

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

IN RE:)
Justin N. Offermann) **Docket No. 2023-37**
License No. 026.0142591)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Jennifer B. Colin, and Respondent Justin N. Offermann, by and through his counsel Ed Adrian, 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(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.

Stipulated Facts

2. Justin N. Offermann ("Respondent") of Montpelier, Vermont is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0142591. This license was originally issued on June 1, 2020 and expires on March 31, 2025.
3. At the end of January 2023, OPR received a mandatory complaint from Vermont Psychiatric Care Hospital ("Facility") regarding Respondent's fitness for nursing duty.
4. Respondent worked at the Facility from December 2020 and was placed on leave on September 12, 2022.
5. After two years of solid nursing work and being promoted to the role of Charge Nurse III, the Facility began to receive reports from Facility staff of concerning and unusual behavior by Respondent in mid-2022.
6. Beginning around July of 2022, Facility staff reported that Respondent's demeanor at work was increasingly negative to such an extent that his relationships with colleagues was negatively impacted.

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7. In August or early September 2022, Respondent shared with his supervisor that he was struggling to manage his mental health and was experiencing depression. At that time, Respondent reported he was connected with services and actively working on issues he was experiencing.
8. On or around September 12, 2022, Facility staff reported concerns that Respondent was not safe at work, as Respondent shared with colleagues he was engaging in self-harm, including in his car before his shift, appeared at work to be in a dissociative state, was increasingly disconnected, and told a work colleague he wanted to die.
9. On September 12, 2022, the Facility placed Respondent on paid leave pending a fitness for duty assessment.
10. When the Interim Chief Nursing Executive met with Respondent on September 12, 2022, Respondent expressed feelings of isolation and frustration at work and in his personal life and acknowledged that his mental health had deteriorated.
11. On January 23, 2023, the Facility received a report from the evaluator ("January 2023 Report") that Respondent was not currently fit for nursing duty as the result of his mental health status and a recurrence of alcohol use.
12. The Facility has restricted Respondent's practice until Respondent's mental health provider attests to his fitness for duty. The evaluator recommended reassessment in three months, or earlier if indicated by his treating mental health professional.
13. In March 2023, Respondent's license was summarily suspended by the Board pending adjudication of this case on the merits.
14. In April 2023, the evaluator started the re-assessment of Respondent beginning with a clinical interview on April 27, 2023 and culminating in the issuance of a report dated July 14, 2023 ("July 2023 Report").
15. In the July 2023 Report, the evaluator opined that Respondent "is able to practice without posing a risk to the safety, health, and welfare of his potential patients" and made the following recommendations:
 - a. Continue weekly individual counseling;
 - b. Continue compliance with his medication regime as prescribed by his APRN mental health provider;
 - c. Continue monthly meetings with his APRN mental health provider;
 - d. Abstain from alcohol use.

Violation One: 3 V.S.A. § 129a(a)(5) Practicing the profession when medically or psychologically unfit to do so.

16. Paragraphs 2 through 15 above are incorporated herein.
17. As an RN, Respondent must be medically and psychologically fit to practice the profession of nursing.

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18. Paragraphs 2 through 12 demonstrate Respondent practiced the profession when medically or psychologically unfit to do so.
19. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for disciplinary action because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(5).

Understandings

20. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
21. 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.
22. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
23. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
24. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
25. 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.
26. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
27. 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 **CONDITIONS** the Respondent's license for a **MINIMUM OF ONE (1) YEAR, commencing on the entry date of this Order.** The **CONDITIONS** shall 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

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the conditions until Respondent completes a minimum of one (1) year of supervised nursing practice in which Respondent works at least eighty (80) hours every calendar month as a registered nurse. Part time hours of fewer than eighty (80) hours every calendar 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 conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.
4. Counseling, Treatment Plan, and Treatment Reports. Per the recommendation of Respondent's independent evaluator, Respondent shall continue engaging in individual mental health treatment in accordance with the following Conditions:
 - a. Respondent shall continue monthly appointments with his current mental health APRN or a pre-approved mental health provider ("Treating Professional") and comply with the treatment plan until such time as the Treating Professional certifies in writing to the Board that mental health treatment is no longer necessary and Respondent successfully petitions for modification of these conditions or until the Respondent successfully petitions for removal of conditions from his license. Within ten (10) days of the date of entry, Respondent shall provide a copy of this Stipulation and Consent Order and the independent evaluation reports to his Treating Professional and inform him/her of Respondent's conditional license status and the accompanying conditions. The Treating Professional shall submit to the Board, on forms provided by the Board, acknowledgement of receipt of the Stipulation and Consent Order and the Independent Evaluations along with Respondent's current treatment plan.
 - b. Respondent shall authorize his Treating Professional to submit to the Board monthly reports on forms issued by the Board. Respondent shall authorize his Treating Professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.
 - c. Respondent's monthly treating professional reports must also indicate Respondent's current dosage and whether Respondent is appropriately taking medication as prescribed. Respondent must continue to take such medications as prescribed, until his Treating Professional certifies in writing to the Board that such medication is no longer necessary.
5. Individual Counseling. Respondent shall continue engaging in individual counseling with his current counselor or another professional who is pre-approved by the Board or designee and who is qualified and experienced to provide counseling to individuals with recurrent depressive disorders, social anxiety, and substance abuse. Within ten (10) days of the entry date of this Order, Respondent shall provide a

