

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

IN RE:)
AMANDA JONES) **Docket Nos. 2024-16**
License Nos. 075.0134471)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Ultan Doyle, and Respondent Amanda Jones, by and through her attorney, David M. Pocius, Esq., who 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. Amanda Jones (“Respondent”) of Proctor, Vermont is licensed by the State of Vermont as a Licensed Nursing Assistant (“LNA”) under license number 075.0134471. This license was originally issued on May 25, 2018 and expires on November 30, 2024.
3. From approximately June 7, 2022 to May 31, 2023, Respondent was employed as an LNA by a care facility (“the Facility”) in Rutland, Vermont.
4. During that time, Respondent provided care to resident A.V.R., a 96-year-old female.
5. On or about May 17, 2023, Respondent was tasked with helping A.V.R. get out of bed so that she could go to lunch.
6. During the course of assisting A.V.R., Respondent told her that it was “time to get the fuck up” Respondent said that she did so in a joking manner and not in a mean way, but acknowledged that a nurse should never use vulgar language with a resident.
7. Respondent also said that if A.V.R. did not get up, Respondent was going to dump water on her head. Respondent said this was something she would joke about with

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

A.V.R. and said that they would sometimes splash water on one another in the bathroom which she later realized was inappropriate.

8. On or about May 30, 2023, Respondent was tasked with providing care to resident, R.H., a 92-year-old female.
9. While doing so, R.H. became aggressive with Respondent, so Respondent left building and went outside to a break area.
10. While in the break area, the other staff member present overheard Respondent call R.H. a "twat."
11. This staff member was also present when Respondent was assisting A.V.R. on May 17, 2023 and heard what Respondent said to A.V.R.
12. The staff member reported both incidents to the Facility and the Facility terminated Respondent on May 31, 2023.

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

13. Paragraphs 2 through 11 above are incorporated herein.
14. As an LNA, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
15. Paragraphs 2 through 11 above demonstrate that Respondent engaged in conduct of a character likely to harm the public when she told her a resident that it was "time to get the fuck up," and that if she if she did not get up, Respondent was going to dump water on her head.
16. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. §1582(a)(3).

Violation Two: 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.

17. Paragraphs 2 through 11 above are incorporated herein.
18. Vermont law requires LNAs to practice competently by providing safe and acceptable patient care, including using professional language when interacting with patients.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

19. Paragraphs 2 through 11 above demonstrate that Respondent failed to provide safe and acceptable patient care when she told her a resident that it was "time to get the fuck up," and that if she if she did not get up, Respondent was going to dump water on her head.
20. 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 Three: 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.

21. Paragraphs 2 through 11 above are incorporated herein.
22. The essential standards of acceptable and prevailing practice require that an LNA treat patients in a professional manner and refrain from using inappropriate language with them.
23. Paragraphs 2 through 11 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when she told her a resident that it was "time to get the fuck up," and that if she if she did not get up, Respondent was going to dump water on her head.
24. 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 Four: 3 V.S.A. §129a(a)(26) Sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy.

25. Paragraphs 2 through 11 above are incorporated herein.
26. As an LNA, Respondent was required to maintain professional boundaries with her co-workers.
27. Paragraphs 2 through 11 demonstrate that Respondent failed to maintain professional boundaries when she referred to a resident as a "twat."
28. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers;

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy in violation of 3 V.S.A. §129a(a)(26).

Understandings

1. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
2. Respondent understands that the Nursing Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
3. 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.
4. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
5. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
6. 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.
7. Respondent voluntarily waives the right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
8. Respondent agrees that the Order set forth below may be entered by the Board, will be a binding Order upon Respondent, and will be made public.
9. Respondent understands that Respondent is responsible for all compliance costs associated with this Stipulation and Consent Order and any violation of this Order may result in additional disciplinary action.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **WARNS** Respondent's license.
- B. An **ADMINISTRATIVE PENALTY OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00)** is assessed against Respondent. Respondent shall remit payment within six (6) months of the date of entry of this Order. Payment of the penalty may be made on a payment plan if needed.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

C. The Board of Nursing hereby **CONDITIONS** Respondent's license commencing with the date of entry of this Stipulation and Consent Order:

1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."
2. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
3. Required Coursework. Respondent shall, at her own expense and within ninety (90) days of the date of entry of this Stipulation and Consent Order, satisfactorily complete the following pre-approved courses:
 - i. Righting a Wrong – Ethics & Professionalism in Nursing (offered by ICRS).

