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JAN 25 2017

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

IN RE:)
RACHEL B. CARLTON) Docket No: 2015-545
License No: 026.0110841)

STIPULATED VOLUNTARY SURRENDER OF LICENSE

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Rachel Allen, and the Respondent, Rachel B. Carlton, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("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.

Stipulated Facts and Violations

2. Rachel B. Carlton ("Respondent") of Lebanon, Tennessee, is licensed by the State of Vermont as a Registered Nurse under license number 026.0110841. This license was originally issued on or about June 11, 2015, and is currently set to expire on or about March, 31, 2017.
3. On November 24, 2015, the West Virginia State Board of Examiners for Registered Professional Nurses suspended Respondent's license.
4. On April 8, 2016, the West Virginia State Board of Examiners for Registered Professional Nurses accepted a voluntary surrender of Respondent's APRN license ("WV Consent Agreement").
5. The WV Consent Agreement states that while physically in Tennessee, the Respondent practiced telemedicine in West Virginia while employed by Bronson Medical Corporation.
6. Before and after Respondent was issued West Virginia License No. APRN91006, Respondent contacted residents of West Virginia by telephone and wrote electronic

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prescriptions, including electronic prescriptions for compounded medications, and/or medical orders for diabetic supplies.

7. The WV Consent Agreement provides that Respondent may not petition for reinstatement of her licensed until five (5) years has elapsed.

Violation One: 3 V.S.A. § 127. Unauthorized practice.

12. The State re-alleges and incorporates Paragraphs 2 through 7 above.
13. The facts alleged in Paragraphs 3 through 6 demonstrate that Respondent was disciplined by the state of West Virginia for conduct that constitutes unauthorized practice in Vermont.
14. The facts alleged in Paragraphs 6 demonstrate that Respondent provided telemedicine in West Virginia to West Virginia residents without a license. This act also constitutes unprofessional conduct in Vermont, in violation of 3 V.S.A. § 127.
15. The alleged conduct charged against the Respondent in West Virginia would constitute unprofessional conduct in this state. The Board may discipline any licensee or refuse to license any person who has had a license application denied or license revoked, suspended, limited, conditioned or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute unprofessional conduct in this state, or has surrendered a license while under investigation for unprofessional conduct, pursuant to 3 V.S.A. §129(a)(5).
16. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. § 127, incorporating 3 V.S.A. § 129(a)(5).

Understandings

2. Respondent admits that the facts above are true and the parties reach a full and final Stipulation pursuant to these Understandings and the Acceptance of Voluntary Surrender and Order below.
3. Respondent understands that the Nursing Board must review and accept the terms of the Stipulated Voluntary Surrender of License. If the Board rejects any portion, the entire Stipulated Voluntary Surrender of License shall be null and void.
4. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
5. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

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6. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulated Voluntary Surrender of License.
7. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulated Voluntary Surrender of License.
8. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulated Voluntary Surrender of License.
9. Respondent agrees that the Acceptance of Voluntary Surrender and Order set forth below may be entered by the Board.

ACCEPTANCE OF VOLUNTARY SURRENDER AND ORDER

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

- A. The Board of Nursing hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her nursing license.
- B. Any future application for licensure shall be subject to the licensing requirements of that particular profession. If a future application for licensure in the State of Vermont is approved, that license shall be **CONDITIONED** pursuant to whatever terms are found to be reasonable at the time of Respondent's application for licensure, taking into account the stipulated facts above.
- 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.

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AGREED TO:

Dated: 11/25/17

STATE OF VERMONT
SECRETARY OF STATE

By: 
Rachel Allen
State Prosecuting Attorney

RACHEL B. CARLTON
RESPONDENT

Dated: 1/20/17 @

By: 
Rachel B. Carlton

APPROVED AND SO ORDERED:

Dated: 3/6/17

VERMONT BOARD OF NURSING


By: 
Chairperson

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