of the terms and conditions of this Order.

Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Order, Respondent shall notify the Board, in writing, of her current place of nursing employment (if she is employed as a nurse), personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Order to all employers in any current or future setting in which she practices as a nurse and inform them of her conditional license status. Within ten (10) days of the date of entry of this Order or of any such subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of this Order and the ability to comply with its conditions. In the event Respondent is attending a nursing program, Respondent shall provide a copy of this Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of this Order and ability of the program to comply with the conditions in this Order during clinical experience.

Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Order and every month thereafter, Respondent shall cause every employer for which she has been employed as a nurse during that month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. In the event the Respondent attends nursing school, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and

attendance. This report shall be submitted in writing on forms issued by the Board. Reports must indicate, to the satisfaction of the Board, that Respondent can safely and competently administer medications.

Respondent shall authorize her employer and her nursing school administrator to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Order is in effect.

Practice Under Supervision.

Respondent shall practice only in a setting where she has direct, on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing, or is in good standing in all states that nurse is licensed.

Prohibited Duties.

Respondent shall not work as a Charge Nurse.

Types of Employment Prohibited.

Respondent shall not work for a nurse registry, travelling nurse agency, float-pool, home health care agency, temporary employment agency or as a personal care provider during the effective period of this Order.

Prohibited Hours of Work.

Respondent shall work only the day or evening shift during the effective period of this Order. Respondent shall not work the night shift during the effective period of this Order.

License Renewal.

In the event Respondent's license is scheduled to expire during the period this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

Costs.

Respondent shall bear all costs of complying with this Order.

Violation of this Order.

If Respondent violates the terms of this Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Order, the conditional license period shall be extended until the matter is final.

Reevaluation of Conditions.

In the event Respondent does not work in nursing within twenty-four (24) months of the date of entry of this Order, Respondent may appear before the Board for reevaluation of the conditions of this Order.

Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing license may be fully restored by appropriate Board action. Furthermore, Respondent must demonstrate, to the Board's satisfaction, that she can safely return to unrestricted practice, and has fully complied with all the terms of this Order.

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

BOARD OF Nursing

By:

Susan Farrell
Susan Farrell, Chair

Dated:

July 17, 2003

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7/21/03