

State of Vermont
Vermont Board of Nursing

In re: Tanya Brink
License Number: 025.0009341
Docket Number: 2021-26

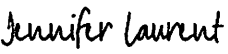
Order to Remove Conditions

On March 11, 2024, the Vermont Board of Nursing considered Tanya Brink's request for Removal of Conditions imposed pursuant to a Stipulation & Consent Order under Docket Number 2021-26. Ms. Brink 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 Tanya Brink's LPN license.

Vermont Board of Nursing

DocuSigned by:

EB1744945719477...
Jennifer Laurent, Chair

Date: March 11, 2024

Date of Entry: 3 / 11 / 24



**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**

March 1, 2024

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

Case: Tanya Brink
Credential: License # 025.0009341
Docket No: 2021-26

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
Tanya Brink, Respondent

Bowen, Julie

2021-26

From: SOS - Docket Clerk
Sent: Wednesday, February 28, 2024 6:31 AM
To: Tanya Brink; SOS - Docket Clerk
Cc: Carolyn McTigue
Subject: RE: Questions re petition

Dear Ms. Brink,

The petition just needs to be something in writing with your request.

If you would like I can use the email you sent me or if you would like to send something with more details that is ok too.

Once you have completed your request you can email it to me.

Thank you.

Julie Bowen

Docket Clerk

Vermont Secretary of State | Office of Professional Regulation

OPR Website: <https://sos.vermont.gov/opr/>

Online Services: <https://sos.vermont.gov/opr/online-services/>



From: Tanya Brink <tbrink@vtgbnh.org>
Sent: Tuesday, February 27, 2024 3:47 PM
To: SOS - Docket Clerk <sos.docketclerk@vermont.gov>
Cc: Carolyn McTigue <cmctigue@vtgbnh.org>
Subject: Questions re petition

You don't often get email from tbrink@vtgbnh.org. [Learn why this is important](#)

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 Tanya Brink and I am requesting information on writing a petition to remove the conditions on my nursing license. I have complied with the stipulations placed on my license but do not know how to write a petition to restore my license to an unencumbered status. Please advise.

Thank you,
Tanya Brink LPN



State of Vermont
Office of the Secretary of State

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

February 17, 2022

Jessica Burke Esq.
Burke Law, P.C.
77 College Street
Burlington, VT 05401

CASE: In Re Tanya Brink
Credential No.: Licensed Practical Nurse / 025.0009341
Docket No.: 2021-26

Dear Attorney Burke:

Enclosed please find a copy of the approved *Stipulation and Consent Order*

For questions about complying with this Order, please contact the Case Manager at 802-828-1635.

Sincerely,

DocuSigned by:

9CDAB598B5C54EE...
S. Lauren Hibbert
Director

Enc: *Stipulation and Consent Order*

cc: Michael Kupersmith, Esq., Hearing Officer
Jennifer Colin, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Jessica Burke Esq., Respondent's Attorney, First Class Mail and Email

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

IN RE:)
Tanya L. Brink) **Docket No. 2021-26**
License No. 025.0009341)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Tanya L. Brink, by and through her counsel Jessica Burke, Esq., 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(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. Tanya L. Brink (“Respondent”) of Lyndonville, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse (“LPN”) under license number 025.0009341. This license was originally issued on September 21, 2007 and expires on January 31, 2022.
3. During the relevant time, Respondent worked as an LPN for VitalCore Health Strategies at Northeast Correctional Complex (“Facility”), a prison located in St. Johnsbury, Vermont.
4. Respondent worked at the Facility approximately eight years, until mid-October 2020.
5. While working as an LPN at the Facility in 2019 and 2020, Respondent had direct contact with a male prisoner, C.S. (“Patient”), at the prison infirmary on numerous occasions and provided him with nursing care.
6. Patient transferred into the Facility on December 17, 2019 and transferred out on March 19, 2020 to Northern State Correctional Facility (“NSCF”) in Newport, Vermont.

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7. Several weeks after arriving at the Facility, Patient requested to add Respondent, who was using an alias, to his list of individuals approved for calling/messaging communications.
8. In Vermont Correctional Facilities, inmates are provided a GTL tablet, which is a handheld electronic tablet that inmates use for messaging, communications and entertainment.
9. Between mid-February and October 2020, Respondent sent 496 messages to Patient and received 166 messages from the Patient through the GTL messaging system.
10. In one message on February 24, 2020, Respondent referenced looking at pictures of Patient and stated, "I miss that smirk, I miss you and just wish you could kiss me, it'd feel like the first time all over again."
11. Prior to Patient's transfer out of the Facility in March 2020, Respondent messaged Patient referencing a visit she had that day with him, stating "amazing visit with a client who is just so sweet" and saying that she looked forward to being in his arms and their future together.
12. Respondent sent Patient photographs of her face.
13. In April 2020, Respondent sent Patient a photograph of her pierced genitalia; however, the system rejected the photograph as undeliverable because it violated Department of Corrections policy regarding nudity.
14. Respondent and Patient communicated about the rejected message and photograph multiple times.
15. Between the time Respondent's alias was approved for communication with the Patient and October 2020, Patient called Respondent over 300 times and over 250 of the calls were answered, with a total cumulative time of the calls being in excess of seventy hours.
16. Respondent's conversations with Patient included sexually explicit discussions about sexual acts and Respondent's desire to engage in sexual acts with Patient.
17. An audit of Patient's sick calls while he was at the Facility revealed that he was seen 25 times for sick calls/requests, and Respondent was the nurse who tended to Patient for 23 of those calls.
18. The Patient made no sick calls/requests between March 19, 2020 and October 2020 once transferred from the Facility to NSCF.

