



**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**

October 11, 2022

**Attorney Edward Adrián
Monaghan Safar Ducham PLLC
156 Battery Street
Burlington, VT 05401**

**CASE: In Re Kyra Hinkle
Docket No.: 2022-183**

Dear Attorney Adrian:

Enclosed please find a copy of the approved *Order to Remove Conditions*

For questions about complying with this Order, please contact the Case Manager at 802-828-2875

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "S. Lauren Hibbert".
9CDAB588B5C54EE...
S. Lauren Hibbert
Director

Enc: *Order to Remove Conditions*

**cc: Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Edward Adrian, Esq., Respondent's Attorney, First Class Mail & Email**



State of Vermont
Vermont Board of Nursing

In re: Kyra Hinkle
License Number: 075.0137564
Docket Number: 2022-183

Order to Remove Conditions

On October 10, 2022, the Vermont Board of Nursing considered Kyra Hinkle's request for Removal of Conditions imposed pursuant to a Stipulation & Consent Order under Docket Number 2022-183. Ms. Hinkle has 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 Kyra Hinkle's LNA license.

Vermont Board of Nursing

DocuSigned by:

Jennifer Laurent

EB1741915719477...

Jennifer Laurent, Chair

Date: October 10, 2022

Date of Entry:

10/11/22



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89 Main Street, 3rd Floor
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James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director

September 30, 2022

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

Case: In Re Kyra Hinkle
Credential: 075.0137564
Docket No.: 2022-183

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 Remove Conditions

cc: Kristin Donnelly, Case Manager
Kyra Hinkle, Respondent, First Class Mail, Certified Mail, Email



From: Kyra Hinkle
To: SOS - Docket Clerk
Subject: Petition for my conditions to come off
Date: Wednesday, September 28, 2022 10:39:52 AM

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

My name is kyra Hinkle and my Docket number is 2022-183 and my licence number is 075.0137546. I am sorry for what I did, and realize when it happened that it was completely wrong of me. I have learned from my mistake and it will not happen again. I am doing something that I love doing and I do not want to mess this job up. Again I am sorry for what I did, the course on ethics I took taught me alot more than what I did was wrong. I hope you take my petition into consideration and thank you.



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

August 8, 2022

**Attorney Edward Adrian
Monaghan Safar Ducham PLLC
158 Battery Street
Burlington, VT 05401**

**CASE: Kyra Jean Hinkle
Docket No.: 2022-183**

Dear Attorney Adrian:

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 802-828-2875

Sincerely,

—DocuSigned by:

S. Lauren Hibbert
S. Lauren Hibbert
Director

Enc: *Stipulation and Consent Order*

**cc: Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Edward Adrian, Respondents Attorney, First Class Mail, Email**

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

IN RE:

Kyra Jean Hinkle
License No. 075.0137564

Docket No. 2022-183

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through Prosecuting Attorney Ultan Doyle, and Respondent Kyra Jean Hinkle, by and through her counsel Edward G. Adrian, 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. Kyra Jean Hinkle ("Respondent") of Underhill, Vermont is licensed by the State of Vermont as a Licensed Nursing Assistant ("LNA") under license number 075.0137564. This license was originally issued on July 9, 2021 and expires on November 30, 2022.
3. During the relevant time period, Respondent was employed as an LNA at the University of Vermont Medical Center (the "Facility").
4. At the time of Respondent's employment, the Facility had a COVID-19 Vaccine Policy requiring unvaccinated employees, which included Respondent, to submit to weekly COVID-19 testing.
5. On October 12, 2021, the Facility sent Respondent a Letter of Understanding advising her that she had not completed COVID testing for the week beginning October 4, 2021.
6. On October 26, 2021, the Facility sent Respondent a Final Written Warning advising her that she had not completed testing for the week beginning October 18, 2021.

