

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

IN RE:)
LORI ANN HILL (LESTER)) Docket No: NU 78-0503
License No. 025-0006224)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Lori Ann Hill (Lester), who stipulate and agree as follows:

Board Authority

- 1) The Vermont State Board of Nursing ("the Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814; 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
- 2) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 3) Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(7).
- 4) Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(7).
- 5) Conduct of a character likely to deceive, defraud, or harm the public includes aiding, abetting or assisting any person in any act in violation of this chapter or acts against the best interest of the public. ARBN, Chapter 4, Rule IV(II)(D)(10).

Facts

- 6) Respondent, Lori Ann Hill (Lester) is a Licensed Practical Nurse holding license number 025-0006224.

STATE OF VERMONT



Prosecuting Attorney
Office of
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Montpelier, VT 05602

7) Respondent's license was originally issued on November 23, 1987 and Respondent's license is currently set to expire on January 31, 2004.

8) At all times relevant, Respondent was employed at Birchwood Terrace Health Care in Burlington, Vermont.

9) Pursuant to the IBM Sickness and Accident Income Plan, to receive payment for days absent from work, IBM employees must submit an absence form for each day absent to the IBM Medical Department. The absence forms must be signed by the treating physician or an R.N. per the instructions of the treating physician. The Respondent signed absence forms as an R.N. on the following occasions, although the Respondent is licensed as an L.P.N.:

a) On or about December 2, 2002, the Respondent signed two absence forms for IBM employee, R.L., as a Registered Nurse.

b) On or about March 10, 2003, the Respondent signed one absence form for IBM employee, R.L., as a Registered Nurse.

c) On or about April 14, 2003, the Respondent signed a total of four absence forms for two IBM employees, R.L. and J.S., as a Registered Nurse.

10) IBM employee R.L. is Respondent's step-son and IBM employee J.S. is R.L.'s girlfriend. Respondent advised State Investigator Jackie Cholewa that R.L. and J.S. approached Respondent to have Respondent sign the absence forms because though they were sick, they could not afford to go to a physician to have the forms filled out.

11) On the absence forms, Respondent made diagnoses, created treatment plans and on most of the forms, filled in dates for the question "Date of Office Visit", even though no office visits to physicians were made by either R.L. or J.S.

12) By way of history, the Respondent's license was conditioned by the Board of Nursing by way of a Stipulation and Consent Order entered on May 17, 2001.

Charges

13) The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:

- i. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and
- ii. 3 V.S.A. §129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records); and

STATE OF VERMONT



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- iii. 26 V.S.A. §1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can impose disciplinary action), which includes aiding, abetting or assisting any person in any act in violation of this chapter or acts against the best interest of the public pursuant to ARBN, Chapter 4, Rule IV(II)(D)(10).

Understandings

- A. Respondent does not admit to the facts above, but agrees that the Board may accept them as proven by the State in order to resolve the pending matter and that the Order set forth may be entered by the Board.
- B. Respondent understands that the Nursing 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.
- C. 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.
- D. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- E. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- F. 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.
- G. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Nursing.

ORDER

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

H. The Board of Nursing hereby **SUSPENDS THE RESPONDENT'S LICENSE FOR A PERIOD OF TWO (2) WEEKS** from the date of entry of the Consent Order. Thereafter, the Respondent's license will be **CONDITIONED for a minimum period of two (2) years**. The conditions are as follows:

(1) Length of Time Conditions Imposed.

These conditions shall remain in place until Respondent has completed **two (2) years** of supervised nursing practice in which Respondent works at least forty

STATE OF VERMONT



Prosecuting Attorney
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(40) hours every two (2) weeks in nursing. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(2) Nursing Ethics Course.

Respondent shall, at her own expense, complete one (1) course in nursing ethics. This course must be pre-approved by the Board. Respondent must submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee.

(3) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of the commencement of these conditions, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

(4) Notification to Employers/Nursing School.

During the conditioned period, 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 commencement of these conditions or of any subsequent employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, 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 which has a clinical portion which involves actual patient care, she shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with its conditions during clinical experience.

(5) Reports from Employers/Nursing School.

Within one (1) month of the date of commencement of these conditions or within one (1) month of the commencement of employment, and every month thereafter for both years the conditions are in place, Respondent shall cause every employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the 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 her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

STATE OF VERMONT



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(6) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered and/or licensed nurse that is licensed and in good standing with the Vermont Board of Nursing.

(7) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(8) Violation of the Consent Order.

If Respondent violates the terms of this Stipulation and Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(9) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to Respondent leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state practice so long as the Respondent can still comply with the provisions of this Consent Order.

(10) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license. The Respondent shall be reinstated without conditions if she has satisfied all conditions. Respondent shall demonstrate, to the Board's satisfaction that Respondent fully complied with all the terms of this Consent Order.

I. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

J. 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).

K. 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.

STATE OF VERMONT



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AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated:

3/5/04

By:

[Signature]
Edward G. Adrian
State Prosecuting Attorney

LORI ANN HILL (Lester)
RESPONDENT

Dated:

3.5.04

By:

[Signature]
Lori Ann Hill (Lester)

APPROVED AS TO FORM:
Attorney for Respondent

Dated:

3.5.04

By:

[Signature]
Leighton C. Detora, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated:

3/8/04

By:

[Signature]
Chairperson

Date of Entry:

3/12/04

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