

State of Vermont
Vermont Board of Nursing

In re: Timothy Rogers
License Number: 026.0125114
Docket Number: 2021-113

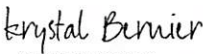
Order to Remove Conditions

On May 8, 2023, the Vermont Board of Nursing considered Timothy Rogers's request for Removal of Conditions imposed pursuant to a Stipulation & Consent Order under Docket Number 2021-113. Mr. Rogers 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 Timothy Rogers's RN license.

Vermont Board of Nursing

DocuSigned by:

05E1BEE5DBAD443

Jennifer Laurent, Chair

Date: May 8, 2023

Date of Entry:

5 / 11 / 23

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

IN RE:)
TIMOTHY ROGERS) Docket No. 2021-113
License No. 026.0125114)

**STATE'S RESPONSE TO RESPONDENT'S REQUEST TO REMOVE
CONDITIONS**

After review of the compliance file, the State has no objection to Respondent's request to remove all conditions on his license. Attached to this response is a proposed Order should the Board decide to grant Respondent's request.

Respectfully submitted, this 20TH day of April 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Rachel Heath
Rachel Heath
State Prosecuting Attorney
802-828-0041
Rachel.Heath@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
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**State of Vermont
Office of the Secretary of State**

**Office of Professional Regulation
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sos.vermont.gov**

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

April 12, 2023

**Rachel Heath, Esq.
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402**

**Case: Timothy Rogers
Credential: License # 026.0125114
Docket No: 2021-113**

Dear Attorney Heath,

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 Remove Conditions*

**Cc: Kristin Donnelly, Case Manager
Timothy Rogers, Respondent**

Bowen, Julie

From: Tim <tw6string@gmail.com>
Sent: Tuesday, April 11, 2023 2:09 PM
To: SOS - Docket Clerk
Subject: License condition removal case # 2021-113

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.
To whom it may concern,

My name is Timothy Rogers and I hold a Vermont nursing license number 026.0125114. I have completed the necessary conditions for restoring my license to unconditioned status. My employer (Dartmouth Hitchcock) has submitted monthly reports to the board for 1 year. I also completed and submitted 6 hours of remedial coursework. My current license in Vermont is inactive (expired), as I have been working in New Hampshire. I would however like to have the conditions removed from my Vermont license as soon as possible. I have learnt a great deal about humility throughout the whole process, and deeply regret crossing a professional boundary.

Sincerely,

Timothy M. Rogers B.S.N, R.N.



**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**

**James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director**

April 26, 2022

**Attorney Robert Backus
P.O. Box 1045
Burlington, VT 05402**

**Case: In Re: Timothy Rogers
Credential: Registered Nurse / 026.0125114
Docket No: 2021-113**

Dear Attorney Backus:

Enclosed please find a copy of the *Stipulation and Consent Order* in the matter captioned above. Thank you for referring this important matter.

If you have questions, please do not hesitate to contact the Office at (802) 828-2367.

Sincerely,

DocuSigned by:

PCDAB558B5C54EE
**S. Lauren Hibbert
Director**

Enclosure: *Stipulation and Consent Order*

**Cc: Rachel Heath, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Attorney Robert Backus for Respondent, Mail, Email**

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

**IN RE:
TIMOTHY M. ROGERS
License No. 026.0125114**

Docket No. 2021-113

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Rachel Heath, and Respondent Timothy M. Rogers, by and through Attorney Robert Backus, who hereby 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; 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 ("OPR").

Stipulated Facts

2. Timothy M. Rogers ("Respondent") of East Randolph, Vermont is licensed as a Registered Nurse ("RN") under license number 026.0125114. The State of Vermont issued this license on October 31, 2016, and the license expired on March 31, 2021.
3. At all relevant times, Respondent worked as an RN at Central Vermont Medical Center, located in Berlin, Vermont.
4. In May 2019, Respondent cared for a female patient ("Patient") in the medical-surgical unit of the Facility.
5. During the time that Respondent provided care to Patient in May 2019, Respondent sent Facebook messages to Patient using the alias "Tristan Copley."
6. Respondent's Facebook messages to Patient began with, "Your picture is insanely beautiful. . ." (ellipses in original).

