

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

In re Lori Collins }
License No. 025-0007374 }
Docket No. NU 49-0107 }

**FINDINGS OF FACT
CONCLUSIONS OF LAW & ORDER**

On Monday 6 June 2008, the Vermont Board of Nursing (Board) heard this contested case of alleged unprofessional conduct. The State of Vermont brought a Specification of Charges ("Charges") dated 21 December 2007 against Respondent Lori Collins. Board members Jeanine Carr, Donarae Metcalf, Sandra J. Norton, Linda M. Y. Rice (Chairperson), Deborah Robinson, Alan H. Weiss and William White were present and participated in the hearing. Board members Kenneth W. Bush and Ellen W. Leff recused themselves from the proceedings.

The Respondent appeared by telephone. Edward G. Adrian represented the State of Vermont. Board counsel Kevin F. Leahy presided.

Summary:

This matter arises out of allegations of unprofessional conduct related to Respondent's employment by Prison Health Services Incorporated. Respondent, on behalf of Prison Health, worked as a licensed practical nurse practicing at the Northwest Correctional Facility in Newport, Vermont (the "Facility") during the summer of 2006.

After a full review of evidentiary record in this matter, the Board finds the facts demonstrate a violation of 3 V.S.A. §129a (b). Respondent failed to abide to the essential standards of acceptable and prevailing practice. The Board found the violation constituted unprofessional conduct and the Board determined that the unprofessional conduct warrants discipline. The Board determined that public safety requires the discipline include a conditioned license and remedial course work.

**Findings of Fact &
Conclusions of Law:**

1. The Respondent holds a Board issued State of Vermont practical nursing (LPN) license.
2. The Board licenses the Respondent and may exercise its disciplinary authority if the Board finds that the State has proven allegations of licensee unprofessional conduct.

26 V.S.A. Chapter 28; 3 V.S.A. § 129(a); the Admin. Rules for the Bd. of Nursing and the Admin. Rules for the Office of Prof. Reg.

3. The primary factual allegations contained in the State's Charges are that:

- (a) During the summer of 2006, the Respondent became involved in an inappropriate relationship with an inmate at the Facility.
- (b) The non-physical relationship involved explicit correspondence of an intimate nature and Respondent did not respect appropriate boundaries with an incarcerated patient.

See Charges at ¶¶ 3 and 4.

4. In a disciplinary hearing, the state has the burden of proof. To satisfy its evidentiary burden, it must "show by a preponderance of the evidence that [a licensee] has engaged in unprofessional conduct." 3 V.S.A. § 129a (c).

5. The Respondent does not dispute the material factual allegations, which the State contends support a finding of unprofessional conduct. The State therefore meets its statutory burden of proof. *Id.*

6. The issue for the Board, therefore, is to determine whether the facts proved at the hearing constitute a violation of the unprofessional conduct statutes governing the Respondent's license.

7. The State's evidence and the uncontested testimony of the Respondent showed that an essential standard of acceptable and prevailing practice in a nurse-inmate relationship, such as the one at issue, includes maintaining appropriate professional boundaries.

8. The Board holds that the State proved the essential standard of acceptable and prevailing practice includes maintaining professional boundaries. The Board finds as well the evidence demonstrated Respondent violated this standard on several occasions throughout the summer of 2006.

9. Under Vermont law, violating 3 V.S.A. § 129a (b) *may* constitute unprofessional practice. In this case, the Board finds that the level of the deviation from essential standards rises to a level of unprofessional conduct in the instances demonstrated by the evidence.

10. Suggestive letters and the exchange of intimate and sexually suggestive correspondence is a gross breach of those established boundaries. The evidence demonstrated that this type of professional boundary breach is significant. It has the potential to create an unsafe environment for inmates who are dependent on the professionalism of their health care providers.

11. The Board holds that nursing judgment cannot be exercised safely and in a patient's best interest under these circumstances.
12. The unprofessional conduct demonstrates a need for supervised practice.
13. The unprofessional conduct also demonstrates remedial course work by the Respondent.

