

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

**IN RE:** )  
**DANIELLE WOOD** ) **Docket No. 2010-395 (NU)**  
**License No. 025.0009284** )

**STIPULATION AND CONSENT ORDER**

NOW COMES the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Danielle Wood, LPN, 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, or 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 (the "ARBN"); and the Rules of the Office of Professional Regulation.

**Stipulated Facts**

2. Danielle Wood (the "Respondent") of Bennington, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009284. This license was originally issued on or about August 9, 2007 and expires on January 31, 2012.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse at Prospect Nursing Home (the "Facility") which is located in North Bennington, Vermont.
4. On or about July 21, 2010, the Office of Professional Regulation (OPR) received a complaint alleging that the Respondent failed to conduct a nebulizer treatment but signed that she had on the medication administration records (MARs).
5. On or about May 11, 2011, in an interview with State Investigator June Kelly, Registered Nurse K.S. stated that on or about July 4, 2010 she noticed that the Respondent did not do a nebulizer treatment on for patient F.K. even though she documented in F.K.'s MAR that she had and told others that she had administered the treatment. K.S. stated that she knew that one of the nebulizers was broken so it could not have been used and the other nebulizer had a different resident's mask on it and had not been cleaned.

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6. On or about May 11, 2011, in an interview with Investigator Kelly, Licensed Nursing Assistant W.S. stated that she worked with Respondent on or about July 4, 2010 and she did not see the Respondent give patient F.K. the nebulizer treatment. Additionally, W.S. said that she knew that one of the two nebulizer machines was being repaired.
7. On or about February 15, 2011, in an interview with Investigator Kelly, the Respondent stated that she gave patient F.K. the nebulizer treatment and that she believes this complaint was retaliatory against her because she had complained about patient care at the facility.
8. Respondent has committed unprofessional conduct because when she failed to give a resident her nebulizer treatment and documented that she had she performed unacceptable patient care, she did not conform to essential standards of suitable care and she failed to comply with the rules governing the practice of profession.

#### Violations

9. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
  - a. 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 pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(1); and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(2); and
  - b. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

#### Understandings

10. 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. The Respondent does not dispute that the State could prove these charges by a preponderance of the evidence if this matter went to a hearing and agrees that the conditions below are necessary to protect the public.
11. 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.

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12. 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.
13. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
14. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
15. 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.
16. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
17. Respondent agrees that the Order set forth below may be entered by the Board.

### ORDER

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

- A. The Board of Nursing hereby **WARNS** the Respondent's license to practice nursing. The Respondent must complete the following within sixty (60) days of the date of entry of this order:
  - (1) Documentation Course: Respondent must successfully complete (i.e., receive a passing grade, if applicable) a documentation course with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee
- 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

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Dated: 12/19/11

By: S. Lauren Hibbert  
S. Lauren Hibbert  
State Prosecuting Attorney

DANIELLE WOOD  
RESPONDENT

Dated: 12-16-11

By: Danielle Wood  
Danielle Wood

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 1-9-12

By: Ellen Reff  
Chairperson

Date of Entry: 1/10/12

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