

**State of Vermont**  
**Vermont Board of Nursing**

In re: Garikai Moyo  
License Number 026.0139433  
Docket Number: 2020-116

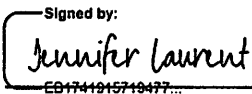
**Order to Remove Conditions**

On August 12, 2024, the Vermont Board of Nursing considered Garikai Moyo's request for Removal of Conditions imposed pursuant to a Stipulation & Consent Order under Docket Number 2020-116. Mr. Moyo has successfully met the conditions. After review of the follow-up file, the State does not object to removal of all conditions.

**Order:**

The Board hereby removes all conditions from Garikai Moyo's RN license.

**Vermont Board of Nursing**

Signed by:  
  
ED1741915719477...  
Jennifer Laurent, Chair

Date: August 12, 2024

Date of Entry:

8 / 13 / 24



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State of Vermont  
Office of the Secretary of State

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

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

July 24, 2024

Ultan Doyle, Esq.  
Office of Professional Regulation  
89 Main Street, 3<sup>rd</sup> Floor  
Montpelier, VT 05620-3402

Case: Garikai Moyo  
Credential: License # 026.0139433  
Docket No: 2020-116

Dear Attorney Doyle:

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  
Garikai Moyo, Respondent

**Bowen, Julie**

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**From:** Donnelly, Kristin  
**Sent:** Wednesday, July 24, 2024 9:11 AM  
**To:** SOS - Docket Clerk  
**Cc:** Garikai Moyo  
**Subject:** FW: Petition for Completion of Conditional License Period

Good morning,

Please see below in reference to docket D-2020-116 .

Thanks,

Kristin Donnelly  
Case Manager  
Vermont Secretary of State  
Office of Professional Regulation  
89 Main Street 3<sup>rd</sup> Floor Montpelier, VT 05620-3402  
☎ (802) 828-1635 Fax: (802) 828-2389  
[sos.vermont.gov/opr](https://sos.vermont.gov/opr)



**From:** Garikai Moyo <gmoyoal@gmail.com>  
**Sent:** Tuesday, July 23, 2024 5:06 PM  
**To:** Donnelly, Kristin <Kristin.Donnelly@vermont.gov>  
**Subject:** Petition for Completion of Conditional License Period

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

Garikai Moyo  
710 E 16th Street #2013  
  
National City, CA, 91951

July 23, 2024

Vermont Board of Nursing  
Office of Professional Regulation  
89 Main Street, 3rd Floor  
Montpelier, VT 05620-3402

**Subject:** Petition for Completion of Conditional License Period

Dear Members of the Vermont Board of Nursing,

I am writing to formally petition for the completion of my Conditional License Period. I am pleased to inform you that I have successfully fulfilled all conditions as outlined in the Stipulation and Consent Order, Docket No. 2020-116.

In accordance with the board's directives, I have fully complied with the terms and conditions specified in the order. Specifically, I have completed all the required coursework and any additional stipulations imposed.

I respectfully request that the Board review my case and consider granting the completion of my Conditional License Period. I am committed to upholding the standards of the nursing profession and ensuring that I continue to provide quality care to my patients.

Thank you for your time and consideration. Please feel free to contact me if you need any additional information or documentation.

Sincerely,

Garikai Moyo  
026.0139433

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

**IN RE:**  
**GARIKAI A. MOYO**  
**License No. 026.0139433**

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**Docket No. 2020-116**

**STIPULATION AND CONSENT ORDER**

**STIPULATION**

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Benjamin E. Novogroski, and the Respondent, Garikai A. Moyo, 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. Garikai A. Moyo ("Respondent") of Springfield, Vermont is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0139433. This license was originally issued on June 24, 2019 and expires on March 31, 2021.
3. Respondent falsely answered a question on his Vermont RN license application, submitted on April 25, 2019 (the "Application"), when he answered "NO" to:

**"Are you currently under INVESTIGATION or PENDING CHARGE for a professional, occupational, or professional services license, certificate, or registration in any licensing jurisdiction?"**
4. Within the Application, Applicant attested to the truth and accuracy of the information provided therein by signing the following statement:

I certify, under the pains and penalties of perjury, that all information I have provided in this application is true and accurate. I understand that furnishing false information may constitute unprofessional conduct and result in the denial of my application or further disciplinary action. The

maximum penalty for perjury is fifteen years in prison and/or a \$10,000 fine. (13 V.S.A. § 2901)[.]

