



**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**

February 15, 2023

Attorney Kaveh Shahi
110 Merchants Row, Ste 3
Rutland, VT 05701

CASE: In Re: Sonya Sue
Docket No.: 2022-215

Dear Attorney Shahi:

Enclosed please find a copy of the *Notice of Dismissal* that was issued by the prosecuting attorney in the above-referenced case. Subsequently the hearing that was scheduled for March 13, 2023 has been cancelled.

If you have any questions, please do not hesitate to contact the office.

Sincerely,

DocuSigned by:

74418E28DA26447...
Agatha Kessler
Deputy Director

Enclosure: *Notice of Dismissal*

cc:

Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Michele Lavoie, Licensing Administrator

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

IN RE:
Sonia Sue

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Docket No. 2022-215

NOTICE OF DISMISSAL

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Ultan Doyle and hereby dismisses the Specification of Charges filed in the above-captioned case.

DATED at Montpelier, Vermont this 15th day of February, 2023.

STATE OF VERMONT
SECRETARY OF STATE

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

Cc: Kaveh Shahi, Esq. (via email)

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**STATE OF VERMONT
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BOARD OF NURSING**

IN RE:)
Sonia Sue) **Docket No. 2022-215**
)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Sonia Sue:

Board Authority

1. The Vermont State Board of Nursing (the “Board”) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct pursuant to 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”).

Statement of Facts

2. Sonia Sue (“Respondent”) of New Britain, Connecticut, is currently licensed by the State of Connecticut as a Licensed Practical Nurse (“LPN”) under license number 35873. This license was originally issued on January 6, 2011, and expires on June 30, 2023.
3. Respondent is also currently licensed by the State of New York as a Licensed Practical Nurse (“LPN”) under license number 305930. This license was originally issued on June 6, 2011, and expires on May 31, 2025.
4. Respondent’s Connecticut and New York LPN licenses are in good standing.
5. Respondent has not been granted a formal LPN license by the State of Vermont.
6. Act 6 and Act 91, emergency legislation passed in Vermont to provide health care regulatory flexibility during and after the COVID-19 pandemic, extended to out-of-state licensed health care workers, such as Respondent, the privilege to practice their licensed professions in the State of Vermont without formal licenses issued by OPR. This law was in effect until March 31, 2022.
7. In 2021, Respondent was hired by Preferred Professional Services to work in Vermont as an LPN pursuant to Act 6.

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8. During the relevant time period, Respondent was assigned by Preferred Professional Solutions to work at the Pines at Rutland Center for Nursing and Rehabilitation in Rutland, Vermont (“the Facility”).
9. On May 17, 2021, Respondent was charged, along with two LNAs, T.H. and N.B., with assisting Patient A.M. (the Patient) with showering. The patient suffered from dementia and had a history of falls.
10. The Patient was placed in a chair for the showering. The chair did not have a seatbelt to prevent patients from falling out of it as it should have had.
11. During the showering, the Patient attempted to stand up and starting yelling.
12. Rather than discontinuing the shower, Respondent asked T.H. to get a sheet. Respondent then tied the sheet to the arms of the chair in front of the Patient’s midsection to prevent him from falling.
13. Restraining the Patient in this manner was not provided for in his care plan.
14. On May 27, 2021, Respondent took the Patient from his wheelchair and placed him on the floor after he attempted to stand without assistance.
15. On May 28, 2021, Respondent again took the Patient from his wheelchair and placed him on the floor after he attempted to stand without assistance. This time Respondent put the Patient on the floor in a communal area in front of the elevator where he could be seen by other patients.
16. Placing the Patient on the floor in this manner was not provided for in his care plan.
17. Following an investigation into the aforementioned incidents, Respondent’s work assignment at the Facility was terminated.
18. On August 5, 2022, in an interview with an OPR investigator, Respondent denied that she restrained the Patient. Respondent said that she had tied a sheet to the chair that she was using to shower the Patient because the chair did not have a “seatbelt” as it should have.
19. Respondent admitted to placing the Patient on the floor but said she did so to prevent him from getting hurt.

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. As an LPN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.

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22. Paragraphs 2 through 19 above demonstrate that Respondent engaged in conduct of a character likely to harm the public when she restrained the Patient by tying a sheet around the chair that was being used to shower him and placing him on the floor on two separate occasions.
23. 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(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.

24. The State re-alleges and incorporates Paragraphs 2 through 19 above.
25. Vermont law requires LPNs to practice competently by providing safe and acceptable patient care.
26. Paragraphs 2 through 19 above demonstrate that Respondent failed to provide safe and acceptable patient care when she restrained the Patient by tying a sheet around the chair that was being used to shower him and placing him on the floor on two separate occasions.
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)(1).

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. The essential standards of acceptable and prevailing practice require that an LPN treat patients in a professional manner and refrain from compromising their dignity.
30. Paragraphs 2 through 19 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when she restrained the Patient by tying a sheet around the chair that was being used to shower him and placing him on the floor on two separate occasions.
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)(2).

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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 obligations of the profession.

32. The State re-alleges and incorporates Paragraphs 2 through 19 above.
33. As an LPN, 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.
34. Paragraphs 2 through 19 above demonstrate that Respondent failed to exercise independent professional judgment that was necessary to avoid action repugnant to the obligations of the profession when she restrained the Patient by tying a sheet around the chair that was being used to shower him and placing him on the floor on two separate occasions.
35. 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 State of Vermont respectfully requests that the Board warn, reprimand, suspend, revoke, limit, condition, or otherwise discipline Respondent's Licensed Practical Nurse license.

DATED at Montpelier, Vermont this 30th day of September, 2022.

STATE OF VERMONT
SECRETARY OF STATE

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