

STATE OF VERMONT
VERMONT BOARD OF NURSING

In Re:	)	
Mary (Kathleen) Todd Wawrzyniak	)	Docket No. NU23-1293
License No. 026-8603	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent, Mary (Kathleen) Todd Wawrzyniak, 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 nurse licensed by the State of Vermont holding license No. 026-8603.
3. On May 14, 1998, Respondent entered into a stipulation and consent order, which was approved by the Board on June 8, 1998, and entered on June 9, 1998. Respondent, by letter dated September 15, 2000, sought to have her license reinstated without restriction. A modified Stipulation and Consent order was entered into between Respondent and the State. This was accepted by the Board and was entered of record on 4-12-01.
4. Respondent again petitions to have services she performed for the Red Cross counted as equivalent to the supervised nursing required by the present stipulation. It is agreed that she shall receive credit of three (3) months toward completion of that stipulation for the work she has performed.
5. **It is to be clearly understood that the final three months of conditions require actual clinical employment wherein Respondent is to provide direct health care**

to patients and she must do so under supervision, that her employer must provide employer reports, all as contemplated in the stipulation. No substitutions should be requested because they will not be allowed. The stipulation must be followed as written.

6. Respondent understands that the Nursing Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion, this 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.

6. 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 a hearing on her petition before the Board of Nursing.

10. Respondent agrees that the Board may enter the following Order.

ORDER

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

A. The Board order of June 9, 1998, is hereby modified and the following shall be controlling in its place.

B. Mary (Kathleen) Todd Wawrzyniak's license is **CONDITIONED** for a period of three (3) months commencing from 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 three (3) months 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 entry of this Stipulation and Consent Order, 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.

Respondent shall provide a copy of this Stipulation and Consent 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 Stipulation and Consent Order or of any subsequent employment, Respondent shall cause her 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 its conditions. In the event Respondent is attending a nursing program, 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.

Within one (1) month of the date of entry of this Stipulation and Consent Order and every month thereafter for the term the conditions are in place, Respondent shall cause every

employer she 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 and accompanied by a cover letter on the employer's letterhead.

(5) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(6) Types of Employment Prohibited.

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

(7) Violation of the Stipulation and 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 Stipulation and Consent Order, the conditional license period shall be extended until the matter is final.

(8) Reevaluation of Conditions.

In the event Respondent does not work in nursing within two (2) years of the date of entry of this Stipulation and Consent Order, she may appear before the Board for reevaluation of the conditions of this Stipulation and Consent Order.

(9) Re-issue of License.

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

(10) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must be first approved by 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 Stipulation and Consent Order. this provision will not be waived but will be strictly followed.

(11) 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. Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Stipulation and Consent Order.

(12) Intent of the Parties and the Board

It is to be clearly understood that the final three months of conditions require actual clinical employment wherein Respondent is to provide direct health care to patients, she must do so under supervision and her employer(s) must provide employer reports as contemplated in the stipulation. No substitutions should be requested because they will not be allowed. The stipulation must be followed as written.

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

C. By signing this Stipulation and Consent Order, Respondent authorizes her employer and 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 Stipulation and Consent Order is in effect.

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)(7).

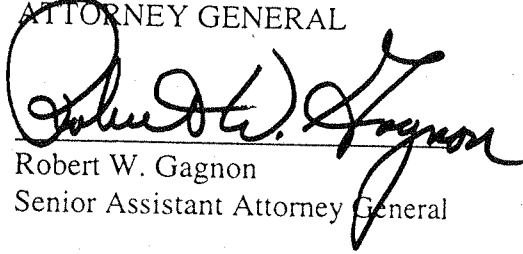
E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

• STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

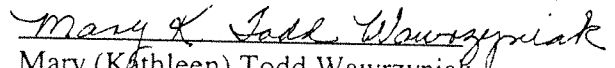
Dated: 1-09-02

by:


Robert W. Gagnon
Senior Assistant Attorney General

MARY (KATHLEEN) TODD WAWRZYNIAK

Dated: 12-31-01


Mary (Kathleen) Todd Wawrzyniak
Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 1/14/02

by:


Chairperson

Date of entry: 1/16/02

actin for
[Signature]

STATE OF VERMONT
VERMONT BOARD OF NURSING

In Re:)
Mary (Kathleen) Todd Wawrzyniak)
License No. 026-8603)

Docket No. NU23-1293

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent, Mary (Kathleen) Todd Wawrzyniak, 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 nurse licensed by the State of Vermont holding license No. 026-8603.