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7. When Patient responded asking who he was, he replied, "No one you know... Just a person who admires innate beauty. Perhaps I've looked into your beautiful blue eyes, maybe even recently. . Then again perhaps I haven't. Either way you would never know. Have a good night." [sic].
8. In addition, Respondent messaged Patient stating, "I really enjoy freckled faced blue eyed long lashed girls. So incredibly beautiful.... Pardon my bluntness-- but YOU are one sexy goddamn bitch."
9. Without waiting for a response from Patient, Respondent then sent another message: "Anyway -- have a great night and I sincerely hope you feel better soon. [emoji]"
10. The next morning after sending these messages to Patient, Respondent entered Patient's room at the Facility to change her IV dressing and told Patient he had a new nickname for her, "Freckles."
11. Patient was concerned because she had not told anyone apart from her family that she was in the hospital. Therefore, she suspected the person sending her the messages must be a hospital staff member. In conjunction with Respondent calling her "Freckles," Patient suspected Respondent was sending her the messages.
12. Also in the messaging chain, when Patient again asked who he was, Respondent replied, "Lol. Tristan is not my name. I hate Facebook. Lol. Just take the compliment and enjoy it. You don't need to know who I am. Just be happy knowing that someone finds you beautiful. You need no other explanation. Lol. Good night." This message was immediately followed by "Hopefully this one is as good as the last."
13. Without any additional responses from Patient, Respondent's final message was, "Feeling better at all gorgeous?"
14. After Patient received the last message, Respondent immediately entered Patient's room, looked at Patient's phone on the bed and said to her, "stop looking at your phone so much and checking messages," he then walked out of her room without doing anything else. The Patient had not been looking at her phone when Respondent said this to her.
15. On May 16, 2019, Patient made a complaint to the charge nurse that she had received inappropriate messages through Facebook that she believed had come from Respondent.
16. When confronted about the complaint, Respondent initially denied any inappropriate communication with Patient or using Facebook.
17. Upon being advised the Facility was investigating him, Respondent resigned.

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18. The day after resigning, Respondent sent the chief nursing officer a text message admitting to messaging Patient from a fake Facebook account.

19. Months later, Respondent also emailed the clinical nurse manager acknowledging that he had sent the Facebook messages to Patient and lied to cover up his behavior.

Violation One: 26 V.S.A. § 1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

20. Paragraphs 2 through 19 above are incorporated herein.

21. Under Vermont law, an RN is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.

22. Paragraphs 2 through 19 above demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when he covertly sent Facebook messages and engaged in inappropriate conduct during the performance of nursing duties that caused the Patient to feel uncomfortable.

23. 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 Two: 3 V.S.A. § 129a(a)(26) Sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy.

24. Paragraphs 2 through 19 above are incorporated herein.

25. Under Vermont law, an RN is prohibited from failing to maintain professional boundaries or violating a patient's reasonable expectation of privacy.

26. Paragraphs 2 through 19 above demonstrate that Respondent failed to maintain professional boundaries and violated a patient's reasonable expectation of privacy when he sent sexually inappropriate Facebook messages and engaged in inappropriate conduct during the performance of nursing duties.

27. 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)(26).

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Violation Three: 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.

28. : Paragraphs 2 through 19 above are incorporated herein.
29. Under Vermont law, an RN must practice competently by conforming to the essential standards of acceptable and prevailing practice.
30. As an RN, Respondent is subject to the standards of acceptable care and prevailing practice, which requires an RN to maintain professional boundaries with patients and refrain from harassing conduct.
31. Paragraphs 2 through 19 above demonstrate that Respondent failed to conform to the essential standards of acceptable and prevailing practice when he sent Facebook messages and engaged in improper conduct during the performance of nursing duties.
32. 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 Four: 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.

33. Paragraphs 2 through 19 above are incorporated herein.
34. Under Vermont law, an RN must exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession.
35. Paragraphs 2 through 19 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 when he sent Facebook messages and engaged in improper conduct during the performance of nursing duties.
36. 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).

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Understandings

37. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
38. 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.
39. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
40. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
41. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
42. 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.
43. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
44. 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 **REPRIMANDS** Respondent's license.
- B. The Board of Nursing hereby **CONDITIONS** Respondent's license commencing with the date of entry of this Stipulation and Consent Order. 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. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
 3. Length of Time of Conditions Imposed. Respondent shall be subject to the conditions for a minimum period of one year and until Respondent has fully completed all conditions as ordered.

STATE OF VERMONT



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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 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 that 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 reinstatement 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 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 (i.e., consistently meeting all standards of nursing practice) and attendance.
6. 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.
7. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
8. 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.

STATE OF VERMONT



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9. 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.

10. Notification to Other States. If 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.

11. 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 below.

12. Required Coursework. Respondent shall, at his own expense and within ninety (90) days of the date of entry of this Stipulation and Consent Order, successfully complete (i.e., receive a passing score, if applicable) six hours of pre-approved Ethics and Boundaries coursework. The coursework must be pre-approved by the Enforcement Case Manager.

