

State of Vermont
Vermont Board of Nursing

In re: Rebecca Parker
License Number: 026.0114089
Docket Number: 2016-133

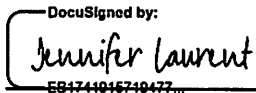
Order to Remove Conditions

On November 13, 2023, the Vermont Board of Nursing considered Rebecca Parker's request for Removal of Conditions imposed pursuant to a Stipulation & Consent Order under Docket Number 2016-133. Ms. Parker has met the conditions. After review of the compliance file, the State does not object to removal of all conditions.

Order:

The Board hereby removes all conditions from Rebecca Parker's RN license.

Vermont Board of Nursing

DocuSigned by:

EB1741016710477...
Jennifer Laurent, Chair

Date: November 13, 2023

Date of Entry: 11 / 14 / 23



State of Vermont
Office of the Secretary of State

Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov

Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary
Kevin Rushing, Director

October 19, 2023

Jennifer Colin, Esq.
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402

Case: Rebecca Parker
Credential: License # 026.0114089
Docket No: 2016-133

Dear Attorney Colin:

Please find the enclosed **Request to Remove Conditions** filed on the above captioned docket number. Pursuant to the Office of Professional Regulation's Administrative Rule 3.8 you have 10 days to respond to the motion.

You may contact me at (802) 828-2367 if you have any questions.

Sincerely,

/s/ Julie Bowen
Docket Clerk

Enc: *Request to*

Cc: Kristin Donnelly, Case Manager
Rebecca Parker, Respondent

From: beckylvnn776@gmail.com
To: [SOS - Docket Clerk](#)
Subject: Petition to remove conditions
Date: Wednesday, October 18, 2023 10:43:43 PM

[You don't often get email from beckylvnn776@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To the Board of Nursing,

Good day. My name is Rebecca Parker. I am writing today to petition to you to return to an unrestricted license and remove my conditions set before me.

I have worked under the supervision of an RN in good standing for a year, currently for North Star Health in Bellows Falls, Vermont which falls under the acceptable employment condition. Reports have been written monthly by my employer and submitted to my case manager. I have not had any negative action taken against me during this time and I have worked the hours required, watching carefully not to exceed my time restrictions.

My nursing license is very precious to me and I am thankful for the second chance and the compassion the Board of Nursing has given me to show I can come back strong. I will now leave it in your hands to see if it is appropriate to have my restrictions/conditions lifted.

Thank you for your consideration,

Rebecca Parker

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

IN RE:)
REBECCA PARKER) **Docket No. 2016-133**
License No. 026.0114089)

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Traci Leibowitz, and the Respondent, Rebecca Parker, Registered Nurse, 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. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Rebecca Parker (the "Respondent") of Springfield, Vermont, is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0114089. This license was originally issued on August 3, 2015, and expired on March 31, 2017. This license is currently suspended.
3. On March 10, 2017, the Board entered a Stipulation and Consent Order in the instant case, indefinitely suspending the Respondent's RN license. *See* Attachment A. This discipline was the result of the Respondent engaging in an inappropriate sexual relationship with an inmate while providing nursing care to the inmate in Respondent's position as a dialysis nurse at Southern State Correctional Facility, located in Springfield, Vermont.
4. Pursuant to the Stipulation and Consent Order, the Respondent was required to obtain an independent evaluation report by an approved evaluator.

5. Respondent was evaluated in March and April of 2020 and submitted the Psychological Evaluation report to OPR on April 29, 2020.
6. On May 8, 2020, Respondent petitioned for reinstatement of the RN license and submitted letters of support from three individuals.
7. The State's decision to support Respondent's request for reinstatement is informed by the Psychological Evaluation report and the recommendations contained therein.
8. The State supports Respondent's reinstatement, with the conditions below.

Understandings

9. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
10. 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.
11. 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.
12. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
13. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
14. 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.
15. 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.
16. 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 is immediately eligible to renew and revive her Registered Nurse license. Upon issuance, Respondent's license shall be **CONDITIONED FOR A MINIMUM OF TWELVE (12) MONTHS**. The conditions will be as follows:

1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."
2. Length of Time of 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 a **minimum of twelve (12) months** of supervised nursing practice in which Respondent works at least forty (40) hours every two (2) weeks as a licensed nurse. Part time hours of fewer than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty four (44) hours per week.
3. Monitoring. The Office of Professional Regulation, through the Enforcement Case Manager, shall be responsible for monitoring Respondent's compliance with these Conditions. All reports or correspondence regarding compliance with these conditions shall be submitted to the Case Manager in accordance with the Conditions listed in this Order.
4. 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 in which Respondent practices as a licensed 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 licensed nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Board an employer agreement form approved by the Board, 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 that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

5. Reports from Employers/Program Director. Within one (1) month of the date of this order or within one (1) month of the commencement of licensed nursing employment and **monthly** thereafter, Respondent shall cause every licensed 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 month. In the event 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 Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (ie., consistently meeting all standards of licensed nursing practice) and attendance.