ORDER

Based on the findings of fact and conclusions of law set forth above, including a finding of UNPROFESSIONAL CONDUCT, the Board of Nursing ORDERS:

The Respondent's license be CONDITIONED, including on-site supervision, for a period of two (2) years; and

Respondent shall complete an approved course in nursing ethics; and

The Respondent shall adhere to the CONDITIONS set forth in APPENDIX A to this order.

- END -

(signature page to follow)

Vermont Board of Nursing:

By:

Linda Rice APRN
Linda M. Y. Rice, APRN

Date:

4-28-09

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 5/5/09

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 the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Secretary of State's Office, National Life Building, FL2, 1 National Life Drive, Montpelier, Vermont 05602-3402 within 30 days of the entry of the order.

For more information about the procedure for filing an appeal, please see the Administrative Rules for the Office of Professional Regulation, which you can find at: <http://www.vtprofessionals.org/opr1/opr/admrule.pdf> and the Rules are also available at the Office of Professional Regulation.

If you file an appeal, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The appellate officer will review the record (the tape recording, exhibits etc.) created before the board during the hearing of your case. In cases of alleged irregularities in procedure before the board, not shown in the record, proof related to that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

APPENDIX A
(License Conditions)

Consistent with the preceding order entered in the matter of *In re Collins*, the following conditions (a through j) shall apply to the Respondent's license *UNTIL LIFTED OR MODIFIED BY ORDER OF THE BOARD OF NURSING*.

(a) Respondent's license shall be reissued labeled "conditioned." The conditions shall remain in place until the Respondent completes all requirements ordered and meets each condition.

(b) **Length of Conditions:** Respondent shall be subject to these conditions until Respondent completes two (2) years of supervised licensed practical nursing in which Respondent works at least forty (40) hours every two (2) weeks as a licensed practical nurse.

The Board will credit part-time work of less than forty (40) hours every two (2) weeks on a prorated basis.

(c) **Notification to Employers:** Respondent shall provide a copy of this Order to all employers in any current or future setting in which Respondent practices as a licensed practical nurse and inform them of the conditional license status. Within ten (10) days of the date of entry of this Order or of any subsequent employment, Respondent shall cause her immediate supervisor to write on the employer's letterhead to the Vermont Board of Nursing, Attn: Executive Director, acknowledging receipt of this Order and acknowledging the employer's ability to comply with the conditions required by this Order.

(d) **Reports from Employers:** Within one (1) month of the date of entry of this Order and monthly thereafter, Respondent shall cause every employer Respondent has worked for during the relevant period as a licensed practical nurse to submit to the Board an evaluation of Respondent's performance during that period. This report shall be on forms issued by the Board.

(e) **Reports from Educators:** In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of this Order and ability of the program to comply with the conditions in the Order during clinical experience.

(f) **Practice Under Supervision:** Respondent shall practice only in a setting where Respondent has on-site supervision for the entire shift by a nurse who is licensed and in good standing.

- (g) **Types of Employment Prohibited:** Respondent shall not work a night shift.

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 Order.

- (h) **License Renewal:** The Board's Order, and these conditions, do not affect Respondent's license renewal responsibilities. Respondent must timely apply for and otherwise comply with the requirements for license renewal.

- (i) **Nursing Course:** Respondent must successfully complete a course with a primary focus in ETHICS and preferably an ethics course that emphasizes the professional boundaries. The Respondent must receive pre-approval of the course by the Board or its designee. The Respondent shall complete the course within four (4) months of the date of entry of this Order.

- (j) **Completion of Conditional License Period:** After completing the required period of conditioned practice, Respondent shall be eligible for an unconditioned license. The Board will remove the conditions on Respondent's license and restore Respondent's licensure privileges after receipt of a petition demonstrating that the Respondent fully complied with all terms of this Order.

- (END) -