*Respondent must provide satisfactorily completed workbooks and certificates of completion to the Case Manager.

**Coursework may not be counted toward any continuing education requirement of licensure.

D. Upon compliance with and completion of all required conditions, Respondent must petition to remove any or all conditions from the license and demonstrate full compliance with the Order.

E. Notwithstanding any provision above, Respondent must continue to meet all requirements to maintain licensure, for license renewal, and for license reinstatement.

F. 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).

G. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be considered relative to any future disciplinary matter.

AGREED TO:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Dated: 5/6/2024

STATE OF VERMONT
SECRETARY OF STATE

DocuSigned by:

Ultan Doyle

2B74B44DC5ED4E9...

By: _____

Ultan Doyle
Prosecuting Attorney

AMANDA JONES
RESPONDENT

Dated: 5/3/2024

By: DocuSigned by:
Amanda Jones
418593DC3722477...

Print Name Here: Amanda Jones

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 4/18/2024

By: DocuSigned by:
David Pocius
177D2900305E457...

David M. Pocius, Esq.
Paul Frank + Collins P.C.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5/15/24

By: DocuSigned by:
William Jamie Floyd
3B62E78300124BE...
Board Chair

Date of Entry: 5/16/24

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

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

IN RE:)
AMANDA JONES) **Docket Nos. 2024-16**
License Nos. 075.0134471)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Amanda Jones:

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. Amanda Jones ("Respondent") of Proctor, Vermont is licensed by the State of Vermont as a Licensed Nursing Assistant ("LNA") under license number 075.0134471. This license was originally issued on May 25, 2018 and expires on November 30, 2024.
3. From approximately June 7, 2022 to May 31, 2023, Respondent was employed as an LNA by a care facility ("the Facility") in Rutland, Vermont.
4. During that time, Respondent provided care to resident A.V.R., a 96-year-old female.
5. On or about May 17, 2023, Respondent was tasked with helping A.V.R. get out of bed so that she could go to lunch.
6. During the course of assisting A.V.R., Respondent told her that it was "time to get the fuck up," and that if she if she did not get up, Respondent was going to dump water on her head.
7. On or about May 30, 2023, Respondent was tasked with providing care to resident, R.H., a 92-year-old female.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

8. While doing so, R.H. became aggressive with Respondent, so Respondent left building and went outside to a break area.
9. While in the break area, Respondent told another staff member that R.H. was a "twat."
10. This staff member was also present when Respondent was assisting A.V.R. on May 17, 2023 and heard what Respondent said to A.V.R.
11. The staff member reported both incidents to the Facility and the Facility terminated Respondent on May 31, 2023.

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

12. The State re-alleges and incorporates Paragraphs 2 through 11 above.
13. As an LNA, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
14. Paragraphs 2 through 11 above demonstrate that Respondent engaged in conduct of a character likely to harm the public when she told her a resident that it was "time to get the fuck up," and that if she if she did not get up, Respondent was going to dump water on her head.
15. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. §1582(a)(3).

Violation Two: 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.

16. The State re-alleges and incorporates Paragraphs 2 through 11 above.
17. Vermont law requires LNAs to practice competently by providing safe and acceptable patient care, including using professional language when interacting with patients.
18. Paragraphs 2 through 11 above demonstrate that Respondent failed to provide safe and acceptable patient care when she told her a resident that it was "time to get the fuck up," and that if she if she did not get up, Respondent was going to dump water on her head.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

19. 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 Three: 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.

20. The State re-alleges and incorporates Paragraphs 2 through 11 above.
21. The essential standards of acceptable and prevailing practice require that an LNA treat patients in a professional manner and refrain from using inappropriate language with them.
22. Paragraphs 2 through 11 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when she told her a resident that it was "time to get the fuck up," and that if she if she did not get up, Respondent was going to dump water on her head.
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(b)(2).

Violation Four: 3 V.S.A. §129a(a)(26) Sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy.

24. The State re-alleges and incorporates Paragraphs 2 through 11 above.
25. As an LNA, Respondent was required to maintain professional boundaries with her co-workers.
26. Paragraphs 2 through 11 demonstrate that Respondent failed to maintain professional boundaries with a staff member when she told that staff member that a resident was a "twat."
27. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy in violation of 3 V.S.A. §129a(a)(26).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Relief Requested

WHEREFORE, Respondent's LNA license should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 29th day of January, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By:


Ultan Doyle
Prosecuting Attorney
(802)828-1217
ultan.doyle@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402