



**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

June 14, 2022

Kathryn VanRavenstein
6449 Farm House Road
Ravenel, So. Carolina, 29470

CASE: In Re Kathryn VanRavenstein
Docket No.: 2022-69 & 2022-70

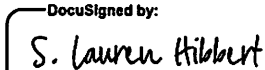
Dear Ms. VanRavenstein:

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:


8CDAB598B5C54EE...
S. Lauren Hibbert
Director

Enc: *Stipulation and Consent Order*

cc: Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Kathryn VanRavenstein Respondent, Email, First Class Mail, Certified Mail

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

IN RE:	)	
Kathryn VanRavenstein	)	Docket Nos. 2022-69
License No. 101.0133239	)	2022-70
License No. 026.0133209	)	

STIPULATED VOLUNTARY SURRENDER OF LICENSE AND ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Ultan Doyle, and Respondent Kathryn VanRavenstein, by and through her counsel I. Keith McCarty, 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; 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. Kathryn VanRavenstein ("Respondent") of Ravenel, South Carolina is licensed by the State of Vermont as an Advanced Practice Registered Nurse ("APRN") under license number 101.0133239. This license was originally issued on September 15, 2017 and expires on March 31, 2023.
3. Respondent is also licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0133209. This license was originally issued on August 28, 2017 and expires on March 31, 2023.
4. On September 30, 2020, Respondent was charged in the District Court of the United States for the District of South Carolina, Columbia Division (the Court), with Conspiracy to Defraud the United States, a felony, in violation of Title 18, U.S.C. § 371, 18 U.S.C. § 1347, 42 U.S.C. § 1320a-7b(b).
5. The criminal information, for the manner and means of carrying out the conspiracy, alleged the following:

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- a. Respondent was contracted with a telemedicine company, which in turn was contracted with a marketing company that provided to durable medical equipment companies signed prescriptions for Medicare beneficiaries;
 - b. The telemedicine company was provided information of a Medicare beneficiary who had been contacted by the marketing company regarding a product, or who had filled out a screening form;
 - c. Respondent was provided answered intake clinical summaries from the telemedicine company;
 - d. Respondent often signed prescriptions of Medicare beneficiaries with whom Respondent did not have a patient/healthcare relationship, and often signed prescriptions without ever speaking to, examining, or following up with the patients; and
 - e. The prescriptions were used to bill Medicare for items without medical determinations of necessity, solely based upon what an intake screener entered onto a form.
6. The information also alleged that the overt act in further of the conspiracy was as follows:
 - a. On October 12, 2018, Respondent, who was licensed as a medical professional by the State of South Carolina, signed a prescription for a lumbar sacral orthosis for a Medicare beneficiary, P.R.;
 - b. Respondent based her prescription primarily on information P.R. relayed to non-medical personnel during a screening process;
 - c. Respondent never personally examined P.R., not did she have any prior patient/healthcare professional relationship with P.R.;
 - d. On or about October 2018, the Defendant was paid for signing the prescription for the lumbar sacral orthosis by the telemedicine company;
 - e. On or about October 22, 2018, a durable medical equipment company, billed Medicare \$1,546 for the lumbar sacral orthosis for P.R.; and
 - f. At no point after signing the prescription did the Defendant follow-up; or otherwise have any direct or indirect contact with P.R..
7. On October 6, 2020, a written plea agreement, previously signed by Respondent on Respondent on September 24, 2020, was filed with the Court whereby Respondent agreed to plead guilty to the felony charge of Conspiracy to Defraud the United States, in violation of Title 18, U.S.C. § 371.
8. On November 16, 2020, an amended plea agreement was filed with the Court and Respondent plead guilty pursuant to the terms of that agreement.
9. The amended agreement deleted a paragraph related to Respondent's cooperation, but otherwise remained the same.
10. On January 11, 2022, a second amended information was filed to remove references to 18 U.S.C. §§ 287 & 1347 and to add the value of the benefit obtained as a result of the charged conspiracy.

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11. On April 26, 2022, Respondent was sentenced to five years of probation and ordered to pay restitution in the amount of \$46,250.00.

12. Vermont law provides in 3 V.S.A. §129(1):
Unless a disciplinary order expressly provides to the contrary, discipline against any license or credential issued by a regulatory body attached to the Office to an individual or entity shall be applicable as a matter of law to all other licenses issued to that licensee by that regulatory body.

Violation One: 3 V.S.A. §129a(a)(10) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.

13. The State re-alleges and incorporates Paragraphs 2 through 12 above.

14. Vermont law provides that conviction of a crime related to the practice of the profession or conviction of a felony shall constitute unprofessional conduct.

15. Paragraphs 2 through 12 above demonstrate that Respondent was convicted of a felony, which was related to the practice of her profession.

16. 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 3 V.S.A. §129a(a)(10).