6. Practice Under Supervision. Respondent shall practice as a nurse only in a setting where Respondent has onsite supervision for the entire shift by a registered nurse that is in good standing with the Board.
7. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work in a home care setting. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing license during the effective period of this Consent Order.
8. Interview with the Board or its Designee. Respondent shall appear in person or by telephone or video conference for interviews with the Board or its designee upon request.
9. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. The Board will approve out-of-state nursing practice so long as Respondent can still comply with the provisions of this Consent Order. If Respondent receives discipline on a nursing license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.
10. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of Respondent's 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 (including resignation or termination), personal address, or telephone number.
11. Notification to Other States. In the event that Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.
12. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
13. Costs. Respondent shall bear all costs of complying with this Consent Order.
14. Violation of this Order. If Respondent violates this Order, the Board, after giving 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 Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.
15. Completion of Conditional License Period. Respondent shall submit a petition to the Docket Clerk to remove any and all conditions on Respondent's license. The State will assent to or oppose Respondent's petition. The Board will conduct a hearing if

necessary. Respondent bears the burden and must present proof that Respondent has fully complied with the terms of this Order and Supervised Practice is no longer necessary to protect the public.

- B. Notwithstanding any provision above, the Respondent must continue to meet all 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:

Dated: July 6, 2020

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Traci Leibowitz
State Prosecuting Attorney

REBECCA PARKER
RESPONDENT

Dated: July 1, 2020

By: Rebecca Parker
Rebecca Parker

APPROVED AND SO ORDERED:

Dated: 13 July 2020

VERMONT BOARD OF NURSING
E-SIGNED by Ellen Watson
By: on 2020-07-13 15:46:25 EDT
Chairperson

Date of Entry: 16 July 2020

ATTACHMENT A

Copy 2
2/1/2008

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

IN RE:)
REBECCA L. PARKER) **Docket No. 2016-133**
License No. 026.0114089)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Rachel Allen, and the Respondent, Rebecca L. Parker, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses, pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Rebecca L. Parker ("Respondent") of Springfield, Vermont, is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0114089. This license was originally issued on or about August 3, 2015, and expires on or about March 31, 2017.
3. During the relevant time period, Respondent was employed with Centurion Vermont ("Facility") as a dialysis nurse at Southern State Correctional Facility ("SSCF") in Springfield, Vermont.
4. While employed at SSCF, Respondent provided dialysis nursing care for Inmate 1. Dialysis treatments for Inmate 1 occurred three days each week and lasted for approximately four hours.
5. During Inmate 1's treatments, Respondent and Inmate 1 became involved in a romantic relationship. This relationship evolved from written communication and talking to physical intimacy.
6. On February 24, 2016, Inmate 1 stated to Vermont State Police Detective Sergeant Tyson Kinney that his relationship with Respondent included oral and vaginal sexual intercourse that took place in the SSCF dialysis unit. Vaginal intercourse occurred on

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

December 17, 2015, December 25, 2015, and December 28, 2015. Inmate 1 stated that he was receiving treatment during the December 17, 2015 incident. Oral sex occurred approximately six times at SSCF.

7. In January 2016, Respondent resigned from her position at the Facility. After her resignation, Respondent continued communication with Inmate 1 under the name of "Lynn [last name of Inmate 1]." Respondent corresponded with Inmate 1 through telephone calls, letters, and e-mail messages. In this correspondence, Respondent sent intimate photographs of herself to Inmate 1.
8. On January 30, 2016, Respondent met with an unknown male for the purposes of sexual intercourse. Respondent and the unknown male had sexual intercourse while Inmate 1 listened on a SSCF phone and instructed the male what to do.
9. On July 14, 2016, the Board granted the State's request to summarily suspend Respondent's license. *See* Attachment A.
10. On September 6, 2016, Respondent pled guilty to Sexual exploitation of an inmate – confined, a felony in violation of 13 V.S.A. § 3257(a)(1).
11. On September 6, 2016, Respondent pled guilty to Recklessly endangering another person, a misdemeanor in violation of 13 V.S.A. § 1025.