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copy of this Stipulation and Consent Order and the independent evaluation reports to his counselor and inform him/her of Respondent's conditional license status and the accompanying conditions. Respondent shall continue with individual counseling until such time as the Treating Professional certifies in writing to the Board that such counseling is no longer necessary and Respondent successfully petitions for modification or Respondent successfully petitions for removal of these conditions. Compliance with the treatment plan includes, but is not limited to, engaging in sessions with his counselor at the frequency recommended in the treatment plan.

Respondent shall authorize Respondent's treating professional to submit to the Board monthly reports on forms issued by the Board. The initial treatment plan and all revisions to the treatment plan must be included in the monthly reports to the Board. Respondent shall authorize Respondent's treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

6. Random Drug and Alcohol Testing. Respondent shall submit to random drug and alcohol testing through the Board pre-approved entity. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine screen shall cause that screen to be presumed positive. Any positive screen shall constitute a violation of this Order. Failure to check-in to determine whether Respondent is selected for testing on any given day, regardless of whether Respondent is actually selected that day, may be considered a violation of this Order.

7. Abstain from Drug and Alcohol Use. Respondent shall abstain completely from the consumption of alcohol and drugs.
8. Drug Use Exception. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a health care practitioner disclosed to the Board in writing by Respondent within forty-eight (48) hours of the prescription. Respondent's health care practitioner shall inform the Board, in writing and on appropriate letterhead, of knowledge of Respondent's conditional license status within seven (7) days of entering the practitioner/patient relationship. Additionally, the practitioner shall inform the Board of all scheduled/controlled medications prescribed – and the anticipation of how long such prescriptions will need to be taken – within seven (7) days of the prescription.

The Board or its designee may request that the practitioner document the necessity for the prescribed scheduled/controlled medications or other medications known to have abuse potential. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

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Respondent shall provide the Board with a current medication list of any medications taken on a scheduled or as-needed basis on forms issued by the Board within seven (7) days of the date of reinstatement and shall update this list within forty-eight (48) hours of any change in these medications.

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 which 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. Reports from Employers/Program Director. Within one (1) month of the date of entry of this Order 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.
11. Practice Under Supervision. Respondent shall practice as a registered nurse 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.
12. 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.
13. 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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14. 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.
15. 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.
16. Notification to Other States. In the event that 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.
17. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
18. Costs. Respondent shall bear all costs of complying with this Consent Order.
19. 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.
20. Completion of Conditional License Period. Upon completion of the conditional license period and compliance with all conditions, Respondent shall submit a petition to the Docket Clerk to remove any and all conditions from 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.

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- B. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
- 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:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 8/18/23

By: /s/ Jennifer B. Colin
Jennifer B. Colin
Prosecuting Attorney

RESPONDENT

Dated: 08/15/2023

By: [Signature]
Justin N. Offermann

APPROVED AS TO FORM:

COUNSEL FOR RESPONDENT

Dated: 08/15/2023

By: [Signature]
Ed Adrian, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 9/11/2023

By: [Signature]
DocuSigned by:
Jennifer Laurent
EB1741915719477...
Chairperson

Date of Entry: 9/14/2023

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**STATE OF VERMONT
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IN RE:)
Justin N. Offermann) **Docket No. 2023-37**
License No. 026.0142591)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following Charges
against Respondent Justin N. Offerman:

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(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.

Statement of Facts

2. Justin N. Offermann ("Respondent") of Montpelier, Vermont is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0142591. This license was originally issued on June 1, 2020 and expires on March 31, 2025.
3. At the end of January 2023, OPR received a mandatory complaint from Vermont Psychiatric Care Hospital ("Facility") regarding Respondent's fitness for nursing duty.
4. Respondent worked at the Facility from December 2020 and was placed on leave on September 12, 2022.
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13. In March 2023, Respondent's license was summarily suspended by the Board pending adjudication of this case on the merits.

Violation One: 3 V.S.A. § 129a(a)(5) Practicing the profession when medically or psychologically unfit to do so.

14. The State re-alleges and incorporates Paragraphs 3 through 13 above.
15. As an RN, Respondent must be medically and psychologically fit to practice the profession of nursing.
16. Paragraphs 3 through 12 demonstrate Respondent has practiced the profession when medically or psychologically unfit to do so.
17. Paragraphs 3 through 12 demonstrate Respondent is not presently fit to practice the profession of nursing due to his mental health status and a recurrence of substance use.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for disciplinary action because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(5).

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Relief Requested

WHEREFORE, the Registered Nurse license of Justin N. Offermann should be warned, reprimanded, conditioned or otherwise disciplined.

DATED this 30th day of March, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Jennifer B. Colin
Jennifer B. Colin
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