



**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**

September 13, 2022

Attorney Mark Oettinger
126 College Street
Burlington, VT 05401

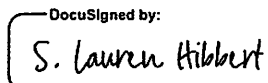
CASE: In Re Keressa McClain
Docket No: 2022-8

Dear Attorney Oettinger:

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:

9CDAB598B5C54EE...
S. Lauren Hibbert
Director

Enc: *Order to Remove Conditions*

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

State of Vermont
Vermont Board of Nursing

In re: Keressa McClain
License Number: 025.0135157
Docket Number: 2022-8

Order to Remove Conditions

On September 12, 2022, the Vermont Board of Nursing considered Keressa McClain's request for Removal of Conditions imposed pursuant to a Stipulation & Consent Order under Docket Number 2022-8. Ms. McClain 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 Keressa McClain's LPN license.

Vermont Board of Nursing

DocuSigned by:
Jennifer Laurent
FR1741915719477
Jennifer Laurent, Chair

Date: September 12, 2022

Date of Entry: 9 / 13 / 22



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September 1, 2022

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

**Case: In Re Keressa McClain
Credential: 025.0135157
Docket No.: 2022-8**

Dear Attorney Collin:

Please find the enclosed Request for Removal of 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 for Removal of Conditions*

**cc: Kristin Donnelly, Case Manager
Keressa McClain, Respondent, First Class Mail, Certified Mail, Email**

DocuSign Envelope ID: 3F55564A-1BBF-4F0D-B839-60D50B13CB08

From: Keressa McClain
To: SOS - Docket Clerk
Subject: Case: 2022-8
Date: Thursday, September 1, 2022 6:23:04 PM

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

Case: 2022-8
License: 025.0135157

I would like to petition the Board of Nursing of Vermont to remove the conditions on my nursing license as I have complied with the stipulations of my case. Ms. Kristin Donnelly, my caseworker, has looked over the classes that I have completed and has advised me to send this email. Thank you.

Keressa McClain

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

IN RE:)
Keressa McClain) **Docket No. 2022-8**
License No. 025.0135157)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against Respondent Keressa McClain:

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”).

Statement of Facts

2. Keressa McClain (“Respondent”) of Jonesboro, Arkansas is licensed by the State of Vermont as a Licensed Practical Nurse (“LPN”) under license number 025.0135157. This license was originally issued on June 9, 2020 and expired on January 31, 2022.
3. During the relevant time, Respondent was employed as a traveling nurse by Medical Solutions, a nursing agency located in Omaha, Nebraska.
4. During the relevant time, Respondent was contracted by Medical Solutions to work at the Pines at Rutland Center for Nursing and Rehabilitation, located in Rutland, Vermont (“the Facility”).
5. On the evening of August 20, 2020, at approximately 10:45 pm, a patient (“the Patient”) at the Facility, who had had a fall earlier in the day, was seated in a wheelchair near the nurses’ station.
6. When the Patient started to get up and walk, Respondent told him to wait and tried to prevent the patient from standing up by grabbing his arms and holding his feet together.
7. The Patient became agitated and started to yell at Respondent.

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8. Respondent responded by telling the Patient, that if he did not stop, she would send him to the nut house.
9. At that point, other staff members intervened and escorted the patient back to his room.
10. On August 26, 2020, after an internal investigation, the Facility terminated Respondent's contact, reported the incident to Medical Solutions, and added her name to a list of nurses to whom the Facility would no longer offer contracts.

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

11. The State re-alleges and incorporates Paragraphs 2 through 10 above.
12. As an LPN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
13. Paragraphs 2 through 10 above demonstrate that Respondent engaged in conduct of a character likely to harm the public when she told the Patient that if he did not stop what he was doing, she would send him to the nut house.
14. 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.

15. The State re-alleges and incorporates Paragraphs 2 through 10 above.
16. Vermont law requires LPNs to practice competently by providing safe and acceptable patient care.
17. Paragraphs 2 through 10 above demonstrate that Respondent failed to provide safe and acceptable patient care when she told the Patient that if he did not stop what he was doing, she would send him to the nut house.
18. 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).

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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.

19. The State re-alleges and incorporates Paragraphs 2 through 10 above.
20. The essential standards of acceptable and prevailing practice require that an LPN treat patients in a professional manner and refrain from verbally abusing them.
21. Paragraphs 2 through 10 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when she told the Patient that if he did not stop what he was doing, she would send him to the nut house.
22. 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 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.

23. The State re-alleges and incorporates Paragraphs 2 through 10 above.
24. 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.
25. Paragraphs 2 through 10 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 told the Patient that if he did not stop what he was doing, she would send him to the nut house.
26. 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).

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Relief Requested

WHEREFORE, Respondent's LPN license should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED this 10th day of February, 2022.

STATE OF VERMONT
SECRETARY OF STATE

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

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