

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

IN RE:)
Russell S. Johnson) **Docket No. 2025-80**
Application Tracking No. LI-794011)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Zoe Newman, and Russell S. Johnson (Applicant), through counsel Alejandro Mora, Esq., who hereby Stipulate and Agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the Board) has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 3 V.S.A. §129a; 26 V.S.A. Ch.28; the Vermont Board of Nursing Administrative Rules, and the Rules of the Office of Professional Regulation.

Basis for Denial

Basis for Denial One: 3 V.S.A. § 129a(a)(3): In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following items or any combination of items, whether the conduct at issue was committed within or outside the State, shall constitute unprofessional conduct: Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession.

1. At the time of Applicant's Application, Applicant's only active license was Applicant's Texas RN license.
2. At the time of Applicant's Application, Applicant held expired RN licenses in Massachusetts and Hawaii.
3. On March 18, 2025, the Texas Board of Nursing entered an Agreed Order with Applicant (Texas Order), which warned Applicant's Texas license and placed Applicant's Texas license in inactive status.
4. The Texas Order included as part, but not all of it's Finding of Facts, the following paragraphs, which are numbered as paragraphs 7-9 in the Texas Order:

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On or about June 28, 2023, while employed as a Registered Nurse with Children's Health Hospital, Plano, Texas, Respondent failed to administer an immunosuppressant medication Sirolimus 4 mg tablet to Patient Medical Record Number 4547580, who was a post-transplant patient, as ordered by the physician. Further, Respondent failed to inform the physician and the oncoming nurse the medication was not administered/ Instead, Respondent falsely documented that the medication was not given because it was not available. Respondent's conduct resulted in an inaccurate medical record and unnecessarily exposed the patient to post-transplant rejection.

On or about August 4, 2023, while employed as a Registered Nurse with Children's Health Hospital, Plano, Texas, Respondent failed to remove a transdermal Clonidine 0.1 mg patch from Patient Medical Record Number 5353618 after it was discontinued by the physician at 1433. Further, Respondent falsely documented that he removed the patch at 1451. Subsequently, the patient was found to have the patch on her skin by another nurse and had been receiving medication from the patch for an additional twenty (20) hours. Respondent's conduct was likely to injure the patient in that failure to discontinue the medication as ordered by the physician could have resulted in non-efficacious treatment. Further, subsequent care givers would rely on Respondent's documentation to further medicate the patient which could result in an overdose.

In response to Finding of Fact Number Seven (7), Respondent states the medication was due at 1300 and he called the pharmacy to get the medication but was told it wasn't in stock. Respondent states he spoke with the patient and the patient's mother, explained the situation and asked the mother to give the medication as soon as they got home. Respondent states the mother stated she would. In response to Finding of Fact Number Eight (8), Respondent states he was doing an admission, reviewed the order to remove the patch, documented that he removed it, and then forgot to take the patch off the patient.

5. The Texas Order's Conclusions of Law section states, in part: "[t]he evidence received is sufficient to prove violations(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M),(1)(N),&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H)&(10)(B)."
6. The Texas Order's Conclusions of Law section further states: "[t]he evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(14), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 738829, heretofore issued to RUSSELL SCOTT JOHNSON."
7. Per the Texas Order's Terms of Order, **I. SANCTION AND APPLICABILITY**, the Texas Order states:

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IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** and RESPONDENT'S license(s), and any privilege(s) to practice, as applicable, shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

8. On April 12, 2025, Applicant renewed his Massachusetts RN license.
9. At the time of filing, Applicant's Texas and Hawaii RN licenses remain inactive and/or expired.
10. Paragraphs 2 through 10 above demonstrate that Applicant failed to comply with State statutes rules governing the practice of the profession, specifically, that Applicant violated 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M),(1)(N),&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H)&(10)(B).

Understandings

2. Applicant admits the facts set forth above are true and the Board may find that the Applicant engaged in unprofessional conduct.
3. Applicant admits that the order below is necessary to protect the public.
4. Applicant 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.
5. Applicant specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced Applicant's rights to a fair and impartial hearing in future hearings if the Board does not accept this agreement.
6. Applicant has read and reviewed this entire document and agrees that this document contains the entire agreement between the parties.

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7. Applicant is not under the influence of any drugs or alcohol at the time of signature of this Stipulation and Consent Order.
8. Applicant 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.
9. Applicant voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
10. Applicant agrees that the Board may enter into the Order set forth below.

