

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

IN RE:)
CAROLE HERZMANN) **Docket No. 2023-170**
License No. 026.0141075)

Pre-Charge Voluntary Surrender Stipulation and Order

The matter captioned above arises from a complaint made to the Office of Professional Regulation. The parties to the case hereby agree to an expedited resolution of the matter as follows:

Alleged Facts and Violations

1. Carole Herzmann ("Respondent") of Wildwood, Missouri was licensed by the State as a Registered Nurse under license number 026.0141075. This license was first issued on November 25, 2019 and expired on March 31, 2023.
2. On April 3, 2019, while working the night shift as a charge nurse, Respondent failed to provide care to a patient who had a broken leg.
3. On May 3, 2023, the Missouri State Board of Nursing revoked Respondent's multistate nursing license and privilege to practice due to the severity of the April 3, 2019 incident and Respondent's unwillingness to take responsibility for that incident.
4. These acts constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 26 V.S.A. § 1582(a)(12) (abusing or neglecting a patient or misappropriating patient property).

Understandings

5. Respondent admits the facts above are true and the conditions below are necessary to protect the public.
6. Respondent understands that this Pre-Charge Voluntary Surrender Stipulation and Order will be reviewed and the Board may accept or reject the Order set forth below. If the Board rejects all or any portion of the Order, then this entire document shall be null and void.

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Prosecuting Attorney
Office of
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7. Respondent specifically waives any claim that any disclosures made to the Board during its review of this agreement prejudice Respondent's right to a fair and impartial hearing if this agreement is not accepted and proceeds to a merits hearing before the same Board.
8. Respondent has read this document fully and agrees it contains the entire agreement between the parties.
9. This Pre-Charge Voluntary Surrender Stipulation and Order is entered into voluntarily by Respondent after the opportunity to consult with legal counsel. Respondent has not been coerced by anyone into signing this Pre-Charge Voluntary Surrender Stipulation and Order.
10. Respondent voluntarily waives the right to a contested hearing and waives any right to appeal this Pre-Charge Voluntary Surrender Stipulation and Order.
11. Respondent is of sound mind and is not under the influence of drugs or alcohol when signing this Pre-Charge Voluntary Surrender Stipulation and Order.
12. Respondent agrees the Order set forth below may be entered, will be a binding Order upon Respondent, and will be made public.
13. Respondent understands that Respondent is responsible for all compliance costs associated with this Pre-Charge Voluntary Surrender Stipulation and Order and any violation of this Order may result in additional disciplinary action.

ORDER

Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her license.
- 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, considering the stipulated facts above.
- C. This Stipulation Voluntary Surrender and 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 Voluntary Surrender and Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

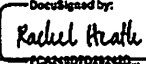
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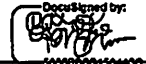
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AGREED TO:

Dated: 11/22/2023

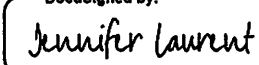
STATE OF VERMONT
SECRETARY OF STATE
By: 
Rachel Heath
State Prosecuting Attorney
(802) 828-0041
Rachel.Heath@vermont.gov

Dated: 11/22/2023

RESPONDENT
By: 
Carole Herzmann

APPROVED AND SO ORDERED:

Dated: 12/11/23

By: 
Board Chairperson

Date of Entry: 12/11/23

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