

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

IN RE:)
Kathlene Pelletier) **Docket No. 2024-90**
Vermont License No. 026.0024237)

ORDER TO REMOVE CONDITIONS

The Vermont Board of Nursing has considered Respondent's request for Removal of Conditions imposed pursuant to a Stipulation and Consent order under Docket Number 2024-90. Respondent has met the conditions. After review of the compliance file, the State does not object to the removal of all conditions.

Therefore it is ORDERED that all conditions on Respondent's license are hereby removed as of the date of this Order.

DATED this _____ day of 2/10/2026, 2024.

By: Signed by:
William James Floyd III
3B82E78300124BE...
Chairperson
Vermont Board of Nursing

Date of Entry:
2/11/2026

STATE OF VERMONT



Prosecuting Attorney
Office of
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89 Main Street
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STATE'S RESPONSE TO REQUEST TO REMOVE CONDITIONS

After reviewing the compliance file, the State has no objection to Respondent's request to remove all conditions on her license. Filed contemporaneously with this response is a proposed Order should the Board decide to grant Respondent's request.

DATED at Montpelier, Vermont this 14th day of January, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: *George Hasselback*
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IN RE:)
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STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney George Hasselback, and Respondent Kathlene Pelletier, by and through Attorney Devin McKnight who hereby Stipulate and Agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Registered Nurses ("RNs") pursuant to 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

2. Kathlene Pelletier ("Respondent") of Whitehall, New York holds a license to practice as an RN under license number 026.0024237 issued by the State of Vermont. This license was originally issued on August 20, 1998, and expires on March 31, 2025.
3. At all times relevant to this matter, Respondent was employed as a RN at a kidney dialysis clinic located at a medical facility in Rutland, Vermont ("the Facility").
4. On or about January 9, 2023, a patient (identified by the initials "EB") was admitted to the Facility's emergency room complaining of difficulty breathing.
5. At the time of his admission, EB was suffering from multiple, serious illnesses, including, but not limited to Acute Coronary Syndrome, end stage renal disease, coronary artery disease, and chronic obstructive pulmonary disease.
6. EB was scheduled to undergo dialysis at the Facility's dialysis clinic later that same day.
7. EB requested that he be taken from the emergency room to the dialysis clinic.
8. EB was taken to the dialysis clinic.

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9. When EB presented to the dialysis clinic, his pulse rate was unusually high.
10. Another RN, who was initially assigned to assess EB to determine if he was healthy enough for dialysis, determined that EB was not fit for dialysis.
11. Other staff members at the dialysis clinic observed EB and noted that he was too ill to be put on dialysis at that time.
12. These concerns were communicated to Respondent.
13. Respondent ignored these concerns and put EB on dialysis despite them, overriding the clinical decisions of the RN initially assigned to assess EB.
14. Even though EB had presented to the emergency room with complaints of trouble breathing, was suffering from several other illnesses, and had an unusually high heart rate, Respondent did not consult with the on-call nephrologist prior to beginning dialysis, as was the Facility policy at the time.
15. Even though EB was very ill, Respondent did not utilize a monitoring device called a "Critline Monitor" to guide appropriate treatment, as was the Facility policy at the time.
16. Even though EB was a very ill patient on dialysis, Respondent did not monitor his vitals every ten to fifteen minutes, as was the Facility policy at the time.
17. Even though EB was a very ill patient on dialysis, Respondent did not sit next to EB during dialysis to constantly monitor his condition, as was the Facility policy at the time.
18. During dialysis, EB became unresponsive and Respondent called the code team to the dialysis clinic.
19. EB was intubated and returned to the Facility's emergency room.
20. Even though EB coded while undergoing dialysis, Respondent did not take the machine out of service to have it tested for faults prior to it being used to treat other patients, as was the Facility policy at the time.
21. Later that same day, EB was transported to another hospital.
22. On or about January 13, 2023, RB died of a cardiac arrest.

Violation One: 3 V.S.A. §129a(b)(1) Failure to practice competently by the performance of unsafe or unacceptable patient care.

23. As a licensed RN in the State of Vermont, Respondent is required to refrain from performing unsafe or unacceptable patient care.

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24. Paragraphs 2 through 22 demonstrate that Respondent performed unsafe or unacceptable patient care when she began dialysis treatment of a chronically ill patient that was not fit for the procedure despite multiple warning signs to the contrary, the warnings of several other staff members that it would be unsafe, and several facility policies to the contrary.
25. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by failing to practice competently by the performance of unsafe or unacceptable patient care in violation of 3 V.S.A. §129a(b)(1).

Violation Two: 3 V.S.A. §129a(b)(2) Failure to practice competently by the failure to conform to the essential standards of practice.

26. As a licensed RN in the State of Vermont, Respondent is required to conform to the essential standards of practice of her profession.
27. Paragraphs 2 through 22 demonstrate that Respondent failed to conform to the essential standards of practice in the following ways:
- a. The applicable standards of practice require that a nephrologist should be consulted before a patient who presented with complaints of trouble breathing, was suffering from several other illnesses, and had an unusually high heart rate is placed on dialysis, and Respondent did not do so.
 - b. The applicable standards of practice require that a dialysis patient in the condition that RB was in be placed on a "Critline Monitor" to guide appropriate treatment, and Respondent did not place RB on that device.
 - c. The applicable standards of practice require that a patient as ill as RB should have their vitals monitored every ten to fifteen minutes while on dialysis, and Respondent failed to monitor RB's vitals every ten to fifteen minutes.
 - d. The applicable standards of practice require that a dialysis machine be taken out of service following a patient coding during dialysis and not be used until properly inspected, and Respondent failed to take the machine out of service following RB coding during dialysis.

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28. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by failing to conform to the essential standards of practice in violation of 3 V.S.A. §129a(b)(2).

Understandings

29. This Stipulation is neither an admission of facts by Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and the expense of protracted litigation, the parties enter this full and final

Stipulation pursuant to these Understandings and the Order below. Respondent does not contest that the State has evidence which, if believed by the fact finder, may establish by a preponderance of the evidence that they engaged in the alleged misconduct.

30. Respondent agrees the conditions below are necessary to protect the public.
31. Respondent understands that the 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.
32. 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.
33. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
34. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
35. 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.
36. 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.
37. 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.
- 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

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every 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. 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.
5. Types of Employment Prohibited. Respondent shall not work in a supervisory role that is responsible for the supervision of any other licensed nurses or medical practitioners.
6. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
7. 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.
8. 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

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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.

9. 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.
10. 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.
11. 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) ten (10) hours of pre-approved coursework on applicable and appropriate standards of care. 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.

12. Costs. Respondent shall bear all costs of complying with this Consent Order.
13. 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.
14. 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.
15. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.

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- 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: 01/03/2025

By: George Hasselback
George Hasselback
Prosecuting Attorney

Dated: 12/31/24

RESPONDENT
By: Kathlene Pelletier
Kathlene Pelletier

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 1/2/25

By: Devin McKnight, Esq.
Devin McKnight, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 1/13/25

Signed by:
By: William James Floyd
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Chairperson

STATE OF VERMONT

Date of Entry: 1/14/25



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