

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

IN RE:	)	
LEE ANN WOODDELL	)	Docket Nos: NU 77-0503;
License No. 025-0005555	)	NU 01-0703

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Lee Ann Wooddell, 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 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. §129a ; 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").

Facts

2. The Respondent is licensed in the State of Vermont as a Licensed Practical Nurse under license number 025-0005555.
3. The Respondent's license was originally issued on May 22, 1984. The Respondent's license is currently indefinitely suspended pursuant to a Default Order entered by the Board on May 25, 2004. (Attached).

Understandings

4. 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.
5. 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.

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6. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
7. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
8. 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.
9. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.
10. 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. Respondent's actions described above demonstrate grounds for discipline because Respondent violated:

- i. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause), which includes performance of unsafe or unacceptable patient care and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2); and
- ii. 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.

B. The Board of Nursing hereby reinstates and **CONDITIONS** the Respondent's license to practice nursing for a minimum period of **TWO (2) YEARS** commencing with the date of entry of this Stipulation and Consent Order. 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 two (2) years of supervised nursing practice in which she 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. Respondent shall

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be prohibited from working more than forty (40) hours per week. Respondent's license is additionally conditioned as follows.

(3) 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 during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order 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, she 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 its conditions during clinical experience.

(4) Reports from Employers.

Within one (1) month of the date of the commencement of the conditions or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that time period. 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 write to the Board, on school letterhead, acknowledging receipt of the Consent Order and ability of the program to comply with the conditions in the Consent Order during clinical experience.

(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 that is licensed and in good standing with the Board.

(6) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse with the exception of L.N.A.s and other unlicensed assistive persons. 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.

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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 Consent Order, Respondent shall notify the Board, in writing, of her 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 she has otherwise complied with the requirements for license renewal.

(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 her license. The Respondent must present proof that she has fully complied with the terms of this Order.

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

D. 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).

E. This Stipulation and Consent Order will remain part of Respondent's

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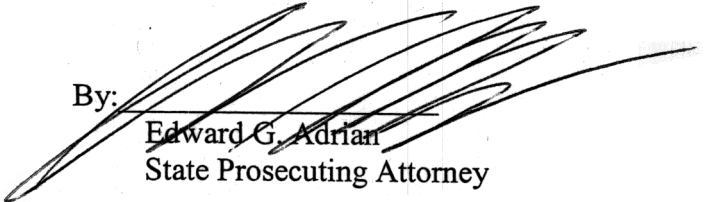
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licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

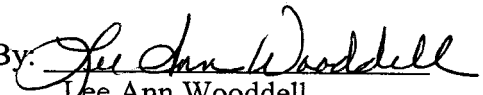
STATE OF VERMONT
SECRETARY OF STATE

Dated: 7/1/04

By: 
Edward G. Adrian
State Prosecuting Attorney

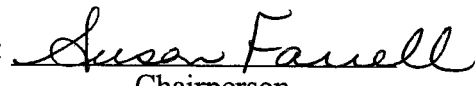
LEE ANN WOODDELL
RESPONDENT

Dated: 6-28-04

By: 
Lee Ann Wooddell

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: July 12 2004

By: 
Chairperson

Date of Entry: 7/14/04

nu.wooddell.stip

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Office of
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Montpelier, VT 05602

IN RE: Lee Ann Wooddell)
 Case File No. NU01-0703) **DEFAULT ORDER**
 License No. 25-5555)

The Board of Nursing held a default hearing in the above matter on May 10, 2004 at 81 River Street in Montpelier, Vermont. Board members Susan Farrell, Elayne Clift, Alan Weiss, Sandra Norton, De-Ann Welch, Ellen Leff, Donarae Metcalf, Laurey Tyo and Linda Rice participated in the decision. State Prosecuting Attorney Edward Adrian appeared for the State. Lee Ann Wooddell ("the Respondent") did not attend.

1. The Respondent was sent notice of the Charges against her to her last known address by certified mail and first class mail on March 8, 2004.
2. The certified mailing was returned marked "unclaimed" on April 1, 2004.
3. Notice of the default hearing was mailed to the same address by certified and regular mail on April 20, 2004.
4. Notice of the default hearing was signed for by the Respondent on April 26, 2004.
5. After taking notice of its own file, the Board found the Respondent to be in default. The allegations contained in the State's Specification of Charges dated March 2, 2004 (copy attached) are therefore treated as the facts on which the Board's order is based.