Respondent shall submit the certificates of completion, completed assignment book(s) and quiz results, if applicable, to the Enforcement Case Manager. Failure to satisfactorily complete the courses within the prescribed timeframe shall constitute a violation of this Order. The coursework may not be counted toward any continuing education requirement of licensure.

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 these conditions are no longer necessary to protect the public.

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

AGREED TO:

Dated: 4/5/2022

By:

STATE OF VERMONT
SECRETARY OF STATE

DocuSigned by:
Rachel Heath

Rachel Heath
Prosecuting Attorney

Dated: 4/4/2022

By:

RESPONDENT

DocuSigned by:
Timothy Rogers

Timothy Rogers

APPROVED AS TO FORM:

Dated: 4/5/2022

By:

ATTORNEY FOR RESPONDENT

DocuSigned by:
Robert Backus

Robert Backus, Esq.

APPROVED AND SO ORDERED:

Dated: 4/25/2022

By:

VERMONT BOARD OF NURSING

DocuSigned by:
Jennifer Laurent

Chairperson

Date of Entry: 4/26/2022

STATE OF VERMONT



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

IN RE:
TIMOTHY M. ROGERS
License No. 026.0125114

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Docket No. 2021-113

ANSWER TO SPECIFICATION OF CHARGES

Comes now Robert H. Backus, attorney for the Respondent Timothy M. Rogers and makes the following answer to the specification of charges dated November 22, 2021.

- ¶ 1. Admitted.
- ¶ 2. Admitted.
- ¶ 3. Admitted.
- ¶ 4. Neither admitted nor denied. The State is left to its proof.
- ¶ 5. Neither admitted nor denied. The State is left to its proof.
- ¶ 6. Neither admitted nor denied. The State is left to its proof.
- ¶ 7. Neither admitted nor denied. The State is left to its proof.
- ¶ 8. Neither admitted nor denied. The State is left to its proof.
- ¶ 9. Neither admitted nor denied. The State is left to its proof.
- ¶ 10. Neither admitted nor denied. The State is left to its proof.
- ¶ 11. Respondent has not basis for either admitting or denying.
- ¶ 12. Neither admitted nor denied. The State is left to its proof.
- ¶ 13. Neither admitted nor denied. The State is left to its proof.
- ¶ 14. Neither admitted nor denied. The State is left to its proof.
- ¶ 15. Respondent has not basis for either admitting or denying.

- ¶ 16. Admitted.
- ¶ 17. The Respondent did resign after being told he of the investigation; however, the term “immediately” is ambiguous and carries connotations to which the Respondent does not admit.
- ¶ 18. Neither admitted nor denied. The State is left to its proof.
- ¶ 19. Neither admitted nor denied. The State is left to its proof.
- ¶ 20. No response required.
- ¶ 21. No response required.
- ¶ 22. Denied.
- ¶ 23. Denied.
- ¶ 24. No response required.
- ¶ 25. No response required.
- ¶ 26. Denied.
- ¶ 27. Denied.
- ¶ 28. No response required.
- ¶ 29. No response required.
- ¶ 30. No response required.
- ¶ 31. Denied.
- ¶ 32. Denied.
- ¶ 33. No response required.
- ¶ 34. No response required.
- ¶ 35. Denied.
- ¶ 36. Denied.

Respectfully submitted this 7th day of December, 2021 by:

A handwritten signature in black ink, appearing to read "Robert H. Backus". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Backus".

ROBERT H. BACKUS
ATTORNEY FOR THE RESPONDENT
TIMOTHY ROGERS

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

IN RE:)
TIMOTHY M. ROGERS) **Docket No. 2021- 113**
License No. 026.0125114)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against Registered Nurse Timothy M. Rogers:

Board Authority

1. 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 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 ("OPR Rules").

Statement of Facts

2. Timothy M. Rogers ("Respondent") of East Randolph, Vermont is licensed as a Registered Nurse ("RN") under license number 026.0125114. The State of Vermont issued this license on October 31, 2016, and the license expired on March 31, 2021.
3. At all relevant times, Respondent worked as a RN at Central Vermont Medical Center, located in Berlin, Vermont.
4. In May 2019, Respondent cared for a female patient ("Patient") in the medical-surgical unit of the Facility.
5. During the time that Respondent provided care to Patient in May 2019, Respondent sent Facebook messages to Patient using the alias "Tristan Copley."
6. Respondent's Facebook messages to Patient began with, "Your picture is insanely beautiful. . ." (ellipses in original).
7. When Patient responded asking who he was, he replied, "No one you know... Just a person who admires innate beauty. Perhaps I've looked into your beautiful blue eyes, maybe even recently. . Then again perhaps I haven't. Either way you would never know. Have a good night." [sic].

