

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

IN RE:	)	
Justin Nikolas Offermann	)	Docket No. 2024- 111
License No. 026.0142591	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Rachel Heath, and the Respondent Justin Nikolas Offermann, who 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 ("OPR").

Stipulated Facts

2. Justin Nikolas Offermann ("Respondent") of Waterbury, 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. In March 2023, the Board of Nursing summarily suspended Respondent's license finding that the facility he worked at had concerns over his mental health and that he had voluntarily completed an evaluation wherein he was found not fit for duty.
4. After a specification of charges was filed, Respondent signed and the Board entered into order a Stipulation and Consent Order in September 2023 conditioning his license for a minimum of one year.
5. The stipulated facts of the September 2023 Order included that in mid-2022, the facility Respondent worked at received reports of unusual behavior from Respondent. Respondent's behavior became increasingly negative until January 2023 when Respondent participated in an evaluation finding him not fit for nursing duty as a result of his mental health and recurrence of alcohol use.

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6. Also included in the stipulated facts of the September 2023 Order, Respondent completed a re-assessment in April and July of 2023, wherein Respondent was found safe to return to practice with recommendations.
7. In the September 2023 Order, Respondent stipulated to one violation: 3 V.S.A. § 129a(a)(5) (Practicing the profession when medically or psychologically unfit to do so).
8. Under the September 2023 Order, Respondent acknowledged that the conditions were necessary to protect the public.
9. The conditions in the September 2023 Order included:
 - a. Mental health treatment with his then-current mental health APRN or a pre-approved mental health provider and monthly reports.
 - b. Random drug and alcohol testing, including abstention from all alcohol or drugs not prescribed to him.
 - c. Supervised practice with reports from his employer.
10. Since the September 2023 Order, Respondent has not been employed as an RN and therefore has not needed to provide employer reports.
11. The last mental health treating professional report the Case Manager received was for January 2024.
12. Since this report, Respondent has not been compliant with the mental health treatment requirements of the September 2023 Order.
13. Since May 7, 2024, Respondent has failed to check in for his drug testing and has missed all subsequent drug tests.
14. The State filed a request for summary suspension in this matter on July 24, 2024. Respondent accepted a stipulation for a Voluntary Indefinite Suspension, which the Board entered in to order on August 13, 2024

Violation One: 3 V.S.A. § 129a(a)(4) Failing to comply with an order of the board or violating any term or condition of a license restricted by the board.

15. Paragraphs 2 through 14 above are incorporated herein.
16. As a licensee, Respondent is required to comply with any orders issued against his license.
17. Paragraphs 2 through 14 demonstrate Respondent failed to comply with the September 2023 Order, specifically failing to provide mental health treatment

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reports since February 2024, failing to check in for drug and alcohol testing since May 2024, and failing to participate in drug and alcohol testing since May 2024.

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(a)(4).

Violation Two: 3 V.S.A. § 129a(a)(28) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

19. Paragraphs 2 through 14 above are incorporated herein.
20. Under the September 2023 Order, Respondent is required to engage in mental health treatment and random drug and alcohol testing as conditions that are necessary to protect the public.
21. Respondent has failed to engage in the measures the Board determined are necessary to protect the public, including random drug and alcohol testing and mental health treatment.
22. Paragraphs 2 through 14 above demonstrate that by failing to comply with the September 2023 Order conditions to protect the public, Respondent has engaged in conduct of a character likely to deceive, defraud or harm the public.
23. 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)(28).

Understandings

24. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
25. 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.
26. 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.
27. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
28. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.

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29. 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.
30. 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.
31. 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 **INDEFINITELY SUSPENDS** Respondent's license. Respondent must petition the Board for reinstatement.
 1. Indefinite Suspension. Respondent must petition for reinstatement. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at his own cost:
 - a. Obtain an independent evaluation report by a pre-approved licensed professional specializing in substance abuse treatment ("Independent Evaluator") who has verified receipt and review of the Board's Default Order, Specification of Charges, and Summary Suspension Order in the above-referenced docket number. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients. The evaluation shall meet all Independent Evaluation Requirements and shall include any recommendations that would ensure Respondent is safe to practice. The evaluation must be submitted to the Enforcement Unit Case Manager.
 - b. Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random drug and alcohol tests:
 - i. When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager to set-up the drug and alcohol testing process and receive instructions. Once registered with the pre-approved person or entity, Respondent will have 45 days to submit a minimum of three (3) random drug and alcohol tests. The process by which Respondent learns whether he is selected to submit to a test on any given day will be governed by the policy of the pre-approved person or entity conducting the testing at that time.
 - ii. The drug and alcohol tests must be collected in an observed setting; administered by a pre-approved person or entity; and

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analyzed by a pre-approved lab qualified to analyze samples for forensic purposes, the results of which shall be negative.

iii. Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any test in anyway shall cause that test to be presumed positive; and

c. If recommended by an Independent Evaluator, enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations. If treatment is recommended, Respondent must submit a treating professional agreement to the Enforcement Unit Case Manager before a reinstatement request will be considered.

2. If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms are reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, drug screen results, this Stipulation and Consent Order, and any other relevant factors at that time.

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

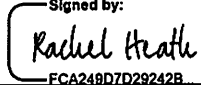
D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).

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.

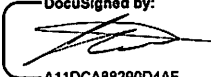
AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 3/7/2025

Signed by:

FCA248D7D29242B
By: Rachel Heath
Prosecuting Attorney

Dated: 3/7/2025

RESPONDENT
DocuSigned by:

A11DCA88280D4AF
By: Justin Nikolas Offermann

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APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 3/12/25
Date of Entry: 3/13/25

By: Signed by:
Jennifer Lyon
EBDA688488224FB...
Chairperson

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SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby requests the following charges against Respondent Justin Nikolas Offermann:

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 ("OPR").

Statement of Facts

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Violation One: 3 V.S.A. § 129a(a)(4) Failing to comply with an order of the board or violating any term or condition of a license restricted by the board.

15. The State re-alleges and incorporates paragraphs 2 through 14 above.
16. As a licensee, Respondent is required to comply with any orders issued against his license.
17. Paragraphs 2 through 14 demonstrate Respondent failed to comply with the September 2023 Order, specifically failing to provide mental health treatment reports since February 2024, failing to check in for drug and alcohol testing since May 2024, and failing to participate in drug and alcohol testing since May 2024.

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Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board warn, reprimand, suspend, revoke, limit, condition, or otherwise discipline Justin Offermann's Registered Nurse license.

DATED at Vermont, this 4th day of September 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Rachel Heath
Rachel Heath
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