

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

IN RE:

RUSSELL S. WILLIAMS
License No. 025-0008546

Docket No: NU77-0406

STIPULATION AND CONSENT ORDER

STIPULATION

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

Board Authority

1. The Vermont State Board of Nursing (the Board) has authority to issue warnings or reprimands, suspend, revoke, limit, condition current licenses, or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a); 3 V.S.A. 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing (ARBN); and the Rules of the Office of Professional Regulation.

Alleged Facts

2. The Respondent, Russell S. Williams, is licensed in the State of Vermont as a licensed practical nurse under license number 025-0008546. This license was originally issued on or about July 27, 2004 and is currently set to expire on January 31, 2008.
3. At all times relevant to these charges, the Respondent was employed as a Developmental Home Provider for Health Care and Rehabilitation Services (HCRS) located in Springfield, Vermont in which employment he was not required to be licensed as a practical nurse.
4. During the summer of 2003, the Respondent was assisted in his job as a Developmental Home Provider by a married couple, C.H. and R.H., whom he hired to give him respite care for T.R. and B.B. while Respondent worked out of town as an LPN. T.R., B.B., R.H. and C.H. were all living in Respondent's home.
5. While T.R. was under the Respondent's care, Respondent warned T.R. not to report to his caseworker physical violence T.R. witnessed between Respondent and R.H. that T.R. says occurred in his home.
6. In light of the violence T.R. witnessed between Respondent and R.H. Respondent's statements to T.R. were intentional and designed to intimidate T.R.

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7. Further, Respondent failed to carry out a plan of care requiring that T.R. drive only with supervision.
8. Additionally, while the Respondent was working out of town, he agreed to take B.B. on short notice for a temporary trial, assuring the case manager he would prepare B.B.'s room and see to B.B.'s needs. About two weeks later, on or about August 21, 2003, a staff member from HCRS inspected the Respondent's home in response to a complaint from C.H. and the staff member discovered B.B. lying on a feces stained mattress with no sheets or pillows.

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
- i. 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes performing unsafe or unacceptable patient care and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2);
 - ii. 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public);
 - iii. 3 V.S.A. § 129a(b)(1) and (2) (failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes: 1) performance of unsafe or unacceptable patient or client care; and/or 2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - iv. 3 V.S.A. § 129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

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 specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.

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12. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.

13. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

14. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows: *(see below)*

A. The Board of Nursing hereby **SUSPENDS** the Respondent's practical nursing license until such time that the Respondent petitions the Board for reinstatement. ~~When requesting reinstatement the Respondent must come before the Board without any restrictions on his ability to practice nursing from any other Governmental department or agency and the Board shall determine if he is capable of returning to the practice of nursing.~~

Once reinstated, Respondent's license will be **CONDITIONED** a minimum period of **ONE (1) YEAR**. The conditions are as follows:

(1) Re-issue of License.

Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes one (1) year of supervised nursing practice in which he works forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. The Respondent shall be prohibited from working more than forty (40) hours per week during the conditioned period.

(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 nursing 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, he shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the

** coming before the Board without any restriction of other Vermont state departments and request reinstatement and The Board determine that he is capable of returning to the practice of nursing.*

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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.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of practical nursing employment and monthly thereafter, Respondent shall cause every practical nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work 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 his 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 nursing setting where Respondent has on-site supervision for the entire shift by a registered nurse who is licensed and in good standing with the Board.

(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) 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.

(8) 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 his current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(9) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

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(10) Costs.

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

(11) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(12) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on his license. The Respondent must present proof that he has fully complied with the terms of this Order.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

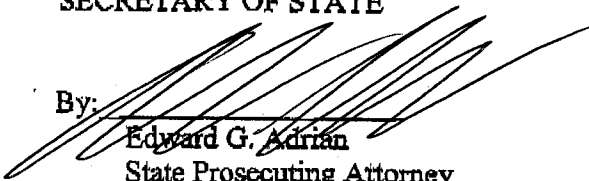
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

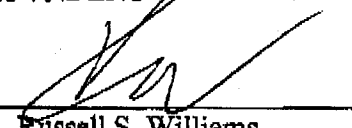
Dated: 8/29/07

By: 

Edward G. Adrian
State Prosecuting Attorney

RUSSELL S. WILLIAMS
RESPONDENT

Dated: 8-28-07

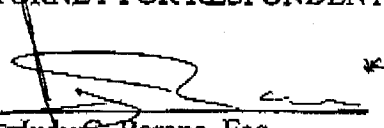
By: 

Russell S. Williams

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 8-28-07

By: 

Judy G. Barone, Esq.

*with changes on page 4

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APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Sept. 10, 2007By: Susan Farrell
ChairpersonDate of Entry: 9/13/07

nu.williams.stip2

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