The Respondent has received adequate notice of the charges against her as indicated by the Board's file. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby INDEFINITELY SUSPENDED.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell
Chair

Date: May 21, 2004

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 5/25/04

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

IN RE:)
LEE ANN WOODDELL) **Docket Nos: NU 77-0503;**
License No. 025-0005555) **NU 01-0703**

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Lee Ann Wooddell, L.P.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to 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. §129a ; 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. Inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
4. Inability to practice nursing competently includes performance of unsafe or unacceptable patient care and failure to conform to the essential standards of acceptable and prevailing nursing practice. ARBN Chapter 4, Rule IV(II)(B)(1) and (2).

Facts

5. The Respondent is licensed in the State of Vermont as a Licensed Practical Nurse under license number 025-0005555.
6. Respondent's license was originally issued on May 22, 1984 and Respondent's license is currently inactive.

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7. The Respondent was employed as an L.P.N. by Bennington Health and Rehabilitation ("BHR") in Bennington, Vermont from October 23, 2002 through April 29, 2003.

8. On or about April 26, 2003, the Respondent reported at shift change to J.R., an L.N.A at BHR, that resident E.B. had been agitated and been pressing the call light constantly. The Respondent stated that she had shut off E.B.'s call light because E.B. had been abusing it.

9. On or about June 5, 2003, the Respondent admitted to State Investigator Jackie Cholewa that she had shut off E.B.'s call light on April 26, 2003.

10. The Respondent was employed as an L.P.N. by Vermont Veterans' Home ("VVH") in Bennington, Vermont from May 19, 2003 through June 25, 2003.

11. On or about June 14, 2003, Respondent gave a crushed medication thickened with applesauce to resident L.M. per the instructions of C.G., an R.N. at VVH. C.G. had crushed the medication and the Respondent had thickened the medication with applesauce.

12. A few minutes after the thickened liquid had been given to L.M. by the Respondent, C.P, an L.N.A. at VVH, found L.M. "with his face gray in color, perspiration beading up on his face and his arm reaching up towards his mouth". C.P. then observed the thickened liquid still in L.M.'s mouth and C.P. proceeded to clear L.M.'s mouth with C.P.'s fingers and toothettes.

13. On or about June 23, 2003, the Respondent made the following medication errors:

- a. The Respondent failed to give the prescribed bedtime Oxazepam 15 mg tablet to Resident F.B.
- b. The Respondent failed to give the prescribed 7:30 p.m. doses of Percocet, Nitro and Lidoderm to Resident E.L.

14. On or about August 8, 2003, the Respondent admitted to State Investigator Steven Kennedy that she had committed the June 23, 2003 medication errors.

Charges

15. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:

- A. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently by reason of any cause), which includes performance of unsafe or unacceptable patient care and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2); and

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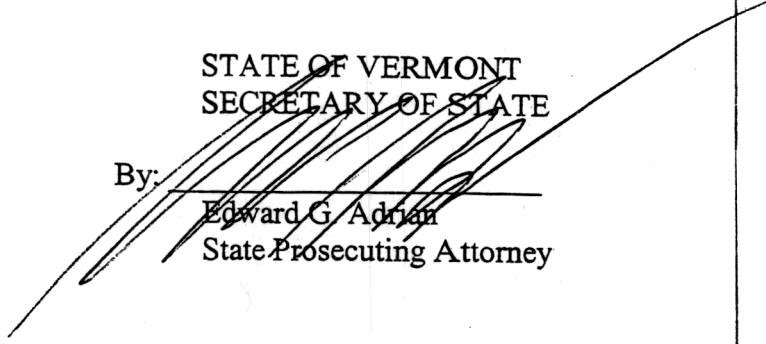
B. 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession)

Relief Requested

WHEREFORE, the license of Lee Ann Wooddell should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 2nd day of March 2004.

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SECRETARY OF STATE

By: 
Edward G. Adrian
State Prosecuting Attorney

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