3. On May 14, 1998, Respondent entered into a stipulation and consent order, which was approved by the Board on June 8, 1998, and entered on June 9, 1998.

4. Respondent, by letter dated September 15, 2000, seeks to have her license reinstated without restriction.

5. The parties have reached agreement on a modification of the original consent order. In lieu of complete reinstatement, the parties submit the modifications which follow to the Board for approval.

6. Respondent understands that the Nursing Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion, this 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.

6. 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 a hearing on her petition before the Board of Nursing.

10. Respondent agrees that the Board may enter the following Order.

ORDER

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

A. The Board order of June 9, 1998, is hereby modified and the following shall be controlling in its place.

B. Mary (Kathleen) Todd Wawrzyniak's license is **CONDITIONED** for a period of six (6) month commencing from 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 six (6) months 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 entry of this Stipulation and Consent Order, 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.

Respondent shall provide a copy of this Stipulation and Consent 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 Stipulation and Consent Order or of any subsequent employment, Respondent shall cause her 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 its conditions. In the event Respondent is attending a nursing program, 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.

Within one (1) month of the date of entry of this Stipulation and Consent Order and every month thereafter for ~~both years~~ ^{6 months} the conditions are in place, Respondent shall cause every employer she 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 and accompanied by a cover letter on the employer's letterhead.

(5) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(6) Types of Employment Prohibited.

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

(7) Violation of the Stipulation and 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 Stipulation and Consent Order, the conditional license period shall be extended until the matter is final.

(8) Reevaluation of Conditions.

In the event Respondent does not work in nursing within two (2) years of the date of entry of this Stipulation and Consent Order, she may appear before the Board for reevaluation of the conditions of this Stipulation and Consent Order.

(9) Re-issue of License.

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

(10) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must be first approved by 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 Stipulation and Consent Order.

(11) 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. Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Stipulation and Consent Order.

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

C. By signing this Stipulation and Consent Order, Respondent authorizes her employer and 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 Stipulation and Consent Order is in effect.

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)(7).

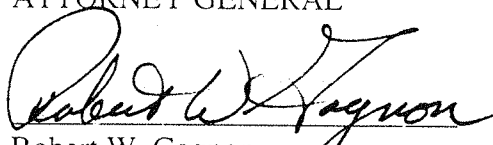
E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 3-21-01

by:


Robert W. Gagnon
Senior Assistant Attorney General

MARY (KATHLEEN) TODD WAWRZYNIAK

Dated: 3-20-01

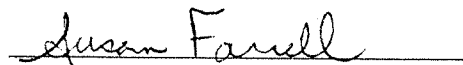

Mary (Kathleen) Todd Wawrzyniak
Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 4.9.01

by:


Chairperson

Date of entry: 4-12-01

STATE OF VERMONT
VERMONT BOARD OF NURSING

In Re:	)	
Mary Kathleen Wawrzyniak	)	Docket No. NU23-1293
License No.026-8603	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Mary Kathleen Wawrzyniak, represented by her attorney, Michael Popowski, III, 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 nurse licensed by the State of Vermont holding license number 026-8603.
3. At all times relevant to this Stipulation and Consent Order, Mary Kathleen Wawrzyniak was employed by Tranquility Nursing Home of Randolph, Vermont. During the relevant time period, September 1993 through October 1993, Respondent was the administrator for the facility and was *de facto* acting as director of nursing as well.
4. Respondent admits that in September of 1993, the Department of Aging and Disabilities of the Agency of Human Services did a survey of Tranquility Nursing Home. Numerous deficiencies were noted. Of particular relevance here are those deficiencies noted in the areas of quality of care and of nursing services.

5. Respondent admits she was placed on notice of these deficiencies on or about September 10, 1993 by letter from the Department of Aging and Disabilities.