Violation Two: 26 V.S.A. §1615(6) Providing, prescribing, dispensing, or furnishing medical services or prescription medication or prescription-only devices to a person in response to any communication transmitted or received by computer or other electronic means when the licensee fails to take the following actions to establish and maintain a proper provider-patient relationship:

(A) a reasonable effort to verify that the person requesting medication is in fact the patient and is in fact who the person claims to be;

(B) establishment of documented diagnosis through the use of accepted medical practices; and

(C) maintenance of a current medical record.

17. The State re-alleges and incorporates Paragraphs 2 through 12 above.

18. As a licensed APRN, Respondent was required to verify the identity of anyone for whom she wrote a prescription and establish a documented diagnosis through the use of accepted medical practices.

19. Paragraphs 2 through 12 above demonstrate that Respondent failed to verify the identity of a patient for whom she wrote a prescription and establish a documented diagnosis through the use of accepted medical practices, when she wrote the

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prescription for that patient based on information primarily provided by non-medical personnel; failed to personally examine that patient, with whom she had no patient/healthcare professional relationship; and failed to follow up or otherwise have any contact with that patient.

20. 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 26 V.S.A. §1615(6).

Violation Three: 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.

21. The State re-alleges and incorporates Paragraphs 2 through 12 above.
22. Vermont law requires APRNs to practice competently by providing safe and acceptable patient care.
23. Paragraphs 2 through 12 above demonstrate that Respondent failed to provide safe and acceptable patient care when she wrote a prescription for a patient based on information primarily provided by non-medical personnel; failed to personally examine that patient, with whom she had no patient/healthcare professional relationship; and failed to follow up or otherwise have any contact with that patient.
24. 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 Four: 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.

25. The State re-alleges and incorporates Paragraphs 2 through 12 above.
26. The essential standards of acceptable and prevailing practice require that APRNs treat patients in a professional manner and conform to the essential standards of acceptable and prevailing practice.
27. Paragraphs 2 through 12 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when she wrote a prescription for a patient based on information primarily provided by non-medical personnel; failed to personally examine that patient, with whom she had no

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patient/healthcare professional relationship; and failed to follow up or otherwise have any contact with that patient.

28. 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 Five: 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.

29. The State re-alleges and incorporates Paragraphs 2 through 12 above.
30. Vermont law requires APRNs to exercise their 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.
31. Paragraphs 2 through 12 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 wrote a prescription for a patient based on information primarily provided by non-medical personnel; failed to personally examine that patient, with whom she had no patient/healthcare professional relationship; and failed to follow up or otherwise have any contact with that patient.
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(a)(15).

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

33. The State re-alleges and incorporates Paragraphs 2 through 12 above.
34. As an APRN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
35. Paragraphs 2 through 12 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when she wrote a prescription for a patient based on information primarily provided by non-medical personnel; failed to personally examine that patient, with whom she had no patient/healthcare professional relationship; and failed to follow up or otherwise have any contact with that patient.
36. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a

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character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. §1582(a)(3).

Understandings

1. Respondent admits that the facts above are true and desires to voluntarily surrender her APRN and RN licenses. The Parties reach a full and final Stipulation pursuant to these Understandings, the Acceptance of Voluntary Surrender, and Order below.
2. Respondent understands that the Board must review and accept the terms of the Stipulated Voluntary Surrender of License. If the Board rejects any portion, the entire Stipulated Voluntary Surrender of License 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 his right to a fair and impartial hearing in the future 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 Stipulated Voluntary Surrender of License.
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 Stipulated Voluntary Surrender of License.
7. Respondent voluntarily waives her right to a contested hearing before the Board and waives any right to appeal from this Stipulated Voluntary Surrender of License.
8. Respondent agrees that the Acceptance of Voluntary Surrender and Order set forth below may be entered by the Board.

ACCEPTANCE OF VOLUNTARY SURRENDER AND ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her APRN and RN licenses.
- B. Any future application for licensure shall be subject to the licensing requirements of that particular profession. If a future application for licensure in the State of Vermont is approved, that license shall be **CONDITIONED** pursuant to whatever terms are found to be reasonable at the time of Respondent's application for licensure, taking into account the stipulated facts above.

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- C. 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).
- D. 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: June 6, 2022

STATE OF VERMONT
SECRETARY OF STATE

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

KATHRYN VANRAVENSTEIN
RESPONDENT

Dated: 6/1/2022

By: K. VanRavenstein
Kathryn VanRavenstein

APPROVED AS TO FORM:

MCCARTY LAW FIRM, PC
ATTORNEY FOR RESPONDENT

Dated: 6/1/2022

By: I. Keith McCarty
I. Keith McCarty, Esq.

APPROVED AND SO ORDERED:

Dated: 6/13/2022

VERMONT BOARD OF NURSING

By: Jennifer Laurent
Chairperson

Date of Entry: 6/14/2022

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