STATE OF VERMONT



Prosecuting Attorney
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7. On December 3, 2021, the Facility sent Respondent a letter stating that her employment was being immediately terminated for failure to submit to COVID testing for the weeks beginning November 15 and November 22, 2021. The letter also stated that the Facility had concerns that Respondent may have submitted false testing documentation from the Department of Health.
8. The previous day, S.R., a nurse manager at the Facility, had shared with Respondent the Facility's concern that she may have falsified her COVID test results from the Department of Health. Respondent denied that she had falsified the results and said she had been getting tested.
9. Respondent subsequently disclosed to an OPR investigator that she had in fact falsified her test results two or three times because of the logistics involved in getting tested outside of work.

Violation One: 3 V.S.A. §129a(a)(7) Willfully making or filling false reports or records in the practice of the profession, willfully impeding or obstructing the proper making or filing of reports or records, or willfully failing to file the proper reports or records.

10. Paragraphs 2 through 9 above are incorporated herein.
11. As an LNA, Respondent is required to make and file accurate reports and records in the practice of the profession and must refrain from willfully making or filing false reports or records and from willfully impeding or obstructing the proper making or filing of reports or records.
12. Paragraphs 2 through 9 demonstrate that Respondent willfully made and filed false reports and records in the practice of the profession when, in conjunction with her employment as an LNA, she submitted to the Facility COVID-19 test results that she had falsified.
13. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by willfully making and filing false reports in the practice of the profession and willfully impeding or obstructing the proper making or filing of reports or records in violation of 3 V.S.A. §129a(a)(7).

Violation Two: 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 obligations of the profession.

14. Paragraphs 2 through 9 above are incorporated herein.
15. As an LNA, Respondent is required to exercise her own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

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16. Paragraphs 2 through 9 demonstrate that Respondent failed to exercise independent professional judgment when, in conjunction with her employment as an LNA, she submitted to the Facility COVID-19 test results that she had falsified.
17. 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).

Understandings

1. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
2. Respondent understands that the Nursing Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
3. 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.
4. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
5. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
6. 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.
7. Respondent voluntarily waives the right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
8. Respondent agrees that the Order set forth below may be entered by the Board, will be a binding Order upon Respondent, and will be made public.
9. Respondent understands that Respondent is responsible for all compliance costs associated with this Stipulation and Consent Order and any violation of this Order may result in additional disciplinary action.

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:

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. **Required Coursework.** Respondent shall, at her own expense and within ninety (90) days of the date of entry of this Stipulation and Consent Order, satisfactorily complete the following pre-approved courses:
 - i. Ethics of Nursing Practice (offered by NCSBN).

*Respondent must provide satisfactorily completed workbooks and certificates of completion to the Case Manager.

**Coursework may not be counted toward any continuing education requirement of licensure.

- C. Upon compliance with and completion of all required conditions, Respondent must petition to remove any or all conditions from the license and demonstrate full compliance with the Order.
- D. Notwithstanding any provision above, Respondent must continue to meet all requirements to maintain licensure, for license renewal, and for license reinstatement.
- E. 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).
- F. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be considered relative to any future disciplinary matter.

AGREED TO:

STATE OF VERMONT



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

STATE OF VERMONT
SECRETARY OF STATE

Dated: 8/4/22

By: Ultan Doyle
Ultan Doyle, Esq.
State Prosecuting Attorney

KYRA JEAN HINKLE
RESPONDENT

Dated: _____

By: 
Kyra Jean Hinkle

APPROVED AS TO FORM:

MONAGHAN SAFAR DUCHAM PLLC
ATTORNEY FOR RESPONDENT

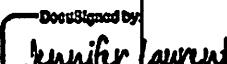
Dated: 08/04/2022

By: 
Edward G. Adrian, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 8/8/2022

By: 
Jennifer Laurent
Chairperson

Date of Entry: 8-9-2022

STATE OF VERMONT



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

July 20, 2022

Kyra Jean Hinkle
199 Village Drive
Colchester, VT 05439

CASE: In Re Kyra Jean Hinkle
Credential: License # 075.0137564
Docket No.: 2022-183

NOTICE OF SPECIFICATION OF CHARGES

The State Prosecuting Attorney has filed the enclosed *Specification of Charges* and has asked the Office of Professional Regulation to take disciplinary action against your license.

