

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

IN RE:)
MARIE LOUISE WHITBECK) **Docket No: NU 66-0304**
License No. 026-0019932)

STIPULATION AND CONSENT ORDER

The Respondent, Marie Louise Whitbeck, R.N. and the State of Vermont, by State Prosecuting Attorney, Edward G. Adrian, stipulate to the statements of the Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

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").
- 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) Practicing professional or practical nursing in Vermont without a current license to practice, unless specifically exempted by 26 V.S.A. §§ 1583 and 1601 is unprofessional conduct upon which the Board can base disciplinary action. ARBN Chapter 4, Rule IV(II)(D)(9).

Facts

- 4) The Respondent (whose address is listed in the database of the Office of Professional Regulation as 231 Winter Haven Rd., Shelburne, VT 05482) is licensed as a Registered Nurse in the State of Vermont under License Number 026-0019932.
- 5) The Respondent was originally licensed on March 13, 1991 and the Respondent's license subsequently lapsed on April 12, 2001.
- 6) On or about March 11, 2004, the Board of Nursing received in the mail a renewal application from the Respondent for the period covering April 1, 2003 through March 31, 2005.

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

7) On the application, the Respondent indicated that she has been employed and practicing as a Legal Nurse Consultant at Downs, Rachlin, Martin, PLLC in Burlington, Vermont since April 23, 1990.

Charges

8) By failing to renew her nursing license as required and by practicing without a current Vermont nursing license the Respondent has:

(i) Failed to comply with federal or state statute or rules governing the practice of the profession in that she practiced professional or practical nursing in Vermont without a current license to practice and without being specifically exempted in violation of 3 V.S.A. §129a(a)(3) and ARBN Ch. 4, Rule IV(II)(D)(9).

Understandings

9) The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.

10) The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.

11) This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.

12) The Respondent is voluntarily waiving her right to charges and a contested hearing before the Board of Nursing.

13) The Respondent agrees that the Facts alleged above are true and the Order set forth immediately below may be entered by the Board of Nursing.

CONSENT ORDER

A) Based upon the stipulation above, it is **ORDERED** and **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent has failed to comply with federal or state statute or rules governing the practice of the profession in that she practiced professional or practical nursing in Vermont without a current license to practice and without being specifically exempted in violation of 3 V.S.A. §129a(a)(3) and ARBN Ch. 4, Rule IV(II)(D)(9).

B) The Board of Nursing hereby issues a **WARNING** against the Respondent's license to practice nursing.

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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).

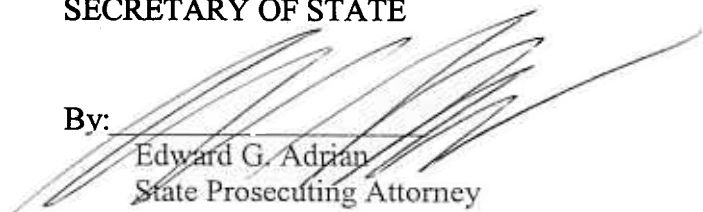
D) This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

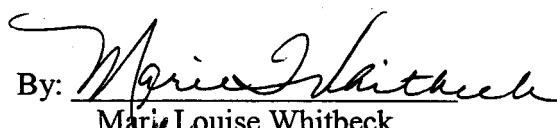
Dated: 5/4/04

By:


Edward G. Adrian
State Prosecuting Attorney

MARIE LOUISE WHITBECK
RESPONDENT

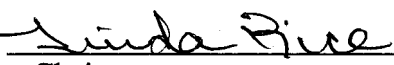
Dated: 05/03/04

By: 
Marie Louise Whitbeck

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5-10-04

By: 
Chairperson

Date of Entry: 5/12/04

nu.whitbeck.stip

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Prosecuting Attorney
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