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8. In addition, Respondent messaged Patient stating, "I really enjoy freckled faced blue eyed long lashed girls. So incredibly beautiful.... Pardon my bluntness--- but YOU are one sexy goddamn bitch."
9. Without waiting for a response from Patient, Respondent then sent another message: "Anyway – have a great night and I sincerely hope you feel better soon. [emoji]"
10. The next morning after sending these messages to Patient, Respondent entered Patient's room at the Facility to change her IV dressing and told Patient he had a new nickname for her, "Freckles."
11. Patient was concerned because she had not told anyone apart from her family that she was in the hospital. Therefore, she suspected the person sending her the messages must be a hospital staff member. In conjunction with Respondent calling her "Freckles," Patient suspected Respondent was sending her the messages.
12. Also in the messaging chain, when Patient again asked who he was, Respondent replied, "Lol. Tristan is not my name. I hate Facebook. Lol. Just take the compliment and enjoy it. You don't need to know who I am. Just be happy knowing that someone finds you beautiful. You need no other explanation. Lol. Good night." This message was immediately followed by "Hopefully this one is as good as the last."
13. Without any additional responses from Patient, Respondent's final message was, "Feeling better at all gorgeous?"
14. After Patient received the last message, Respondent immediately entered Patient's room, looked at Patient's phone on the bed and said to her, "stop looking at your phone so much and checking messages," he then walked out of her room without doing anything else. The Patient had not been looking at her phone when Respondent said this to her.
15. On May 16, 2019, Patient made a complaint to the charge nurse that she had received inappropriate messages through Facebook that she believed had come from Respondent.
16. When confronted about the complaint, Respondent initially denied any inappropriate communication with Patient or using Facebook.
17. Upon being advised the Facility was investigating him, Respondent immediately resigned.
18. The day after resigning, Respondent sent the chief nursing officer a text message admitting to messaging Patient from a fake Facebook account.

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19. Months later, Respondent also emailed the clinical nurse manager acknowledging that he had sent the Facebook messages to Patient and lied to cover up his behavior.

Violation One: 26 V.S.A. § 1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

20. The State re-alleges and incorporates Paragraphs 2 through 19 above.
21. Under Vermont law, an RN is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
22. Paragraphs 2 through 19 above demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when he covertly sent Facebook messages and engaged in inappropriate conduct during the performance of nursing duties that caused the Patient to feel uncomfortable.
23. 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 Two: 3 V.S.A. § 129a(a)(26) Sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy.

24. The State re-alleges and incorporates Paragraphs 2 through 19 above.
25. Under Vermont law, an RN is prohibited from sexually harassing or exploiting a patient in a manner that threatens the health, safety, or welfare of patients; failing to maintain professional boundaries; or violating a patient's reasonable expectation of privacy.
26. Paragraphs 2 through 19 above demonstrate that Respondent engaged in sexually harassing a patient, failing to maintain professional boundaries, and violating a patient's reasonable expectation of privacy when he sent sexually inappropriate Facebook messages and engaged in inappropriate conduct during the performance of nursing duties.
27. 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)(26).

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Violation Three: 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.

28. The State re-alleges and incorporates Paragraphs 2 through 19 above.
29. Under Vermont law, an RN must practice competently by conforming to the essential standards of acceptable and prevailing practice.
30. As an RN, Respondent is subject to the standards of acceptable care and prevailing practice, which requires an RN to maintain professional boundaries with patients and refrain from harassing conduct.
31. Paragraphs 2 through 19 above demonstrate that Respondent failed to conform to the essential standards of acceptable and prevailing practice when he sent Facebook messages and engaged in improper conduct during the performance of nursing duties.
32. 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 Four: 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.

33. The State re-alleges and incorporates Paragraphs 2 through 19 above.
34. Under Vermont law, an RN must exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession.
35. Paragraphs 2 through 19 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 when he sent Facebook messages and engaged in improper conduct during the performance of nursing duties.
36. 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).

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Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board revoke, suspend, condition, or otherwise discipline Timothy M. Roger's Registered Nurse License.

DATED at Vermont this 22 day of November 2021.

**STATE OF VERMONT
SECRETARY OF STATE**

By: /s/ Rachel Heath

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