5. However, as of October of 2018, Respondent was aware of a California State Board of Registered Nursing (the "California Board") investigation of into allegations of nursing misconduct by Respondent.
6. On May 27, 2020, a Stipulated Settlement and Disciplinary Order of the California Board became effective to discipline Respondent for the improper administration of pentobarbital to a patient causing harm, falsely inputting medical entries, and relaying incorrect information about a patient's pentobarbital administration to fellow medical staff (hereinafter referred to as the "California Order").
7. The California Order demonstrates that Respondent admitted to the conduct outlined in Paragraph 6 and accordingly agreed to charges of: (i) gross negligence; (ii) incompetence; (iii) unprofessional conduct; and (iv) false entries in a medical record.
8. As outlined in the California Order, Respondent's license revocation was stayed for a period of three (3) years and he was placed on probation with conditions that included, but were not limited to:
  - a. Payment of \$8,910.07 to the California Board;
  - b. Written probation compliance reports submitted to the California Board;
  - c. California Board-approval of nursing employment;
  - d. Employer-related reports and performance evaluations submitted to the California Board;
  - e. Direct supervision by a RN in good standing during Respondent's nursing employment;
  - f. Prohibition from employment as a nursing supervisor, at licensed home health agencies; and as nursing school faculty, among others; and
  - g. Completion of a pre-approved nursing course as determined by the California Board.

**Violation One: 3 V.S.A. § 129a(a)(1) – Fraudulent or Deceptive Procurement or Use of a License.**

9. Paragraphs 2 through 8 above are incorporated herein.
10. Under Vermont law, an RN applicant must not fraudulently or deceptively procure or use a RN license.
11. Paragraphs 3 through 5 above demonstrate that Respondent fraudulently or deceptively procured his Vermont RN license by failing to disclose the California Board investigation when he submitted his Application.

12. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(1).

**Violation Two: 3 V.S.A. § 1582(a)(1) – Making or Causing to be Made a False, Fraudulent, or Forged Statement or Representation in Procuring or Attempting to Procure Registration or Renew a License.**

13. Paragraphs 2 through 8 above are incorporated herein.
14. Under Vermont law, an RN applicant must not make, or cause to be made, a false, fraudulent, or forged statement or representation in procuring, or attempting to procure, registration or renew a license.
15. Paragraphs 3 through 5 above demonstrate that Respondent made a false statement or representation in procuring his Vermont RN license registration by failing to disclose the California Board investigation when he submitted his Application.
16. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 26 V.S.A. § 1582(a)(1).

**Violation Three: 3 V.S.A. § 129a(a)(15) – Failing to Exercise Independent Professional Judgment in the Performance of Licensed Activities When That Judgment is Necessary to Avoid Action Repugnant to the Profession.**

17. Paragraphs 2 through 8 above are incorporated herein.
18. Under Vermont law, an RN must exercise independent professional judgment in the performance of licensed activities.
19. Paragraphs 6 through 8 above demonstrate that Respondent failed to exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession through being disciplined by the California Board for improperly administering pentobarbital to a patient causing harm, falsely inputting medical entries, and relaying incorrect information about a patient's pentobarbital administration to fellow medical staff.
20. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(15).

**Violation Four: 3 V.S.A. § 129a(b)(1) – 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.**

21. Paragraphs 2 through 8 above are incorporated herein.
22. Under Vermont law, an RN must practice competently through the performance of safe and acceptable patient or client care.
23. Paragraphs 6 through 8 above demonstrate that Respondent failed to practice competently through the performance of unsafe or unacceptable patient care in being disciplined by the California Board for improperly administering pentobarbital to a patient causing harm, falsely inputting medical entries, and relaying incorrect information about a patient's pentobarbital administration to fellow medical staff.
24. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(b)(1).

**Violation Five: 3 V.S.A. § 129a(b)(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: (2) Failure to Conform to the Essential Standards of Acceptable and Prevailing Practice.**

25. Paragraphs 2 through 8 above are incorporated herein.
26. Under Vermont law, an RN must practice competently by conforming to the essential standards of acceptable and prevailing practice.
27. Paragraphs 6 through 8 above demonstrate that Respondent failed to conform to the essential standards of acceptable and prevailing practice by being disciplined by the California Board for improperly administering pentobarbital to a patient causing harm, falsely inputting medical entries, and relaying incorrect information about a patient's pentobarbital administration to fellow medical staff.
28. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(b)(2).

