

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

IN RE:)
Odetta Joseph) **Docket No. 2025-162**
License No. 075.0144594)

STIPULATED VOLUNTARY SURRENDER OF LICENSE AND ORDER

STIPULATION

NOW COMES the State of Vermont, by and through Prosecuting Attorney Rachel Heath, and Respondent Odetta Joseph, 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 ("OPR").

Stipulated Facts

2. Odetta Joseph ("Respondent") of Sunrise, Florida is licensed by the State of Vermont as a Licensed Nursing Assistant ("LNA") under license number 075.0144594. This license was first issued on April 2, 2024 and expires on November 30, 2026.
3. Respondent has worked as a nursing assistant in various states since approximately 2003.
4. During the relevant time, Respondent was employed as an LNA at an elder care facility in Rutland, Vermont.
5. On July 20, 2025, at approximately 7:30 pm, Respondent was providing care to a 95-year-old non-ambulatory patient with advanced dementia.
6. This patient was known to be combative and had a care plan in place requiring nursing staff to postpone care whenever the patient became combative or aggressive to allow her time to regain her composure.
7. While providing care, the patient abruptly and unexpectedly punched Respondent in the breast.

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8. As a reaction, Respondent slapped the patient with the back of her hand hitting the patient's face in the area of her cheek and mouth.
9. Respondent's reaction caused the patient's mouth to bleed on her pillow and sheets, and subsequently caused a bruise on the patient's face.
10. Shortly after the event, Respondent reported to a co-worker that she had hit the patient.
11. Respondent then took a short break and the co-worker informed the nurse on duty.
12. Respondent was sent home shortly after and terminated from her position.
13. The patient was treated with ice and tylenol.
14. The event upset the patient significantly and caused the patient emotional distress during the times in which she could recall the event.

Violation One: 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: (1) performance of unsafe or unacceptable patient care.

15. Paragraphs 2 through 14 above are incorporated herein
16. As an LNA, Respondent is required to perform safe and acceptable patient care.
17. Paragraphs 2 through 14 above demonstrate that Respondent failed to practice competently by performing unsafe and unacceptable patient care when she hit a patient in response to the patient hitting her and caused the patient to bleed and bruise.
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(b)(1).

Violation Two: 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.

19. Paragraphs 2 through 14 above are incorporated herein.

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20. Under Vermont law, an LNA must practice competently by conforming to the essential standards of acceptable and prevailing practice.
21. Essential standards of acceptable care and prevailing practice require an LNA to treat patients with respect and without harming them.
22. Paragraphs 2 through 14 above demonstrate that Respondent failed conform to the essential standards of acceptable and prevailing practice when she failed to treat a patient with respect and without harming her by hitting a patient in response to the patient hitting her and causing the patient to bleed and bruise, in addition to causing the patient subsequent emotional distress.
23. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(b)(2).

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

24. Paragraphs 2 through 14 above are incorporated herein.
25. As an LNA, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
26. Paragraphs 2 through 14 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when she hit an elderly nursing home patient in a reckless manner and physically injured her.
27. 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).

Understandings

28. Respondent admits the facts above are true and the conditions below are necessary to protect the public.
29. Respondent understands that the Board must review and accept the terms of the Stipulated Voluntary Surrender of License. If the Board rejects any portion, the entire Stipulated Voluntary Surrender of License shall be null and void.
30. Respondent specifically waives any claim that any disclosures made to the Board during review of this agreement have prejudiced Respondent's right to a fair and impartial hearing if this agreement is not accepted and proceeds to a hearing on the merits before the same Board.

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31. Respondent has read and reviewed this entire document and agrees it contains the entire agreement between the parties.
32. Respondent is of sound mind and is not under the influence of drugs or alcohol at the time of signing this Stipulated Voluntary Surrender of License.
33. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulated Voluntary Surrender of License.
34. Respondent voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulated Voluntary Surrender of License.
35. Respondent agrees that the Board may enter the Acceptance of Voluntary Surrender and Order set forth below.

ACCEPTANCE OF VOLUNTARY SURRENDER AND ORDER

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

- A. The Board of Nursing hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her LNA 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, taking into account the facts above.
- C. This Stipulated Voluntary Surrender of License 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 Stipulated Voluntary Surrender of License and 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: 10/22/2025

By:

Signed by:
Rachel Heath
ECA249D7D29242B
Rachel Heath
Prosecuting Attorney

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RESPONDENT

Dated: 10/22/2025

By:

DocuSigned by:
Odetta Joseph
31FA80CE297E4CA...
Odetta Joseph

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11/11/2025

By:

Signed by:
William James Floyd III
3B82E70300124BE...
Chairperson

Date of Entry: 11/12/25

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