You or your attorney must file a written Answer to the charges **within 20 days** of the date of this notice. Enclosed is an Answer form as a suggested format for your response to the charges. Return your Answer to the Docket Clerk and Prosecuting Attorney at the addresses listed on the Answer form. Once your Answer has been received, a hearing will be scheduled.

If you fail to answer the charges **within 20 days**, disciplinary action may be taken against your license by default and without your input. The *Administrative Rules for the Office of Professional Regulation* are available online at <https://sos.vermont.gov/opr/>.

If you have an attorney who has filed a Notice of Appearance with this office, we will continue to send copies of all correspondence to both you and your attorney unless directed otherwise.

Sincerely,

/s/Julie Bowen
Docket Clerk

Enclosures: *Specification of Charges and Answer Form*

cc:

Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Erin Viera, Licensing Administrator
Kyra Jean Hinkle, Respondent, First Class Mail, Certified Mail & Email



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

IN RE:)
Kyra Jean Hinkle) Docket No. 2022-183
License No. 075.0137564)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Kyra Jean Hinkle:

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.

Statement of Facts

2. Kyra Jean Hinkle (“Respondent”) of Underhill, Vermont is licensed by the State of Vermont as a Licensed Nursing Assistant (“LNA”) under license number 075.0137564. This license was originally issued on July 9, 2021 and expires on November 30, 2022.
3. During the relevant time period, Respondent was employed as an LNA at the University of Vermont Medical Center (the “Facility”).
4. At the time of Respondent’s employment, the Facility had a COVID-19 Vaccine Policy requiring unvaccinated employees, which included Respondent, to submit to weekly COVID-19 testing.
5. On October 12, 2021, the Facility sent Respondent a Letter of Understanding advising her that she had not completed COVID testing for the week beginning October 4, 2021.
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7. On December 3, 2021, the Facility sent Respondent a letter stating that her employment was being immediately terminated for failure to submit to COVID testing for the weeks beginning November 15 and November 22, 2021. The letter also stated that the Facility had concerns that Respondent may have submitted false testing documentation from the Department of Health.
8. The previous day, S.R., a nurse manager at the Facility, had shared with Respondent the Facility's concern that she may have falsified her COVID test results from the Department of Health. Respondent denied that she had falsified the results and said she had been getting tested.
9. Respondent subsequently disclosed to an OPR investigator that she had in fact falsified her test results two or three times because of the logistics involved in getting tested outside of work.

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

10. The State re-alleges and incorporates Paragraphs 2 through 9 above.
11. As an LNA, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
12. Paragraphs 2 through 9 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public by submitting to the Facility COVID-19 test results that she had falsified.
13. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. §1582(a)(3).

Violation Two: 3 V.S.A. §129a(a)(7) Willfully making or filing false reports or records in the practice of the profession, willfully impeding or obstructing the proper making or filing of reports or records, or willfully failing to file the proper reports or records.

14. The State re-alleges and incorporates Paragraphs 2 through 9 above.
15. As an LNA, Respondent is required to make and file accurate reports and records in the practice of the profession and must refrain from willfully making or filing false reports or records and from willfully impeding or obstructing the proper making or filing of reports or records.
16. Paragraphs 2 through 9 demonstrate that Respondent willfully made and filed false reports and records in the practice of the profession when, in conjunction with her employment as an LNA, she submitted to the Facility COVID-19 test results that she had falsified.

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17. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by willfully making and filing false reports in the practice of the profession and willfully impeding or obstructing the proper making or filing of reports or records in violation of 3 V.S.A. §129a(a)(7).

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 obligations of the profession.

18. The State re-alleges and incorporates Paragraphs 2 through 9 above.

19. As an LNA, Respondent is required to exercise her own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

20. Paragraphs 2 through 9 demonstrate that Respondent failed to exercise independent professional judgment when, in conjunction with her employment as an LNA, she submitted to the Facility COVID-19 test results that she had falsified.

21. 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).

Relief Requested

WHEREFORE, the LNA license of Respondent should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 19th day of July, 2022.

STATE OF VERMONT
SECRETARY OF STATE

By:

Ultan Doyle
Ultan Doyle
Prosecuting Attorney
(802)828-1217
ultan.doyle@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
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89 Main Street
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