

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

IN RE:)
LINDA BRERTON WIRTS, R.N.)
License No. 026-0016254)

Docket No: NU 04-0703

STIPULATION AND CONSENT ORDER

The Respondent, Linda Brerton Wirts, R.N. and the State of Vermont, by State Prosecuting Attorney, Edward 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

- A) 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).
- B) 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).
- C) 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. Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(D)(9).

Facts

- D) The Respondent (whose address is listed in the database of the Office of Professional Regulation as 35 Canada St., Swanton, VT 05488) is a Registered Nurse under License Number 026-0016254.
- E) At all times relevant, the Respondent has been employed and practicing as an Evening Charge Nurse by Ethan Allen Residence in Burlington, Vermont.
- F) The Respondent was originally licensed on August 26, 1985 and the Respondent's license expired on March 31, 1999.

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

G) The Respondent relocated out of state while attending school and failed to provide the Office of Professional Regulation with her current address.

H) At all times, the Respondent was responsible for providing the Office of Professional Regulation with her current address.

Charges

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

(1) 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

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

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

L) 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.

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

N) 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.

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

O) Based upon the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent has:

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(a) 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).

(P) Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** as follows:

The Respondent's license is hereby **REPRIMANDED**.

(Q) If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license.

(R) 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).

(S) 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: 9/2/03

By: [Signature]
Edward Adrian
State Prosecuting Attorney

LINDA BRERTON WIRTS
RESPONDENT

Dated: 8/25/03

By: [Signature]
Linda Brerton Wirts

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: Sept. 8, 2003

By: [Signature]
Chairperson

Date of Entry: 9/9/03

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