Violation One: 26 V.S.A. § 1582(a)(11). Sexual misconduct that exploits the provider-patient relationship, including sexual contact with a patient, surrogates, or key third parties.

12. The State re-alleges and incorporates Paragraphs 2 through 11 above.
13. As a Registered Nurse, Respondent is prohibited from sexual misconduct that exploits the provider-patient relationship, including sexual contact with a patient, surrogates, or key third parties.
14. The facts alleged in Paragraphs 4 through 11 demonstrate Respondent's failure to comply with state statute by engaging and maintaining a sexual relationship with a patient inmate.
15. 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 26 V.S.A. § 1582(a)(11).

Violation Two: 3 V.S.A. § 129a(12). Exercising undue influence on or taking improper advantage of a person using professional services, or promoting the sale of services or goods in a manner which exploits a person for the financial gain of the practitioner or a third party.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

16. The State re-alleges and incorporates Paragraphs 2 through 11 above.
17. As a Registered Nurse, Respondent is prohibited from exercising undue influence on or taking advantage of a person using professional services.
18. The facts alleged in Paragraphs 4 through 11 demonstrate Respondent's failure to comply with state statute by engaging in a sexual relationship with an inmate patient using professional services and undergoing medical treatment.
19. 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 3 V.S.A. § 129a(12).

Violation Three: 3 V.S.A. § 129a(a)(10). Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.

20. The State re-alleges and incorporates Paragraphs 2 through 11 above.
21. The facts alleged in Paragraphs 4 through 11 demonstrate Respondent's conduct and resulting convictions, Sexual Exploitation of an Inmate - a felony and Reckless Endangerment - a misdemeanor, due to her conduct with Inmate 1. Both convictions are related to the practice of nursing.
22. 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 3 V.S.A. § 129a(a)(10).

Violation Four: 3 V.S.A. § 129a(a)(15). Failure to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

23. The State re-alleges and incorporates Paragraphs 2 through 11 above.
24. As a Registered Nurse, Respondent must exercise independent professional judgment in performance of licensed activities, such as providing dialysis treatment within SSCF.
25. The facts alleged in Paragraphs 4 through 11 demonstrate Respondent's failure to use professional judgment by engaging in a sexual relationship with an inmate patient and continuing contact with the inmate patient that was intimate and sexual in nature.
26. 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 3 V.S.A. § 129a(a)(15).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Violation Five: 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, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice.

27. The State re-alleges and incorporates Paragraphs 2 through 11 above.
28. As a Registered Nurse, Respondent must maintain professional boundaries with patients.
29. The facts alleged in Paragraphs 4 through 11 demonstrate Respondent's failure to practice competently by performing unsafe or unacceptable patient or client care and failing to conform to the essential standard of acceptable and prevailing practice by failing to maintain professional boundaries and engaging in a sexual relationship with an inmate patient.
30. 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 3 V.S.A. § 129a(b)(1) and (2).

Understandings

31. Respondent acknowledges that the facts above are true and that the conditions set out in the Consent Order below are appropriate and necessary to protect the public.
32. 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.
33. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing if this agreement is not accepted by the Board and proceeds to a contested hearing.
34. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
35. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
36. 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.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

- 37. Respondent voluntarily waives Respondent's right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
- 38. Respondent agrees that the Order set forth below may be entered by the Board.
- 39. 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 **INDEFINITELY SUSPENDS** Respondent's license to practice as a Registered Nurse from the date of entry below.
 - i. Reinstatement.
Within forty-five (45) days of requesting reinstatement, Respondent must obtain an **independent evaluation report by a licensed professional specializing in sexual misconduct** by a pre-approved by the Board ("Independent Evaluator") who has verified receipt of this Order.
- B. If the results of the independent evaluation indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients, Respondent's license shall be **CONDITIONED** pursuant to whatever terms are found to be reasonable at the time of Respondent's application for licensure, taking into account the stipulated facts above.
- C. Any future application for licensure shall be subject to the licensing requirements of that particular profession.
- 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 licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

AGREED TO:

Dated: 3/6/17

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Rachel Allen
State Prosecuting Attorney

REBECCA L. PARKER
RESPONDENT

Dated: 3/6/17

By: Rebecca Parker
Rebecca L. Parker

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3/6/17
Date of Entry: 3/10/17

By: Jeanine Carr
Chairperson

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

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

In re: REBECCA L. PARKER
License No. 026.0114089

}
} Docket No. 2016-133 (RN)
}

Participating Board Members:

