

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

**IN RE:** )  
**DONNA L. WATSON** ) **Docket No: NU 55-0103**  
**License No. 025-0006658** )

**STIPULATION AND CONSENT ORDER**

**STIPULATION**

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Donna L. Watson, L.P.N., who stipulate and agree as follows:

**Board Authority**

- 1) The Vermont State Board of Nursing ("the Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
- 2) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 3) The inability to practice nursing by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
- 4) The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2).
- 5) Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(7).
- 6) Conduct of a character likely to deceive, defraud, or harm the public includes falsifying or altering clinical records or making inaccurate or misleading entries. ARBN, Chapter 4, Rule IV(II)(D)(3).

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Prosecuting Attorney  
Office of  
Professional Regulation  
Montpelier, VT 05602

### **Facts**

- 7) The Respondent is licensed as a Licensed Practical Nurse by the State of Vermont under License Number 025-0006658.
- 8) Respondent's license was originally issued on April 16, 1991 and Respondent's license is currently set to expire on January 31, 2004.
- 9) At all times relevant, Respondent was employed at Genesis Mountain View Center in Rutland, Vermont.
- 10) The State alleges that on or about January 4, 2003, Respondent failed to apply an ankle dressing to patient "A" that was ordered and Respondent documented it as if it was done.
- 11) The State alleges that on or about January 4, 2003, Respondent gave a newly prescribed antibiotic late to patient "B" after another nurse found that the Respondent had not given the medication.
- 12) The State alleges that on or about January 5, 2003, Respondent failed to give patient "B" the same antibiotic.
- 13) By way of history, Respondent was reprimanded by the Board pursuant to a Stipulation and Consent Order dated November 17, 2001 for an injury which occurred to a patient while under the Respondent's care. The Stipulation is attached herewith as Attachment A.
- 14) Although the Respondent does not admit to the truth of the State's allegations, she does not contest that the State would be able to present credible evidence to prove these facts by a preponderance of the evidence at a hearing.

### **Charges**

- 15) The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:
  - A. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and
  - B. 26 V.S.A. §1582(a)(3) (The inability to practice nursing by reason of any cause) (The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2)); and
  - C. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can

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impose disciplinary action) (Conduct of a character likely to deceive, defraud, or harm the public includes falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN, Chapter 4, Rule IV(II)(D)(3)).

### Understandings

- 16) 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.
- 17) Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 18) 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.
- 19) Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
- 20) Respondent agrees that the State has sufficient evidence for the Board to find that Respondent has engaged in unprofessional conduct and that the Order set forth below may be entered by the Board.

### ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

A. Respondent's actions described above demonstrate grounds for discipline because Respondent violated:

- i. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and
- ii. 26 V.S.A. §1582(a)(3) (The inability to practice nursing by reason of any cause) (The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to ARBN, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN, Chapter 4, Rule IV(II)(B)(2)); and
- iii. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can impose disciplinary action) (Conduct of a character likely to deceive, defraud, or harm the public includes falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN, Chapter 4, Rule IV(II)(D)(3)).

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B. Respondent Donna L. Watson's license is hereby **INDEFINITELY SUSPENDED** until the Respondent successfully completes the following courses, which must be pre-approved by the Board:

(1) Patient Safety Course, Medication Administration and Documentation Course.

Respondent shall, at her own expense, complete one (1) course focusing on patient safety and one (1) course focusing on medication administration and documentation. These courses must be pre-approved by the Board. Respondent must submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee.

C. Thereafter, Respondent's license will be **CONDITIONED** for a period of two (2) years commencing with the date of entry of this Stipulation and Consent Order and subject to the following terms and restrictions:

(1) Length of Time Conditions Imposed.

These conditions shall remain in place until Respondent has completed two (2) years of supervised nursing practice in which Respondent 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.

(2) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of the commencement of these conditions, Respondent shall notify the Board, in writing, of her current place of nursing employment, 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.

(3) Notification to Employers/Nursing School.

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

(4) Reports from Employers/Nursing School.

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Within one (1) month of the date of commencement of these conditions or within one (1) month of the commencement of employment, and every month thereafter for both years the conditions are in place, Respondent shall cause every employer Respondent has worked for during the 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 is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(5) Practice Under Supervision.

Respondent shall practice only in a setting where Respondent has direct supervision for the entire shift by a registered nurse that is licensed and in good standing with the Vermont Board of Nursing.

(6) Types of Employment Prohibited.