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Violation One: 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.

19. Paragraphs 2 through 18 above are incorporated herein.
20. As an LPN, Respondent is prohibited from sexually exploiting a patient, client or consumer.
21. As an LPN, Respondent must maintain professional boundaries with patients.
22. Paragraphs 2 through 18 demonstrate that Respondent failed to maintain appropriate boundaries with Patient by engaging in romantic, intimate and sexually explicit communications.
23. 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).

Violation Two: 3 V.S.A. §129a(b)(2): Failure to conform to the essential standards of acceptable and prevailing practice.

24. Paragraphs 2 through 18 above are incorporated herein.
25. As an LPN, Respondent must conform to essential standards of acceptable and prevailing practice, which require LPN's to maintain professional boundaries with patients, particularly inmates in a correctional facility.
26. Paragraphs 2 through 18 above demonstrate that Respondent violated the essential standards of acceptable and prevailing practice when she engaged in the conduct described above with Patient.
27. 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)(2).

Violation Three: 3 V.S.A. §129a(b)(1) Performance of unsafe or unacceptable patient or client care.

28. Paragraphs 2 through 18 above are incorporated herein.
29. Vermont law requires LPN's to practice competently by providing safe and acceptable patient care.

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30. Paragraphs 2 through 18 above demonstrate that Respondent failed to provide safe and acceptable patient care by engaging in a romantic relationship with Patient that included intimate and sexually explicit communications.
31. 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).

Understandings

32. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
33. 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.
34. 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.
35. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
36. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
37. 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.
38. 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.
39. 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 LPN license.
- B. The Board of Nursing hereby **CONDITIONS** the Respondent's license for a **MINIMUM OF EIGHTEEN MONTHS (18) MONTHS, commencing on the date of entry of this Order.** The **CONDITIONS** shall be as follows:
 1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."

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2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions as ordered. Respondent shall be subject to the conditions until Respondent completes a **minimum of eighteen (18) months** of supervised LPN practice in which Respondent works at least eighty (80) hours every calendar month as a nurse. Part time hours of fewer than eighty (80) hours every calendar month shall be credited on a prorated basis.
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 below.
4. Required Coursework. Respondent shall, at her 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 online coursework on the subjects of ethics in nursing and maintaining professional boundaries.

For pre-approval, Respondent must submit to the Case Manager the name of each course, the name of the sponsoring organization, and a description of the course content and/or syllabus. Respondent must achieve a passing score on the post-tests for the courses, and submit test results, workbooks completed in full and in a satisfactory manner, and certificates of completion to the Case Manager.

Failure to successfully complete the course as ordered and within the prescribed timeframe shall constitute a violation of this Order. The coursework may not be counted toward any continuing education requirement of licensure.

5. Practice Under Supervision. Respondent shall practice as a nurse only in a setting where Respondent has on-site supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.
6. 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.

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7. Notification to Employers/Nursing School. Respondent shall provide a copy of this Reinstatement 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 Reinstatement 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 Reinstatement 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 Reinstatement Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

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.

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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. To restore her license to an unencumbered status, Respondent shall submit a petition to the Docket Clerk to remove any and all conditions from 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.

- C. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
- D. This Reinstatement 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 Reinstatement Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 2/7/2022

By:

DocuSigned by:
Jennifer Colin
D190D9C5B7A65466...

Jennifer B. Colin
Prosecuting Attorney

RESPONDENT

Dated: 2/7/2022

By:

DocuSigned by:
T Brink
7160C98E99E74BC...

Tanya L Brink

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 2/3/2022

By:

DocuSigned by:
Jessica Burke
6F226A7315C1457...

Jessica L. Burke, Esq.

STATE OF VERMONT



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

APPROVED AND SO ORDERED:

Dated: _____

Date of Entry: 2/17/2022

VERMONT BOARD OF NURSING

By: **Jennifer**
Laurent
Chairperson

Digitally signed by Jennifer
Laurent
Date: 2022.02.17 11:57:54
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