

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Barbara J. Wells

License No: ~~25~~ 026-27344

)
) Docket No. APP/NU94-0602
)

SPECIFICATION OF CHARGES, STIPULATION AND CONSENT ORDER

SPECIFICATION OF CHARGES

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Barbara J. Wells, of Milton, Vermont, was a registered nurse, holding license number 012949-21, issued by the State of New Hampshire, on about September 14, 1967, which expired in 2000.
3. On or about March 9, 2002, Respondent prepared, signed and/or filed an Application for Registration and Licensure by Endorsement with the Vermont Secretary of State, Office of Professional Regulation (thus, she is both an "Applicant" and "Respondent"). Respondent indicated, "Yes" when asked if another state had taken disciplinary action against any license she has held.
4. On or about April 18, 1997, the New Hampshire Board of Nursing entered findings of fact, ruling of law and order, (Docket No. 96-0909, attached and incorporated), which concluded that Respondent had violated the following statutes and board rules in that state: RSA 326-B:12 II(d) (Gross or repeated negligence when practicing nursing...) and Nur 215.01(b)(10) (Administering therapeutic agents, treatments or activities, or recording of same, in an inaccurate or negligent manner).

5. The above act(s), omission(s) and/or circumstance(s) constitute unprofessional conduct and violate: 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

WHEREFORE, should the application of Barbara J. Wells be granted, her license should be disciplined.

STIPULATION

NOW COME the State of Vermont, through its Attorney General William H. Sorrell, and Respondent Barbara J. Wells, and stipulate and agree as follows:

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Barbara J. Wells, of Milton, Vermont, was a registered nurse, holding license number 012949-21, issued by the State of New Hampshire, on about September 14, 1967, which expired in 2000.
3. Respondent admits that on or about March 9, 2002, she prepared, signed and/or filed an Application for Registration and Licensure by Endorsement with the Vermont Secretary of State, Office of Professional Regulation (thus, she is both an "Applicant" and "Respondent"). Respondent indicated, "Yes" when asked if another state had taken disciplinary action against any license she has held.
4. Respondent admits that on about April 18, 1997, the New Hampshire Board of Nursing entered a findings of fact, ruling of law and order, (Docket No. 96-0909,

attached and incorporated), which concluded that Respondent had violated the following statutes and board rules in that state: RSA 326-B:12 II(d) (Gross or repeated negligence when practicing nursing...) and Nur 215.01(b)(10) (Administering therapeutic agents, treatments or activities, or recording of same, in an inaccurate or negligent manner).

5. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
6. 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.
7. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
8. Respondent waives any notification period and agrees to have this document reviewed by the Board during the next available meeting. 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 is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
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 Board may set forth the order below.

ORDER

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

A. By engaging in the conduct above, Respondent acted unprofessionally pursuant to, and in violation of: 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

B. The Nursing Board grants Respondent's license and hereby **CONDITIONS** Respondent's license to practice commencing on the date this Order is entered by the Vermont Board of Nursing. The **CONDITIONS** on Respondent's license are as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until respondent has completed **TWENTY-FOUR (24) MONTHS** of 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) Completion of Counseling and Treatment Plan.

Respondent shall, within (2) two weeks of entry, provide documentation to the satisfaction of the Board or its designee, to prove that she has complied with the counseling requirements of the attached New Hampshire order, entered on April 18, 1997. Or in the alternative, Respondent shall enter into and/or continue counseling with a treating professional (approved by the Board's designee) who is trained in stress management, on a weekly basis, until the treating professional notifies the Board's

designee in writing that such counseling is no longer necessary in her/his professional opinion and the Board (or its designee) agrees, in writing. Respondent shall comply with a treatment plan, approved by the Board (or its designee). This shall be done as soon as possible and no later than two weeks after entry.

(3) Approval of Changes of Treating Professional.

Respondent shall obtain prior approval from the Board or its designee of all changes of treating professional. Failure to obtain prior approval of a change of treating professional may be grounds for a charge of violation of this Consent Order.

(4) Notification to Treating Professional.

Respondent shall provide a copy of this Stipulation and Consent Order to her treating professional and cause her treating professional to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the treating professional's ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional.

Respondent shall authorize and cause her treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board and shall be accompanied by a cover letter on the treating professional's professional letterhead. The first report is due commencing one month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her treating professional to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) Interview with the Board or its designee.

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

(7) Re-issue of License.

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

(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 notify the Board prior to Respondent leaving the State of Vermont. If Respondent fails to notify the Board 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.

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

Within five (5) days of the date of entry of this 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.

(10) 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 Consent 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 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, Respondent 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 the conditions in the Consent Order during clinical experience.

(11) Reports from Employers/Nursing School

Within one (1) month of the date of entry of this Consent 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 and accompanied by a cover letter on the employer's letterhead. 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 and accompanied by a cover letter on the school's letterhead.

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 the Consent Order is in effect.

(12) 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 (or in all states he/she is licensed).

(13) Prohibited Duties.

Respondent shall not work as a Charge Nurse.

(14) 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 Consent Order.

(15) Prohibited Hours of Work.

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

(16) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent 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.

(17) Costs.

Respondent shall bear all costs of complying with this Consent Order.

(18) Violation of the Consent Order.

If Respondent violates the terms of this 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.

(19) 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, however, must demonstrate compliance with all conditions. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

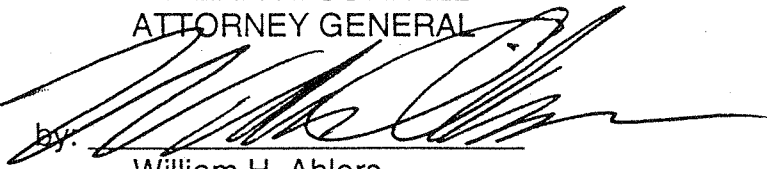
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 6/30/02

by: 

William H. Ahlers
Assistant Attorney General

RESPONDENT
BARBARA J. WELLS

Dated: 6-27-02

by: Barbara J. Wells

Barbara J. Wells

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7-8-02

by: Susan Farrell

Chairperson

Entry Date: 7/9/02

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609