Jeanine Carr, RN, Chair
Ellen Watson, APRN
Deborah Swartz, RN
Kelly Sinclair, LNA
Virginia Hudson, RN
John Welch, Jr., Public Member

Appearances:

Prosecuting the case: Rachel Allen, Esq.
Respondent: did not appear

Exhibits:

State Exhibit 1: Affidavit of Det. Tyson Kinney, Vermont State Police

Presiding Officer: George K. Belcher

**Summary Suspension Order
FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Board of Nursing on a Request for a Summary Suspension. The hearing was held on July 11, 2016 at the Office of Professional Regulation in Montpelier, Vermont. Respondent did not appear. The Board has authority to summarily suspend a license pending further action, if it determines that public health, safety, or welfare imperatively requires emergency action. 3 V.S.A. § 814(c).

Findings of Fact

Based on a Review of the pleadings and the file, and upon the evidence presented to the Board at the hearing, the Board finds as follows:

1. Respondent is a Registered Nurse, licensed in Vermont. Her license is currently set to expire on or about March 31, 2017. She is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. 3 V.S.A. §

State's
Attachment
A

- 814(c) permits the Board to summarily suspend a license if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order.
2. The prosecutor has filed a "Request for Summary Suspension." A copy of the Request is attached to this Decision and Order. The Request for Summary Suspension alleges that the public health, safety or welfare imperatively requires emergency action.
 3. Notice of this hearing was sent to Respondent at her last known address via certified mail dated July 7, 2016. On or about July 8, 2016 (the Friday before the hearing) Michael Ruse, an investigator with the Office of Professional Regulation and former police officer, personally served upon the Respondent the Request for Summary Suspension and the notice of hearing. The Respondent did not appear at the hearing or otherwise defend.
 4. The allegations in the Request for Summary Suspension (copy attached) have been established to the necessary degree. The State presented the testimony of Detective Sergeant Tyson Kinney of the Vermont State Police. Through his testimony an affidavit was introduced into evidence (State Ex. 1). The affidavit established facts showing that the Respondent was in a treating relationship with a dialysis patient. At the time, the patient was an inmate at the Southern State Correctional Facility in Springfield, Vermont. In the course of that relationship, the Respondent had consensual sexual relations with the patient. This occurred at the correctional facility and during a time period (November and December of 2015) when the Respondent had access to the patient because of being his nurse (see State Ex. 1). The actions of the Respondent appear to have been deliberate and planned by the Respondent in advance.
 5. Following the resignation of the Respondent from her nursing position at the correctional facility in January of 2016, the Respondent continued to correspond with the patient under a false name, using the last name of the patient, rather than her true name. The correspondence was of a sexual nature.
 6. The Respondent has been cited to court to answer the charges of Sexual Exploitation of an Inmate, 13 VSA Sec. 3257(a)(1), a felony.

Conclusions of Law

Our Findings of Fact and Conclusions of Law in this Summary Suspension hearing are for purposes of deciding whether *at this time* there is an imperative need to take emergency action. 3 V.S.A. § 814(c). Our Findings of Fact and Conclusions of Law herein are for purposes of this Order only.

The Prosecutor's Request for a Summary Suspension is supported by the evidence presented. The Board concludes that the allegations in the Request for Summary Suspension have been established to the necessary degree. For purposes of this Summary Suspension Hearing, the Findings of Fact above do support Summary Suspension of Respondent's license. There is an imperative need to take emergency action. 3 V.S.A. § 814(c). It is a requirement of Vermont nursing practice that nurses maintain a professional relationship with their patients and honor the statutes and rules governing the profession. Among these requirements are that a nurse practice competently and provide acceptable patient care (3 VSA Sec. 129a(b)); that a nurse not exercise undue influence or take improper advantage of a person using professional services (3

VSA Sec. 129a(12)); that a nurse exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid actions repugnant to the obligations of the profession (3 VSA Sec. 129a(a)(15)); that a nurse not engage in conduct of a character likely to deceive, defraud or harm the public (26 VSA Sec. 1582(a)(3)); that a nurse not conduct sexual misconduct that exploits the provider-patient relationship, including sexual contact with a patient (26 VSA Sec. 1582(a)(11)); and that a nurse comply with state statutes and rules (3 VSA Sec. 129a(a)(3)). There is strong evidence to show that the Respondent is in violation of these requirements.