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

(7) Violation of the Consent Order.

If Respondent violates the terms of this Stipulation and Consent 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 Consent Order, the conditional license period shall be extended until the matter is final.

(8) 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 obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order

(9) 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 formally restored by appropriate Board action. Respondent shall demonstrate, to the Board's satisfaction, that Respondent fully complied with all the terms of this Consent Order. If Respondent demonstrates to the Board's satisfaction that she has fully

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complied with the terms of this Stipulation and Consent Order, her license will be reinstated.

Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

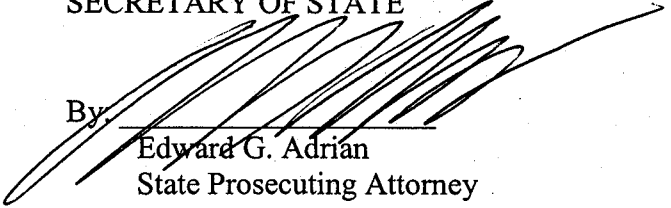
D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

E. This Stipulation and Consent Order will remain part of the 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: 11/14/03

By: 

Edward G. Adrian  
State Prosecuting Attorney

DONNA L. WATSON  
RESPONDENT

Dated: 11-10-03

By: Donna L. Watson

Donna L. Watson

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: 12-8-03

By: Sandra Rice

Chairperson

Date of Entry: 12/11/03

acting

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Office of  
Professional Regulation  
Montpelier, VT 05602

nu.watson.stip

STATE OF VERMONT  
VERMONT BOARD OF NURSING

In Re:

Donna L. Watson

License No. 25-06658

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Docket No. NU85-0601

STIPULATION AND CONSENT ORDER

STIPULATION

1. The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and to conduct hearings pursuant to 3 V.S.A. §129, and 26 V.S.A. §§1574, 1582.
2. Respondent is a nurse licensed by the State of Vermont holding license number 25-06658.
3. At all times relevant to this Specification of Charges, Respondent was employed by Genesis Mountain View Center of Rutland, Vermont.
4. Respondent admits that on or about June 18, 2001, she was charge nurse and let a patient/resident, B.W., out of a "lap buddy", a restraining device that does not allow one to get out of a wheelchair. This occurred in the lunchroom during the luncheon meal.

5. Respondent admits she forgot that B.W. had had the safety restraints released and that the device was not in place and left the area. When the resident/patient tried to rise she fell out of the chair and was injured.

6. Respondent understands that the Board must review and accept the terms of this agreement. If the Board rejects any portion, the entire agreement shall be null and void.

7. Respondent understands that this agreement, if accepted by the Board, is a public document that may be reported to other licensing authorities as provided in 3 V.S.A. §129(a)(7)

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

9. Respondent is not under the influence of any drugs or alcohol at the time she signs this agreement.

10. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing it.

11. Respondent agrees that the order set forth below may be entered by the Board.

#### ORDER

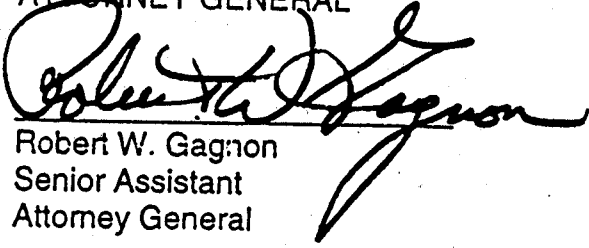
Based on the stipulation above it is **ORDERED AND ADJUDGED** as follows:

- A. The Board finds that by the actions described in paragraphs 3 through 5 Respondent has committed unprofessional conduct 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)(B), since these actions fail to conform to the essential standards of acceptable and prevailing nursing practice.
- B. The Board hereby **reprimands** the license of Donna L. Watson.
- 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.

Dated: 10/18/01

By:

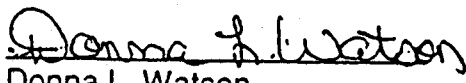
STATE OF VERMONT  
WILLIAM H. SORRELL  
ATTORNEY GENERAL

  
Robert W. Gagnon  
Senior Assistant  
Attorney General

DONNA L. WATSON  
RESPONDENT

Dated: 10-16-01

By:

  
Donna L. Watson

APPROVED AND SO ORDERED:

Dated 11-5-01

By: Sandra Rice  
Chair/Acting Chair  
Vermont Board of Nursing

Date of Entry: 11/7/01