**Violation Six: 26 V.S.A. § 1582(a)(3) – Engaging in Conduct of a Character Likely to Deceive, Defraud, or Harm the Public.**

29. Paragraphs 2 through 8 above are incorporated herein.
30. Under Vermont law, an RN is prohibited from engaging in conduct of a character likely to harm the public.

31. Paragraphs 3 through 8 above demonstrate that Respondent engaged in conduct of a character likely harm the public by (i) submitting false information on his Application to procure a Vermont nursing license; and (ii) being disciplined by the California Board for improperly administering pentobarbital to a patient that harmed the patient, falsely inputting medical entries, and relaying incorrect information about a patient's pentobarbital administration to fellow medical staff.
32. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 26 V.S.A. § 1582(a)(3).  
  
**Violation Seven: 26 V.S.A. § 1582(a)(4) – Willfully Failing to File or Record, or Willfully Impeding or Obstructing Filing or Recording, or Inducing Another Person to Omit to File or Record Medical Reports.**
33. Paragraphs 2 through 8 above are incorporated herein.
34. Under Vermont law, an RN is prohibited from willfully failing to file or record, or willfully impeding or obstructing filing or recording, or inducing another person to omit to file or record medical reports.
35. Paragraphs 6 through 8 above demonstrate that Respondent willfully failed to file or record, or willfully impeded or obstructed the filing or recording of, medical reports by being disciplined by the California Board for falsely inputting medical entries, and relaying incorrect information about a patient's pentobarbital administration to fellow medical staff.
36. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 26 V.S.A. § 1582(a)(4).

#### **Understandings**

37. 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.
38. Respondent understands that the 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.
39. This Stipulation and Consent Order is intended to resolve all matters related to Docket No. 2020-116.
40. Respondent specifically waives any claims that any disclosures made to the Board during the review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

41. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
42. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
43. 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.
44. Respondent voluntarily waives Respondent's right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
45. 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 **CONDITIONS** Respondent's license **FOR A MINIMUM OF ONE (1) YEAR**. 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 (hereinafter referred to as the "Conditions"). Respondent shall be subject to the Conditions until Respondent completes a **minimum of one (1) year** of supervised nursing practice in which Respondent works at least eighty (80) hours every calendar month as a Registered Nurse. Part time hours of fewer than eighty (80) hours every calendar month shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.
  3. Required Coursework. Respondent shall, at his own expense and within ninety (90) days of date of entry of this Stipulation and Consent Order ("Consent Order or "Order"), successfully complete (i.e., receive a passing score, if applicable) the following pre-approved online courses (or equivalent that are pre-approved by the Enforcement Case Manager):
    - a) "Medication Errors: Causes and Prevention" (4.0 hours), and any accompanying workbook, through the National Council of State Boards of Nursing Learning Extension. Accessible at: <https://www.learningext.com/#/online-courses/9ab6d0c9-ec7d-4d01-99d2-bf88826c41f4>

- b) "Documentation: A Critical Aspect of Client Care" (5.4 hours), and any accompanying workbook, through the National Council of State Boards of Nursing Learning Extension. Accessible at: <https://www.learningext.com/#/online-courses/73b89c38-326a-47a0-ba87-16543fb62ef0>; and
  - c) "Sharpening Critical Thinking Skills" (3.6 hours), and any accompanying workbook, through the National Council of State Boards of Nursing Learning Extension. Accessible at: <https://www.learningext.com/#/online-courses/f63e048b-32c6-4fd1-ab09-f736c921282f>.
  - d) Respondent must submit the completed workbook and written documentation of completion of the above-referenced courses (certificate of completion, etc.) to the Enforcement Case Manager.
  - e) Failure to complete the above-referenced courses and coursework within the prescribed timeframe shall constitute a violation of this Order. The coursework shall not be counted toward any continuing education requirement of licensure.
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 registered 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 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 nursing employment and monthly thereafter, Respondent shall cause every nursing employer Respondent has worked for during the quarter to submit to the Board an evaluation of Respondent's work performance and attendance during that quarter. In the event Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a quarterly 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 (i.e., consistently meeting all standards of nursing practice) and attendance.

6. Practice Under Supervision. Respondent shall practice as a registered nurse only in a setting where Respondent is supervised for the entire shift by a registered nurse that is in good standing with the Board or a foreign jurisdiction's equivalent licensing authority. The level of supervision required is On-Site Supervision. On-Site Supervision means the supervising nurse is present in the same facility as Respondent.
7. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Consent Order.
8. Interview with the Board or its Designee. Respondent shall appear in person 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 or its designee. 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.