Vermont law recognizes that summary suspension in exigent circumstances is appropriate where there is a risk to the public and where there is an opportunity for meaningful review in a timely manner of the deprivation of a professional license. In re Mitchell R. Miller, MD, 2009 VT 112, 989 .2d 982 (Vt. 2009). Here the Respondent (who did not appear) may petition for reconsideration or may appeal if the actual facts do not align with the allegations or the testimony offered.

Vermont law requires that unprofessional charges be filed promptly with Respondent being afforded a prompt hearing. At any merits hearing in this matter, the prosecutor will bear the burden of proving unprofessional conduct. Our Findings and Conclusions in this matter will not absolve the prosecution or Respondent from producing or challenging relevant evidence at a merits hearing. The Findings of Fact and Conclusions of Law at a contested hearing will be based exclusively on the evidence admitted at that hearing.

Order

The Request for Summary Suspension is **Granted**. Respondent's license is **Summarily Suspended** pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined. 3 V.S.A. § 814(c).

Vermont Board of Nursing

By: Jeanine Carr
Jeanine Carr, RN, Chair

Date: July 11, 2016

DATE OF ENTRY: 7/14/16

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written

Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

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

IN RE:
REBECCA L. PARKER
License No. 026.0114089

)
)
)

Docket No. 2016-133

REQUEST FOR SUMMARY SUSPENSION

Board Authority

1. The Vermont Board of Nursing ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses, pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety, or welfare imperatively requires emergency action.

Statement of Facts

3. Rebecca L. Parker ("Respondent") of Springfield, Vermont, is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0114089. This license was originally issued on or about August 3, 2015, and expires on or about March 31, 2017.
4. During the relevant time period, Respondent was employed with Centurion Vermont ("Facility") as a dialysis nurse at Southern State Correctional Facility ("SSCF") in Springfield, Vermont.
5. While employed at SSCF, Respondent provided dialysis nursing care for Inmate 1. Dialysis treatments for Inmate 1 occurred three days each week and lasted for approximately four hours.
6. During Inmate 1's treatments, Respondent and Inmate 1 became involved in a romantic relationship. This relationship evolved from written communication and talking to physical intimacy.
7. On or about February 24, 2016, Inmate 1 stated to Vermont State Police Detective Sergeant Tyson Kinney that his relationship with Respondent included oral and vaginal sexual intercourse that took place in the SSCF dialysis unit. Vaginal intercourse occurred on December 17, 2015, December 25, 2015, and December 28,

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

2015. Inmate 1 stated that he was receiving treatment during the December 17, 2015 incident. Oral sex occurred approximately six times at SSCF.

8. In January 2016, Respondent resigned from her position at the Facility. After her resignation, Respondent continued communication with Inmate 1 under the name of "Lynn [last name of Inmate 1]." Respondent corresponded with Inmate 1 through telephone calls, letters, and e-mail messages. In this correspondence, Respondent sent intimate photographs of herself to Inmate 1.
9. On or about January 30, 2016, Respondent met with an unknown male for the purposes of sexual intercourse. Respondent and the unknown male had sexual intercourse while Inmate 1 listened on a SSCF phone and instructed the male what to do.
10. Respondent is scheduled to be arraigned on July 12, 2016, for Sexual Exploitation of an Inmate, a violation of 13 V.S.A. § 3257(a)(1), a felony offense.
11. Without public discipline, members of the public, patients, and potential patients in the State of Vermont are unlikely to learn of Respondent's actions and subsequent discipline and will remain unprotected pending suspension of Respondent's Vermont license. The facts as set out above establish that in order to protect the public health, safety, or welfare of the people of the State of Vermont, emergency action is imperative.

Charges

12. The above acts and circumstances, alone or in combination, violate:
 - a. 3 V.S.A. § 129a(a)(3) (Failure to comply with provisions of federal or State statutes or rules governing the practice of the profession);
 - b. 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, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice);
 - c. 3 V.S.A. § 129a(12) (Exercising undue influence on or taking improper advantage of a person using professional services, or promoting the sale of services or goods in a manner which exploits a person for the financial gain of the practitioner or a third party);
 - d. 3 V.S.A. § 129a(a)(15) (Failure to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession);

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

- e. 26 V.S.A. § 1582(a)(3) (Engaging in conduct of a character likely to deceive, defraud, or harm the public);
- f. 26 V.S.A. § 1582(a)(11) (Sexual misconduct that exploits the provider-patient relationship, including sexual contact with a patient, surrogates, or key third parties).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), Rebecca L. Parker nursing license number 026.0114089 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 1th day of July, 2016.

STATE OF VERMONT
SECRETARY OF STATE

By: 
Rachel Allen
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402