

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

IN RE: Erin Roy) **Docket No. 2023-135**
License No. 026.0033351)
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STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney George Hasselback, and Respondent Erin Roy, by and through Attorney Adam Pignatelli, who hereby 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").

Stipulated Facts

2. Respondent of Old Town, Maine was licensed by the State of Vermont as licensed Registered Nurse ("RN") under license number 026.0033351. This license was originally issued on June 26, 2006, and expired on March 31, 2023.
3. At all times relevant to this matter, Respondent was employed as a travelling nurse and assigned to care for patients in their homes as part of home health and/or hospice care.
4. During this employment, Respondent cared for a patient identified by the initials "L.M.".
5. On several occasions Respondent visited L.M. at L.M.'s home as she was assigned to provide wound care for L.M.
6. Following these visits, Respondent was supposed to enter accurate and complete notes of the wound care provided on each visit, along with observations and measurements of L.M.'s wound, into a computer system provided for this purpose.
7. Respondent cut and pasted text from the notes regarding one visit to the next.

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8. Specifically, Respondent's cut and pasted the same text into her notes for the following dates:
 - a. November 26, 2021
 - b. December 8, 2021
 - c. December 10, 2021
 - d. December 15, 2021
 - e. December 17, 2021
 - f. December 21, 2021
 - g. December 24, 2021
 - h. December 29, 2021
 - i. December 31, 2021
9. During this employment, Respondent also cared for a patient identified by the initials "K.C."
10. Respondent entered a note for a home visit to K.C.'s residence that occurred on or about December 24, 2021.
11. No such visit occurred.

Violation: 26 V.S.A. §1582(a)(4) Willfully failing to file or record medical reports.

12. Paragraphs 2 through 11 above are incorporated herein.
13. Vermont law prohibits a licensee from willfully failing to file or record medical reports.
14. Paragraphs 2 through 11 demonstrate that Respondent willfully failed to file medical reports by cutting and pasting the same text into her notes for multiple patient visits and entering a note for a visit that did not occur.
15. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(4).

Understandings

16. 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 she engaged in the alleged misconduct.

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17. 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.
18. If accepted by the Board, 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.
19. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
20. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
21. 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.
22. 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.
23. 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 **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. The conditions will be as follows:
 1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."
 2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a **minimum of one (1) year** of supervised licensed practical nursing practice in which Respondent works at least eighty (80) hours month as a nurse. Part-time hours of fewer than eighty (80) hours every month shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.
 3. 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

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conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.

4. 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.
5. Types of Employment Prohibited. Respondent shall not work in a supervisory role.
6. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
7. 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.
8. Notification to Employers/Nursing School. Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of 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 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 Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

9. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of Respondent's current place of employment, personal address,

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and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

10. Notification to Other States. If Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.

11. Required Coursework. Respondent shall, at her own expense and within six (6) months of the date of entry of this Stipulation and Consent Order, successfully complete (i.e., receive a passing score, if applicable) ten (10) hours of pre-approved coursework on medical record keeping. The coursework must be pre-approved by the Enforcement Case Manager.

Respondent shall submit the certificates of completion, completed assignment book(s) and quiz results, if applicable, to the Enforcement Case Manager. Failure to satisfactorily complete the courses within the prescribed timeframe shall constitute a violation of this Order. The coursework may not be counted toward any continuing education requirement of licensure.

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

13. 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.

14. 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.

15. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.

- 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

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and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 1/23/2024

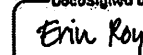
STATE OF VERMONT
SECRETARY OF STATE

By:


George Hasselback
Prosecuting Attorney

RESPONDENT
DocuSigned by:

By:

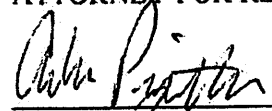

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Erin Roy

APPROVED AS TO FORM:

Dated: _____

ATTORNEY FOR RESPONDENT

By:

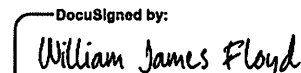

Adam Pighatelli, Esq.

APPROVED AND SO ORDERED:

Dated: 2/13/24

VERMONT BOARD OF NURSING

By:

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Chairperson

Date of Entry: 2/14/24

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**IN RE: Erin Roy
License No. 026.0033351**

Docket No. 2023-135

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SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against Erin Roy (“Respondent”):

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 (“OPR Rules”).

Statement of Facts

2. Respondent of Old Town, Maine was licensed by the State of Vermont as licensed Registered Nurse (“RN”) under license number 026.0033351. This license was originally issued on June 26, 2006, and expired on March 31, 2023.
3. At all times relevant to this matter, Respondent was employed as a travelling nurse and assigned to care for patients in their homes as part of home health and/or hospice care.
4. During this employment, Respondent cared for a patient identified by the initials “L.M.”.
5. On several occasions Respondent visited L.M. at L.M.’s home to, ostensibly, provide wound care for L.M.
6. Following these visits, Respondent was supposed to enter accurate and complete notes of the wound care provided on each visit, along with observations and measurements of L.M.’s wound, into a computer system provided for this purpose.
7. Instead of entering accurate and complete notes, Respondent merely cut and pasted text from the notes regarding one visit to the next.

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8. Specifically, Respondent entered the exact same text for visits on or about the following dates:
 - a. November 26, 2021
 - b. December 8, 2021
 - c. December 10, 2021
 - d. December 15, 2021
 - e. December 17, 2021
 - f. December 21, 2021
 - g. December 24, 2021
 - h. December 29, 2021
 - i. December 31, 2021
9. Every entry for the dates listed above contained the exact same wound measurements.
10. Every entry for the dates listed above contained a word-for-word identical narrative description of the wound.
11. Every entry for the dates listed above contained a word-for-word identical narrative description the care supposedly provided.
12. During this employment, Respondent also cared for a patient identified by the initials "K.C."
13. Respondent documented that a home visit to K.C.'s residence occurred on or about December 24, 2021.
14. No such visit occurred.

Violation One: 3 V.S.A. §129a(a)(7) Willfully making or filing false reports or records in the practice of the profession.

15. The State re-alleges and incorporates Paragraphs 2 through 14 above.
16. Vermont law prohibits the willful making or filing of false reports or records in the practice of the profession of nursing.
17. Paragraphs 2 through 14 demonstrate that Respondent willfully made or filed false reports in the practice of nursing when she copied and pasted text from the notes of one visit to the next instead of entering notes for each visit to a patient and when she entered a note describing a home visit to a patient that never actually occurred.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(7).

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

19. The State re-alleges and incorporates Paragraphs 2 through 14 above.
20. Vermont law prohibits conduct by licensees of a character likely to deceive, defraud, or harm the public.
21. Paragraphs 2 through 14 demonstrate that Respondent engaged in conduct likely to deceive, defraud, or harm the public when she entered false medical records by copying and pasting text from one visit to another instead of writing accurate and complete notes of each visit, and when she entered a false medical record indicating that she had conducted a home visit and medical examination of a patient that she never actually conducted.
22. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(3).

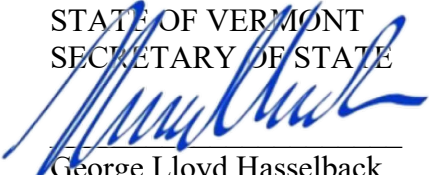
Relief Requested

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

DATED at Vermont, this 29th day of September 2023.

STATE OF VERMONT
SECRETARY OF STATE

By:


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