

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

IN RE:)
Lametra Bilbo) Docket No. 2018-110
License No. 025.0134131)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Lametra Bilbo, 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(c); 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

2. Lametra Bilbo (the "Respondent") of Hattiesburg, Mississippi is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0134131. This license was originally issued on November 10, 2017, and expires on January 31, 2020.
3. From November 13, 2017 to March 23, 2018, Respondent worked at Starr Farm Nursing Center in Burlington, Vermont ("Facility").
4. On September 13, 2018, the Facility administrator received notification from Prime Time Staffing that Respondent was arrested in Wisconsin in possession of medications from multiple health care facilities, including potentially from the Facility.
5. The Facility identified Starr Farm patients and their medication cards in the possession of Respondent when she was arrested, which included Gabapentin 300 mg, Zanaflex 4 mg, Trazadone 25 mg; and Haloperidol 5 mg.

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3rd Floor
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05620-3402

6. When arrested, Respondent also possessed the following prescription medications that were prescribed to patients from facilities other than Starr Farm: Seroquel, SMZ/TMP DS, Omeprazole, Cephalexin, Ciprofloxacin, Pantoprazole, Levofloxacin, Ranitidine HCl, Cyclobenzaprine, Ceftriaxone Sodium, Tizanidine.
7. When arrested, Respondent informed the police officer that she was working as an LPN at Crossroads Care Center of Crystal River in Waupaca, Wisconsin.
8. Respondent informed the police officer that the medications belonged to her and that she was supposed to destroy them with another nurse. She also admitted that it is against protocol to have medications outside of the Wisconsin facility.
9. Police confirmed with the Crossroads Care Center of Crystal River's Director of Nursing that Respondent should not have been in possession of the prescription medications outside of their facility.
10. Respondent has obtained an extensive mental health and substance abuse evaluation by a PhD psychologist.
11. The terms and conditions of this Stipulation are based upon the facts set forth herein and the content and substance of Respondent's independent evaluation.

Violation One: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

12. Paragraphs 2 through 11 above are incorporated herein.
13. As an LPN, Respondent is prohibited from diverting drugs for unauthorized use.
14. Paragraphs 2 through 9 above demonstrate that Respondent diverted drugs from the Facility for unauthorized use in violation of 26 V.S.A. §1582(a)(2).
15. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent diverted drugs for unauthorized use in violation of 26 V.S.A. §1582(a)(2).

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

16. Paragraphs 2 through 11 above are incorporated herein.
17. As an LPN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
18. Paragraphs 2 through 9 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public by diverting drugs prescribed to patients.

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19. 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).

Violation Three: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

20. Paragraphs 2 through 11 above are incorporated herein.
21. As an LPN, Respondent is required to exercise her own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
22. Paragraphs 2 through 9 demonstrate that Respondent failed to exercise independent professional judgment by diverting drugs on multiple occasions.
23. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by diverting drugs from patients in violation of 3 V.S.A. §129a(a)(15).

Understandings

24. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
25. 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.
26. 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.
27. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
28. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
29. 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.

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30. 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.
31. 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 **REPRIMANDS** the Respondent's license.
- B. The Board of Nursing hereby **CONDITIONS** Respondent's license **FOR A MINIMUM OF ONE (1) YEAR**. 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. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a **minimum of one (1) year** of supervised nursing in which Respondent works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of fewer than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.
 3. Required Coursework. Respondent must successfully complete (i.e., receive a passing grade, if applicable) on the following online courses offered by NCSBN:
 - a. Ethics of Nursing Practice (4.8 hours); and
 - b. Righting a Wrong: Ethics & Professionalism in Nursing (3.0 hours).

Respondent must submit to the Enforcement Case Manager the completed assignment books for each course and submit certificates of completion for each course. The courses must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order. Failure to complete such a course as ordered and within the prescribed timeframe shall constitute a violation of this Order.

4. Notification to Employers/Nursing School. 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 entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the Board an employer agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

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In the event Respondent is attending a nursing 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 Board a nursing program agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

5. Reports from Employers/Program Director. Within one (1) month of the date of this order or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. In the event 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 Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (i.e. consistently meeting all standards of nursing practice) and attendance.
6. Practice Under Supervision. Respondent shall practice as a nurse only in a setting where Respondent has on-site supervision for the entire shift by a licensed practical nurse or a licensed registered nurse that is in good standing with the State licensing authority.
7. 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, home health care agency, temporary nursing employment agency, or as a private duty.
8. Individual Counseling. Within one (1) month of the date of this order or within one (1) month of the commencement of nursing employment, Respondent shall engage in individual supportive psychotherapy counseling with a pre-approved treating professional, implementing psychoeducation, self-management, and coping strategies. Respondent shall participate in a minimum of four (4) in-person counseling sessions and must participate in counseling until the pre-approved treating professional certifies in writing to the Board that such counseling is no longer necessary.