ORDER

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

- A. The Board hereby **grants** Applicant licensure as an RN.
- B. The Board hereby **WARNS** Applicant's license when it is issued.
- C. The Board hereby **CONDITIONS** Applicant's RN license commencing on the date of issuance. The conditions will be as follows:
 1. Re-issuance of License. Upon the commencement of these conditions, Applicant shall be issued a license labeled "conditioned."
 2. License Renewal. This Order does not automatically extend the license and Applicant must comply with the requirements for license renewal.
 3. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions as ordered. Respondent shall be subject to the conditions until Respondent completes a minimum of one (1) years of supervised practice in which Respondent works at least eighty (80) hours per month as a RN. Part-time hours of fewer than eighty (80) hours every month shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week and shall verify hours worked on forms provided by the Case Manager.
 4. Monitoring. The Office of Professional Regulation, through the Enforcement Case Manager, shall be responsible for monitoring Applicant'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.
 5. Notification to Employers/Educational Programs. Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future

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setting in which Respondent practices the profession 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 employment in the profession, Respondent shall cause Respondent's immediate supervisor to submit to the Case Manager an employer agreement form, 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 an educational program which 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 Director to submit to the Case Manager a program agreement form provided by the Case Manager, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during the clinical experience.

6. Practice Under Supervision. Respondent shall practice as a RN only in a setting where Respondent is supervised for the entire shift by a RN or LPN with more than 7 years' experience. The level of supervision required is On-Site Supervision. On-Site Supervision means the supervising RN or LPN is present in the same facility as Respondent at all times.

7. Reports from Employers/Program Director. Within one (1) month of the date of reinstatement or within one (1) month of the commencement of employment in the profession and monthly thereafter, Respondent shall cause every employer Respondent has worked for during the month to submit to the Case Manager an evaluation of Respondent's work performance and attendance during that month. Moreover, on a quarterly basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices, if and when Respondent engages in medication administration. In the event Respondent is attending an educational program in the profession, Respondent shall cause the Program Director to submit to the Case Manager, 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 Case Manager. All employer reports shall indicate satisfactory performance (i.e. consistently meeting all standards of practice of the profession) and attendance.

8. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, temporary nursing employment agency, or as a home health, hospice, private duty nurse or personal care provider requiring a nursing license, as an independent practitioner, or contract for services. Respondent must work in a facility that can provide the required supervision and is prohibited from working for multiple employers simultaneously during the effective period of this Consent Order.

9. Required Coursework. Applicant shall, within ninety (120) days following the entry of this Order, at his own expense, complete fourteen (14) hours of pre-approved courses, which must include the following topics and minimum hours: 1. Ethics in Nursing (minimum six hours); 2. Documentation of care and medication

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management (minimum six hours) 3. Recognizing and correcting errors (minimum two hours). For pre-approval, Applicant must submit to the Case Manager the name of each course, the name of the sponsoring organization, and a description of the course content and/or syllabus. Applicant must achieve a passing score on the post-tests for the courses, and submit test results, workbooks completed in full and in a satisfactory manner, and certificates of completion to the Office of Professional Regulation.

10. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.

11. 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 practice provided Respondent can still comply with the requirements of this Consent Order. If Respondent receives discipline on a professional 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.

12. 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.

13. Notification to Other States. If Applicant is licensed in nursing in any other state(s), Applicant must inform the nursing licensing board of the state(s) in which Applicant is licensed of the conditional status of Applicant's Vermont nursing license within fifteen (15) days of the date of entry of this Order.

14. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.

15. Costs. Applicant shall bear all costs of complying with this Consent Order.

16. Violation of this Order. If Applicant violates this Order the Board, after giving Applicant 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 Applicant during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

17. Completion of Conditional License Period. Applicant shall submit a petition to the Docket Clerk to remove any and all conditions on Applicant's license. The State may assent to or oppose Applicant's petition. The Board will conduct a hearing if necessary. Applicant bears the burden and must present proof that Applicant has fully complied with the terms of this Order and these conditions are no longer necessary to protect the public. These conditions will remain in effect and

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Applicant must comply with all conditions unless and until the Board grants Applicant's petition in a written order.

- D. Notwithstanding any provision above, Applicant must continue to meet all requirements for maintaining a license, license renewal, and license reinstatement.
- E. 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).
- F. This Stipulation and Consent Order will remain part of Applicant'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 6/25/25

By: Zoe Newman
Zoe Newman
Prosecuting Attorney
Zoe.newman@vermont.gov

COUNSEL FOR APPLICANT

Dated 062425

By: Alejandro Mora
Alejandro Mora, Esq.

APPLICANT

Dated 6/24/25 19:30

By: R. Johnson
Russell Johnson

APPROVED AND SO ORDERED:

Dated: 7/14/2025

VERMONT BOARD OF NURSING

Signed by:
By: William James Floyd III
3B82E7A300124BE
Board Chairperson

Date of Entry: 7/15/25

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

IN RE:)
Russell S. Johnson) **Docket No. 2025-80**
Application Tracking No. LI-794011)

NOTICE OF PRELIMINARY DENIAL

Russell S. Johnson (Applicant) submitted an application for licensure as a Registered Nurse (RN) to the Office of Professional Regulation (OPR), on January 2, 2025 (the Application). Based on the Application, OPR issued Applicant a provisional license effective February 13, 2025, pending receipt of a federal criminal background check.

