

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

IN RE:)
FELISHA BUTTERFIELD) **Docket No. 2022- 221**
License No. 075.0128982)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Rachel Heath, and the Respondent Felisha Butterfield who stipulate and agree as follows:

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 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 ("OPR Rules").

Statement of Facts

2. Felisha Butterfield ("Respondent") of Randolph, Vermont is licensed as a Licensed Nursing Assistant ("LNA") under license number 075.0128982. The State of Vermont first issued this license on April 17, 2017, and the license expires on November 30, 2022.
3. At all relevant times, Respondent worked as an LNA for BAYADA Home Health Care (the "Facility"). Respondent worked for the Facility for approximately one year.
4. Through her work with the Facility, Respondent provided home health care services to M.B., an elderly man with Alzheimer's ("Patient").
5. On September 16, 2021, Patient's daughter asked Respondent to go grocery shopping for Patient.
6. Respondent did so. However, at the store, Respondent withdrew \$20 of cashback, which she never gave to Patient or his daughter.

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7. The receipt that Respondent gave to Patient and his daughter was perfectly torn off in a straight line where the cashback would have been reflected.
8. Initially, Respondent denied to the Facility that she had withdrawn the \$20 cashback, but revised her story when questioned.
9. When asked why the receipt was perfectly torn off where the cashback transaction would have been reflected, she stated the receipt must have gotten wet in her cup holder and the bottom fell off.
10. On that same day, Respondent used Patient's credit card to make three additional unauthorized purchases on her personal laptop.
11. The transactions were made on the following websites: Ipsy Glam Bag for \$26.50, Pretty Litter for \$18.66, and Google for \$1.00.

Violation One: 26 V.S.A. § 1582(a)(12) Abusing or neglecting a patient or misappropriating patient property.

12. Paragraphs 2 through 11 above are incorporated herein.
13. Under Vermont law, an LNA may not misappropriate patient property.
14. Paragraphs 2 through 11 above demonstrate that Respondent misappropriated patient property when she used a patient's credit card for unauthorized purposes.
15. 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)(12).

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

16. Paragraphs 2 through 11 above are incorporated herein.
17. Under Vermont law, an LNA is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
18. Paragraphs 2 through 11 above demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when she used a patient's credit card for unauthorized purposes, and then failed to provide accurate information about what occurred.
19. 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).

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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.

20. Paragraphs 2 through 11 above are incorporated herein.
21. Under Vermont law, an LNA must exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession.
22. Paragraphs 2 through 11 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 she used a patient's credit card for unauthorized purposes and then failed to provide accurate information about what occurred.
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)(15).

Understandings

24. This Stipulation is neither an admission of facts by Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and the expense of protracted litigation, the parties enter this full and final Stipulation pursuant to these Understandings and the Order below. Respondent does not contest that the State has evidence which, if believed by the fact finder, may establish by a preponderance of the evidence that he engaged in the alleged misconduct.
25. 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.
26. 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.
27. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
28. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

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29. 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.
30. 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.
31. 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 **INDEFINITELY SUSPENDS** Respondent's license. Respondent must petition the Board for reinstatement.
 1. Indefinite Suspension. Respondent must petition for reinstatement. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost:
 - a. Successfully complete (i.e., receive a passing score, if applicable) eight hours of pre-approved Ethics and Boundaries coursework. The coursework must be pre-approved by the Enforcement Case Manager.
 - b. Respondent shall submit the certificates of completion, completed assignment book(s) and quiz results, if applicable, to the Enforcement Case Manager. The coursework may not be counted toward any continuing education requirement of licensure.
- B. If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to the following terms and whatever additional terms the Board finds as reasonable at the time of Respondent's reinstatement request:
 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.
 4. Notification to Employers/Nursing School. Respondent shall provide a copy of this Stipulation and Consent Order along with the subsequent order reinstating Respondent's license to all employers in any setting in which Respondent practices as an LNA and inform them of Respondent's conditional

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license status. Within ten (10) days of the date of reinstatement and 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 and the subsequent order reinstating Respondent's license 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 Orders and the ability of the program to comply with the conditions in the Orders 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.
9. Notification to Other States. If Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the conditional

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status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.

10. 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 in this Order.

11. Costs. Respondent shall bear all costs of complying with this Consent Order.

12. 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.

13. 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.

- 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:

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STATE OF VERMONT
SECRETARY OF STATE

Dated: 2/28/2023

By: .

DocuSigned by:
Rachel Heath
FCA249D7D292A2B

Rachel Heath
Prosecuting Attorney

RESPONDENT

Dated: 2/28/2023

By:

DocuSigned by:
Felisha Butterfield
AC0572806000548A
Felisha Butterfield

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3/13/23

By:

DocuSigned by:
Jennifer Laurent
E017441015710477...
Chairperson

Date of Entry: 3/14/23

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IN RE:)
FELISHA BUTTERFIELD) **Docket No. 2022-**
License No. 075.0128982)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against
Licensed Nursing Assistant Felisha Butterfield:

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 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 ("OPR Rules").

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4. Through her work with the Facility, Respondent provided home health care services to M.B., an elderly man with Alzheimer's ("Patient").
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6. Respondent did so. However, at the store, Respondent withdrew \$20 of cashback, which she never gave to Patient or his daughter.
7. The receipt that Respondent gave to Patient and his daughter was perfectly torn off in a straight line where the cashback would have been reflected.
8. Initially, Respondent denied to the Facility that she had withdrawn the \$20 cashback, but revised her story when questioned.

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9. When asked why the receipt was perfectly torn off where the cashback transaction would have been reflected, she stated the receipt must have gotten wet in her cup holder and the bottom fell off.
10. On that same day, Respondent used Patient's credit card to make three additional unauthorized purchases on her personal laptop.
11. The transactions were made on the following websites: Ipsy Glam Bag for \$26.50, Pretty Litter for \$18.66, and Google for \$1.00.

Violation One: 26 V.S.A. § 1582(a)(12) Abusing or neglecting a patient or misappropriating patient property.

12. The State re-alleges and incorporates Paragraphs 2 through 11 above.
13. Under Vermont law, an LNA may not misappropriate patient property.
14. Paragraphs 2 through 11 above demonstrate that Respondent misappropriated patient property when she used a patient's credit card for unauthorized purposes.
15. 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)(12).

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17. Under Vermont law, an LNA is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
18. Paragraphs 2 through 11 above demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when she used a patient's credit card for unauthorized purposes, and then failed provide accurate information about what occurred.
19. 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 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.

20. The State re-alleges and incorporates Paragraphs 2 through 11 above.

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21. Under Vermont law, an LNA must exercise independent professional judgment in the performance of licensed activities when such judgment is necessary to avoid action repugnant to the profession.
22. Paragraphs 2 through 11 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 she used a patient's credit card for unauthorized purposes and then failed to provide accurate information about what occurred.
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)(15).

Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board warn, reprimand, suspend, revoke, limit, condition, or otherwise discipline Felisha Butterfield's Licensed Nursing Assistant license.

DATED at Vermont this 13th day of October 2022.

STATE OF VERMONT
SECRETARY OF STATE

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

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