Respondent shall authorize Respondent's treating professional to submit to the Board **monthly** reports on forms issued by the Board. The initial treatment plan and all revisions to the treatment plan must be included in the monthly reports to the Board. Respondent shall authorize Respondent's treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

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9. 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. Out-of-state nursing practice will be approved provided Respondent can still comply with all provisions of this Consent Order. If Respondent receives discipline on a nursing 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.
10. 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.
11. Notification to Other States. 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.
12. Completion of Conditioned License Period. After the conditioned license period, the Respondent may petition the Board to remove any and all conditions on her license. Respondent shall have the burden of proof to demonstrate successful completion of the above-stated conditions.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- 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:

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Office of
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89 Main Street
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05620-3402

Dated: 10/10/19By: Jennifer B. Colin

STATE OF VERMONT
SECRETARY OF STATE

Jennifer B. Colin
Prosecuting Attorney

RESPONDENT

Dated: 10/9/19By: Lametra Bilbo

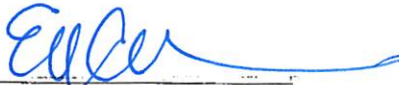
Lametra Bilbo

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 10-14-2019

By:


Chairperson

Date of Entry: 10-15-19

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
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**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
VERMONT BOARD OF NURSING**

In re: LAMETRA BILBO
License No. 025.0134131

}
} Docket No. 2018-110 (LPN)
}

SUMMARY SUSPENSION ORDER

Participating Board Members:

Ellen Watson, APRN, Chair
Deborah Swartz, RN
Jennifer Laurent, APRN
Virginia Hudson, RN
Kelly Sinclair, LNA
Douglas Sutton, RN
Luana Tredwell, LPN
William G. White, Jr., Public Member

Appearances:

Prosecuting the case: Jennifer B. Colin, Esq.
Respondent: was not present nor represented

Presiding Officer:

George K. Belcher

Exhibits:

State Exhibit 1: Wisconsin Offense Incident Report 9/2/18
State Exhibit 2: Four photos of prescription labels from Star Farm Nursing Center

**Summary Suspension Order
FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Board of Nursing on a Request for a Summary Suspension. The hearing was held on November 5, 2018, at the Office of Professional Regulation in Montpelier, Vermont.

Findings of Fact

Based on a review of the pleadings and the file, and on the evidence presented to the

Board at the hearing, the Board finds as follows:

1. Respondent is licensed as a Licensed Practical Nurse in Vermont. The Respondent's license is set to expire on January 31, 2020. The Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. 3 V.S.A. § 814(c) permits the Board to summarily suspend a license if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order.
2. The prosecutor has filed a "Request for Summary Suspension." A copy of the Request is attached to this Decision and Order. The Respondent was sent a notice of the hearing on October 26, 2018 to the address on file with the Office of Professional Regulation. There was no evidence offered to show that the Respondent had, or had not, received the notice of hearing.
3. The State presented as evidence the testimony of Wisconsin State Trooper Henry Glick and the Director of Nursing at Starr Farm Nursing facility, Lisa Chase.
4. The testimony established that the Respondent was stopped in a traffic stop in Wisconsin on or about September 2, 2018. At that time she was arrested in connection with her having possession of a variety of prescription medications. During the stop she admitted to Trooper Glick that she was a nurse and that it was outside of protocol for her to have prescription medications for patients other than herself. Trooper Glick confirmed that some of the medications came from Crossroads Care Center of Crystal River where the Respondent worked. That facility confirmed that the Respondent should not have been in possession of the medications.
5. Some of the medications bore evidence that they were taken from patients at the Starr Farm Nursing Center where the Respondent had worked as a temporary nurse from November 2017 to March of 2018. That facility was notified of the discovered medications. Starr Farm Nursing Center then did an investigation which showed that the medications which were in the possession of the Respondent had been recorded as having been administered to patients, or redelivered to the facility pharmacy. The Respondent should not have had the medications in her possession.
6. The medications from Starr Farm Nursing Center included Zanaflex, Gabapentin, Haldol and Trazadone. There was ample evidence to establish that the Respondent had diverted these medications to her own use while working as a nurse in Vermont.
7. The evidence established that the Respondent violated 26 VSA Sec. 1582 (a)(3) [engaged in conduct of a character likely to deceive, defraud or harm the public]; 26 VSA Sec. 1582(a)(2) [diversion of drugs for unauthorized use]; 3 VSA Sec. 129a(a)(15) [failure to exercise independent professional judgment in performance of licensed activities]; and 3 VSA Sec. 129a(b)(1) [performance of unsafe or unacceptable patient or client care].
8. The evidence presented show facts which imperatively require emergency action for the public health, safety, and welfare. Specifically, summary suspension is necessary to prevent patient harm, and to protect the general integrity of the medical profession.

Conclusions of Law

Our Findings of Fact and Conclusions of Law in this Summary Suspension hearing are

for purposes of deciding whether *at this time* there is an imperative need to take emergency action. 3 V.S.A. § 814(c). Our Findings of Fact and Conclusions of Law herein are for purposes of this Order only.

The Prosecutor's Request for a Summary Suspension is supported by the evidence presented. The Board concludes that the allegations in the Request for Summary Suspension have been established to the necessary degree. For purposes of this Summary Suspension Hearing, the Findings of Fact above do support Summary Suspension of Respondent's license. There is an imperative need to take emergency action. 3 V.S.A. § 814(c).

Vermont law requires that unprofessional charges be filed promptly with Respondent being afforded a prompt hearing. At any merits hearing in this matter, the prosecutor will bear the burden of proving unprofessional conduct. Our Findings and Conclusions in this matter will not absolve the prosecution or Respondent from producing or challenging relevant evidence at a merits hearing. The Findings of Fact and Conclusions of Law at a contested hearing will be based exclusively on the evidence admitted at that hearing.

Order

The Request for Summary Suspension is **Granted**. Respondent's license is **Summarily Suspended** pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined. 3 V.S.A. § 814(c).

Vermont Board of Nursing

By: 
Ellen Watson, APRN, Chair

Date: November 12, 2018

DATE OF ENTRY: 11-19-18

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.