

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

IN RE:	)	
Jennie Hubbard	)	Docket No. 2023-142
License No. 025.0134947	)	Docket No. 2023-143

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney George Hasselback, and Respondent Jennie Hubbard, by and through Attorney Kevin Lumpkin, 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. Jennie Hubbard ("Respondent") of Haverhill, New Hampshire is licensed by the State of Vermont as an LPN under license number 025.0134947 This license was originally issued on September 17, 2019 and expires on January 31, 2024.

Respondent's time at Facility 1.

3. From February 9, 2022 to June 20, 2022, Respondent was working as a travelling nurse at a nursing home located in Orleans County, Vermont ("Facility 1").
4. Several of Facility 1's residents have dementia and at least one of the residents of Facility 1 is known to wander into the rooms of other residents.
5. On or about June 17, 2022, Respondent was working at Facility 1 and was responsible for administering medications to the residents of Facility 1 on Facility 1's "dementia unit."
6. Pursuant to this assignment, Respondent removed medication from the medication cart for administration to several residents of Facility 1.

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7. When completing the medication administration record ("MAR"), Respondent indicated that she administered each medication to each respective resident.
8. Another employee of Facility 1 (identified by the initials "M.D.") was also working at the same time as Respondent.
9. M.D. was approached by a resident of Facility 1 (identified by the initial "J") and told by J that when they had recently returned to their room after spending some time in the common area of Facility 1, J had found their medication unattended in their room.
10. Later that same day, M.D. entered the room of another resident (identified by the initial "H") to get them out of bed.
11. When M.D. was getting H out of her bed, H asked if medication that was at H's bedside was theirs.
12. H also informed M.D. that the medication at their bedside was "not all the medication" that H takes in the morning, or words to that effect.
13. Knowing that Respondent was in charge of administering medication that day, M.D. spoke to Respondent and informed her that she should go speak with H due to a potential issue with H's medication.
14. Subsequently, M.D. informed Facility 1's Director of Nursing that medications had been left unattended in two residents' rooms (referring to J and H).
15. Facility 1's Director of Nursing subsequently spoke to Respondent about this, and Respondent admitted leaving medication in residents' rooms unattended and acknowledged that Respondent was not supposed to do this.
16. Respondent specifically indicated in the MAR that the medications intended for J and H were administered to them respectively, despite Respondent not having witnessed these residents taking the medications.

Respondent's time at Facility 2.

17. From August 1, 2022 to October 11, 2022, Respondent was working as a travelling nurse at a nursing home in Washington County, Vermont ("Facility 2").
18. On or about August 17, 2022, Respondent was working at Facility 2.
19. During Respondent's shift, another employee of Facility 2 found medication left at the bedside of a resident identified by the initials "T.F."
20. Respondent was responsible for administering T.F.'s medications during that shift.

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21. The Director of Nursing at Facility 2 spoke with Respondent about leaving T.F.'s medication at their bedside instead of properly administering them (including confirming that the medication was actually taken by T.F.).
22. Respondent subsequently admitted to leaving medication at T.F.'s bedside.

Violation One: 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.

23. Paragraphs 2 through 22 above are incorporated herein.
24. Vermont law requires LPNs to practice competently by providing safe and acceptable patient care.
25. Paragraphs 2 through 22 above demonstrate that Respondent failed to provide safe and acceptable patient care when Respondent left medication unattended with patients and/or in patient rooms instead of properly administering said medication.
26. 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 Two: 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.

27. Paragraphs 2 through 22 above are incorporated herein.
28. The essential standards of acceptable and prevailing practice require that an LPN, as part of the process of administering medication, actually confirm that a patient has taken their medication.
29. Paragraphs 2 through 22 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when Respondent, on multiple occasions, did not confirm that patients took their medication, but rather left said medication unattended.
30. 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 Three: 3 V.S.A. §129a(a)(7) Willfully making or filing false reports or records in the practice of the profession.

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31. Paragraphs 2 through 22 above are incorporated herein.
32. Vermont law prohibits an LPN from willfully making or filing false reports or records in the practice of the profession.
33. Paragraphs 2 through 22 above demonstrate that Respondent willfully made or filed false reports or records when she recorded that she had properly administered medication to patients when, in fact, she had left said medication unattended.
34. 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(a)(7).

Understandings

35. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
36. 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.
37. 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.
38. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
39. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
40. 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.
41. 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.
42. 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.

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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.
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 conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.
4. Practice Under Supervision. Respondent shall practice as an LPN only in a setting where Respondent has on-site supervision for the entire shift by a licensed registered nurse that is in good standing with the Board or an equivalent board in another State. On-site supervision means the supervising nurse is present in the same facility as Respondent for the entire shift.
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.

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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 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.

10. 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, 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.
11. 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.
12. Required Coursework. Respondent shall, at her own expense and within ninety (90) days of the date of entry of this Stipulation and Consent Order, successfully complete (i.e., receive a passing score, if applicable) eight hours of pre-approved coursework on medication administration. 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.

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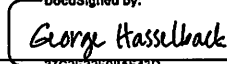


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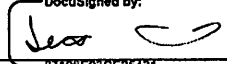
13. Costs. Respondent shall bear all costs of complying with this Consent Order.
14. Violation of this Order. If Respondent violates this Order the Board, after giving Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. 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.
15. 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.
16. 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 and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 11/21/2023

STATE OF VERMONT
SECRETARY OF STATE
By: 
George Hasselback
Prosecuting Attorney

Dated: 11/21/2023

RESPONDENT
By: 
Jennie Hubbard

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

STATE OF VERMONT



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Dated: 11/17/2023

By: DocuSigned by:
Kevin Lumpkin
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Kevin Lumpkin, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12/11/2023

By: DocuSigned by:
Jennifer Laurent
EB1741815719477...
Chairperson

Date of Entry: 12/11/2023

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