On April 8, 2025, OPR received notice from the Texas Board of Nursing that Applicant's Texas license was inactive. As Applicant's Application for licensure was based on endorsement from Applicant's Texas license, Applicant no longer met the licensure requirements and Applicant's provisional license was immediately rescinded. On March 18, 2025, the Texas Board of Nursing entered an Agreed Order with Applicant, which warned Applicant's Texas license and placed Applicant's Texas license in inactive status. The Application has been **preliminarily denied** by the State of Vermont for the following reasons:

Board Authority

1. The Vermont Board of Nursing (the Board) has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 26 V.S.A. §1582(a); 26 V.S.A. Ch.26; and the Rules of the Office of Professional Regulation.

Basis for Denial

Basis for Denial One: 3 V.S.A. § 129a(a)(3): In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following items or any combination of items, whether the conduct at issue was committed within or outside the State, shall constitute unprofessional conduct: Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession.

2. At the time of Applicant's Application, Applicant's only active license was Applicant's Texas RN license.
3. At the time of Applicant's Application, Applicant held expired RN licenses in Massachusetts and Hawaii.

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4. On March 18, 2025, the Texas Board of Nursing entered an Agreed Order with Applicant (Texas Order), which warned Applicant's Texas license and placed Applicant's Texas license in inactive status.
5. The Texas Order included as part, but not all of its Finding of Facts, the following paragraphs, which are numbered as paragraphs 7-9 in the Texas Order:

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In response to Finding of Fact Number Seven (7), Respondent states the medication was due at 1300 and he called the pharmacy to get the medication but was told it wasn't in stock. Respondent states he spoke with the patient and the patient's mother, explained the situation and asked the mother to give the medication as soon as they got home. Respondent states the mother stated she would. In response to Finding of Fact Number Eight (8), Respondent states he was doing an admission, reviewed the order to remove the patch, documented that he removed it, and then forgot to take the patch off the patient.

6. The Texas Order's Conclusions of Law section states, in part: "[t]he evidence received is sufficient to prove violations(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M),(1)(N),&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H)&(10)(B)."
7. The Texas Order's Conclusions of Law section further states: "[t]he evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(14), Texas Occupations Code, to take disciplinary action against Registered Nurse

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License Number 738829, heretofore issued to RUSSELL SCOTT JOHNSON.”

8. Per the Texas Order’s Terms of Order, **I. SANCTION AND APPLICABILITY**, the Texas Order states:

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** and RESPONDENT’S license(s), and any privilege(s) to practice, as applicable, shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT’S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT’S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

9. On April 12, 2025, Applicant renewed his Massachusetts RN license.
10. At the time of filing, Applicant’s Texas and Hawaii RN licenses remain inactive and/or expired.
11. Paragraphs 2 through 10 above demonstrate that Applicant failed to comply with State statutes rules governing the practice of the profession, specifically, that Applicant violated 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M),(1)(N),&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H)&(10)(B).

As a result of the foregoing reasons, the Application for licensure is **PRELIMINARILY DENIED**. If you would like this decision to be reviewed, please refer to the petition for review instructions at the bottom of this notice.

DATED this 15th day of May, 2025.

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SECRETARY OF STATE

By: Zoe Newman
Zoe Newman

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To seek review of this preliminary decision to deny your license application, you must file with the Docket Clerk a written petition requesting review within 30 days of the date of this notification. In order to expedite the review process, your petition shall include a statement of issues, that is, why the preliminary denial should be reversed and that the license should be granted.

Please send the petition via first-class mail, postage prepaid to the address below:

Julie Bowen, Docket Clerk
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05602-3402

Upon receipt of a timely petition for review, a hearing will be scheduled. The State will be represented by the state prosecutor. At the hearing, you will have the burden of proving that the preliminary decision to deny the license should be reversed and that your license should be granted. 3 V.S.A. § 129(e). You may have an attorney represent you, and you may bring witnesses and documents to the hearing. After the hearing, the tribunal may uphold the denial, in whole, or in part, may reverse the decision and issue an unrestricted license, or may issue a license with disciplinary sanctions attached. 3 V.S.A. § 129(a)(3).

If you do not petition for review, the preliminary denial of the license will become final in 30 days. As a final disciplinary decision, the denial will be reported to all required national data banks and shall be public pursuant to 3 V.S.A. §131.

Once the decision is final, it may be appealed pursuant to 3 V.S.A. § 130a.

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