

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

IN RE:

HEATHER BARIL

License No. 075.0009430

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Docket No. M2010-17

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Heather Baril, who 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. § 1595; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Heather Baril (the "Respondent") of Barre, Vermont was licensed by the State of Vermont as a Licensed Nursing Assistant under license number 075.0009430. This license was originally issued on or about June 19, 1998 and lapsed on or about November 30, 2006.
3. By way of history, on or about December 14, 2005, the Board summarily suspended Respondent's license. Attachment A. This discipline was due in part to Respondent's admission that she had taken jewelry from a residence where Respondent had been assigned to provide patient care. Attachment A.
4. By way of further history, on or about March 15, 2006 pursuant to a Stipulation and Consent Order, the Board indefinitely suspended Respondent's license. Attachment A. This discipline was due in part to the conduct described above in ¶3.
5. On or about February 12, 2010 in a letter to the Board, the Respondent requested that her license status be changed from Suspended to Inactive-Conditioned so that her name can be removed from the Office of Inspector General (the "OIG") Exclusion List. (A person or entity on the OIG Exclusion List is excluded in part from providing services to beneficiaries of federal health care programs.)

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05609-1107

6. In this same letter, Respondent stated that based on the conduct referenced above in ¶3, she pleaded guilty to felony theft and was placed in a diversion program with three (3) years of probation. Respondent stated she successfully completed her probation and diversion and listed her probation officer as a reference.
7. In this same letter, Respondent expressed remorse for her prior action and stated that she has learned from her mistake.
8. In this same letter, Respondent stated that she has no intention to seek reinstatement of her LNA license, but seeks a change in her suspended license status in order to enable her to pursue other employment that is currently not obtainable due to her name being on the OIG Exclusion List.

Understandings

9. 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.
10. 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.
11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
13. 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.
14. 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.
15. 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 changes Respondent's license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. If, in the future, Respondent requests reinstatement of her nursing assistant license, her license will be

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CONDITIONED by the Board pursuant to whatever terms the Board finds reasonable at the time of Respondent's request for reinstatement.

- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- C. 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).
- D. 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: 4.7.10

By: 
Betsy Ann Wrask
State Prosecuting Attorney

HEATHER BARIL
RESPONDENT

Dated: 4/5/10


By: 
Heather Baril

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 4/12/10

Date of Entry: 4/15/10
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By: 
Acting Chairperson

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

IN RE:

HEATHER BARIL

License No. 075-0009430

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DOCKET No. NA17-1105

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent, Heather Baril, LNA, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nursing Assistants pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28 and; the rules of the Board and the Vermont Office of Professional Regulation.

Statement of Facts

2. Heather Baril (the "Respondent") of Barre, Vermont is a licensed nursing assistant holding license number 075-0009430, issued by the State of Vermont. This license was originally issued on or about June 19, 1998 and is set to expire on November 30, 2006.

3. During all times relevant the Respondent was employed as an LNA by the Central Vermont Home Health and Hospice Center (the "Center").

4. On or about October 28, 2005 the Center received a report that a theft of jewelry had occurred at a residence where the Respondent was assigned to provide patient care.

5. On or about November 28, 2005 the Respondent admitted to Senior Trooper Robert J. Lucas that she had taken the jewelry and had hidden it at an outdoor location.

6. Respondent's license was summarily suspended by this Board on or about December 14, 2005.

Charges

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Attachment A

7. The above acts and circumstances, alone or in combination, violate:

- i. 3 V.S.A. § 129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- ii. 26 V.S.A. § 1595(5) (is unfit or incompetent to function as a nursing assistant by reason of any cause);
- iii. Vermont Board of Nursing Administrative Rules Chapter 5, Rule IV, II, A ("Any cause" includes, but is not limited to, failing to conform to the essential standards of acceptable and prevailing nursing assistant practice); and
- iv. 26 V.S.A. § 1595(4) (has abused or neglected a patient or misappropriated patient property).

Understandings

- 8. 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.
- 9. 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.
- 10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 12. 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.
- 13. 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.
- 14. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

A. The conduct alleged above by the State constitutes unprofessional conduct pursuant to, and in violation of:

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- i. 3 V.S.A. § 129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- ii. 26 V.S.A. § 1595(5) (is unfit or incompetent to function as a nursing assistant by reason of any cause);
- iii. Vermont Board of Nursing Administrative Rules Chapter 5, Rule IV, II, A ("Any cause" includes, but is not limited to, failing to conform to the essential standards of acceptable and prevailing nursing assistant practice); and
- iv. 26 V.S.A. § 1595(4) (has abused or neglected a patient or misappropriated patient property).

B. The Board of Nursing hereby **INDEFINITELY SUSPENDS** Respondent's nursing assistant license.

C. 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).

D. This Stipulation and Consent Order will remain part of the 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: 2/21/06

By: 

Edward G. Adrian
State Prosecuting Attorney

HEATHER BARIL
RESPONDENT

Dated: 02/15/05

By: Heather Baril

Heather Baril

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

APPROVED AND SO ORDERED:

Dated: 03/13/06

Date of Entry: 3/15/06

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VERMONT BOARD OF NURSING

By: Susan Fanell

Chairperson