

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

IN RE:)
Haley Lyn Burke) **Docket No. 2025-37**
License No. 075.0136600)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Rachel Heath, and Respondent Haley Burke, 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. Haley Lyn Burke ("Respondent") of Tinmouth, Vermont is licensed by the State of Vermont as a Licensed Nursing Assistant ("LNA") under license number 075.0136600. This license was originally issued on June 11, 2020 and expires on November 30, 2026.
3. At all relevant times, Respondent worked as an LNA at a skilled nursing facility in Rutland, Vermont.
4. On or about April 10, 2024, around 5:15, Respondent was serving patients their dinner in the dining hall.
5. Respondent brought a meal tray to a patient who asked for help. This patient stated to Respondent, "I just can't do it," and put her head in her hands.
6. In an aggressive tone, Respondent told the patient to, "just try!"
7. The resident again stated she could not, at which point Respondent aggressively grabbed the patient's fork and knife to cut the patient's meat.

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8. The patient then asked Respondent what her drink was, to which Respondent angrily yelled at the patient, "I don't know!"
9. Respondent then dropped the fork and knife and walked away, leaving the patient with her head in her hands and refusing to eat.
10. The patient was clearly distressed by this interaction.
11. Other staff then attempted to console the patient and help her to eat but she refused.
12. When asked about what happened immediately after the event, Respondent stated she was trying to get the patient to do things by herself.

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: (2) failure to conform to the essential standards of acceptable and prevailing practice.

13. Paragraphs 2 through 12 above are incorporated herein.
14. Under Vermont law, an LNA must practice competently by conforming to the essential standards of acceptable and prevailing practice.
15. Essential standards of acceptable care and prevailing practice require an LNA to treat patients with dignity and respect.
16. Paragraphs 2 through 12 above demonstrate that Respondent failed conform to the essential standards of acceptable and prevailing practice when she failed to treat a patient with dignity and respect by yelling at the patient and causing the patient distress when she had asked for help.
17. 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).

Understandings

18. Respondent admits the facts above are true and the conditions below are necessary to protect the public.
19. 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.
20. Respondent specifically waives any claim that any disclosures made to the Board

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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.

21. Respondent has read and reviewed this entire document and agrees it contains the entire agreement between the parties.
22. Respondent is not under the influence of any drugs or alcohol at the time of signing this Stipulation and Consent Order.
23. 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.
24. Respondent voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
25. Respondent understands that she is responsible for all compliance costs associated with this Stipulation and Consent Order.
26. Respondent agrees the Board may enter the Order set forth below.

ORDER

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

- A. The Board of Nursing hereby **WARNS** 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. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
 3. Length of Time of Conditions Imposed. Respondent shall be subject to the conditions until Respondent has fully completed all conditions as ordered.
 4. 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.

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5. 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) the following coursework, or equivalent pre-approved by the Enforcement Case Manager.

- a. Upholding the Standard: Professional Accountability in Nursing, from International Center for Regulatory Scholarship, 4.5 hours, and available here:

<https://catalog.icrsncsbn.org/browse/public/continuing-ed/nurses/courses/upholding-the-standard->

- b. Caring for the Person with Dementia: Behaviors and Communication, from Relias Academy, 1 hour, and available here:

https://reliasacademy.com/rls/store/courses/caring-for-the-person-with-dementia-behaviors-and-communication/_/A-product-c826081

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.

6. 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.
7. Costs. Respondent shall bear all costs of complying with this Consent Order.
8. 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.
9. 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 may 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.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

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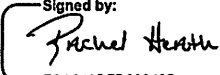
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- D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).
- E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

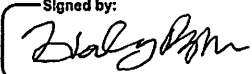
Dated: 4/29/2025

STATE OF VERMONT
SECRETARY OF STATE

Signed by:

ECA249D7D29242B
By: Rachel Heath
Prosecuting Attorney

Dated: 4/29/2025

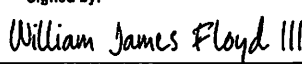
RESPONDENT

Signed by:

D97A009970504E2...
By: Haley Burke

APPROVED AND SO ORDERED:

Dated: 5/13/25

VERMONT BOARD OF NURSING

Signed by:

3B82E78300124BE...
By: William James Floyd III
Chairperson

Date of Entry: 5/14/25

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SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges
against Respondent Haley Lyn Burke:

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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6. In an aggressive tone, Respondent told the patient to, "just try!"
7. The resident again stated she could not, at which point Respondent aggressively grabbed the patient's fork and knife to cut the patient's meat.
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9. Respondent then dropped the fork and knife and walked away, leaving the patient with her head in her hands and refusing to eat.
10. The patient was clearly distressed by this interaction.
11. Other staff then attempted to console the patient and help her to eat but she refused.
12. When asked about what happened immediately after the event, Respondent stated she was trying to get the patient to do things by herself.

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: (2) failure to conform to the essential standards of acceptable and prevailing practice.

13. The State re-alleges and incorporates Paragraphs 2 through 12 above.
14. Under Vermont law, an LNA must practice competently by conforming to the essential standards of acceptable and prevailing practice.
15. Essential standards of acceptable care and prevailing practice require an LNA to treat patients with dignity and respect.
16. Paragraphs 2 through 12 above demonstrate that Respondent failed conform to the essential standards of acceptable and prevailing practice when she failed to treat a patient with dignity and respect by yelling at the patient and causing the patient distress when she had asked for help.
17. 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).

Relief Requested

WHEREFORE, the license of Haley Burke should be warned, reprimanded, suspended, revoked, limited, conditioned, or otherwise disciplined.

DATED at Vermont, this 18th day of March 2025.

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SECRETARY OF STATE

By: /s/ Rachel Heath
Rachel Heath
Prosecuting Attorney

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