6. Respondent admits that despite this notice, she failed to act to effectively correct these deficiencies which were again noted in a second survey conducted on October 18 and 19, 1993.

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

8. 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.

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

10. 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.

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

12. Respondent agrees that the following Order may be entered by the Board.

ORDER

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

A. By engaging in the conduct described in paragraphs 3 through 6 above, Respondent has engaged in 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. which defines "inability to practice nursing competently" to include performance of unsafe or unacceptable patient care, and fail to conform to the essential standards of acceptable and prevailing nursing practice, and are grounds for discipline.

mkw B. Mary Kathleen Wawrzyniak's license is **SUSPENDED** for a period of ~~ninety~~ ^{SIXTY} *mkw* ~~days~~ ⁽⁶⁰⁾ *mkw* days from the date of entry of this order. At the conclusion of this ninety day period, Mary Kathleen Wawrzyniak's license shall be **CONDITIONED** for a minimum period of two (2) years commencing ninety days from 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 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.

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

Within five (5) days of the date of entry of this Stipulation and Consent Order, 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.

Respondent shall provide a copy of this Stipulation and Consent 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 Stipulation and Consent Order or of any subsequent employment, Respondent shall cause her 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 its conditions. In the event Respondent is attending a nursing program, 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

Within one (1) month of the date of entry of this Stipulation and Consent Order and every month thereafter for both years the conditions are in place, Respondent shall cause every employer she 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 and accompanied by a cover letter on the employer's letterhead. In the event the Respondent attends nursing school, she 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. In the event Respondent is not employed in nursing or attending school during any month or portion thereof, she shall submit to the Board, in writing, a self-report describing other employment or activities.

(5) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision on the unit for the entire shift by a registered nurse in good standing with the Vermont Board of Nursing.

(6) Prohibited Duties.

Respondent shall not work as a Charge Nurse nor as Director of Nursing.

(7) Types of Employment Prohibited.

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

(8) Violation of the Stipulation and Consent Order.

If Respondent violates the terms of this Stipulation and Consent Order in any respect, the Board, after giving her 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 Stipulation and Consent Order, the conditional license period shall be extended until the matter is final.

(9) Reevaluation of Conditions.

In the event Respondent does not work in nursing within two (2) years of the date of entry of this Stipulation and Consent Order, she may appear before the Board for reevaluation of the conditions of this Stipulation and Consent Order.

(10) Re-issue of License.

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

(11) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must be first approved by 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 Stipulation and Consent Order.

(12) 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, her nursing license may be fully restored by appropriate Board action. Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Stipulation and Consent Order.

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

C. By signing this Stipulation and Consent Order, Respondent authorizes her employer and 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 Stipulation and Consent Order is in effect.

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)(7).

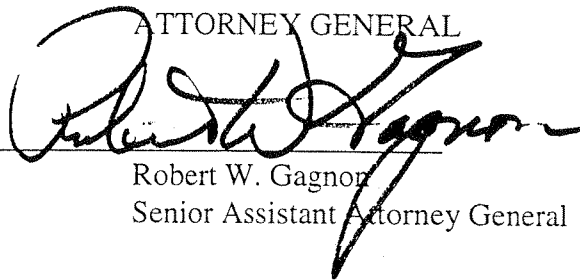
E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

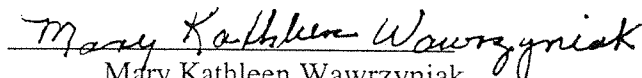
Dated: 5/14/98

by:

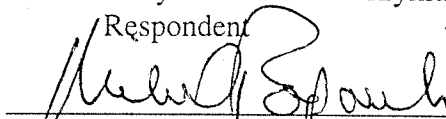

Robert W. Gagnon
Senior Assistant Attorney General

MARY KATHLEEN WAWRZYNIAK

Dated: 5/14/98


Mary Kathleen Wawrzyniak
Respondent

Approved as to form:


Michael Popowski, III
Her Attorney

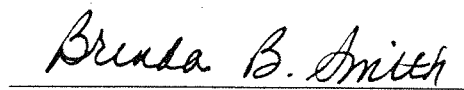
Dated: 5/14/98

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6/8/98

by:


Brenda B. Smith
Chairperson

Date of entry: 6-9-98