

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

IN RE:	)	
HAYLEY C. HAMILTON	)	Docket No. 2015-335
License No. 026.0109875	)	

STIPULATION AND CONSENT ORDER

STIPULATION

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

Board Authority

1. The Vermont Board of Nursing ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses, pursuant to 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.

General Statement of Facts

2. Hayley C. Hamilton ("Respondent") of Burlington, Vermont, is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0109875. This license was originally issued on or about February 19, 2015, and expires on or about March 31, 2019.
3. At all relevant times, Respondent was employed as a Hi-Tech RN by Bayada Home Health Care ("Bayada"), located in Essex Junction, Vermont.
4. On July 13, 2015, Respondent resigned from her position at Bayada via e-mail. In her e-mail, Respondent stated that her last day for work would be July 17, 2015.
5. On July 13, 2015, G.B., an employee of Bayada, called Respondent to discuss her last day of employment and client care. It was agreed that Respondent would work until July 24, 2015, so that Bayada could find an appropriate replacement.
6. On July 16, 2015, Respondent provided care for Patient 1 from 10:30am to 12:30pm. Respondent took Patient 1, who had physical and mental disabilities, outside in a wheelchair for a walk. On this day, Respondent wrote "Safety maintained, without injury" in the patient record.

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7. On July 16, 2015, M.D., and Licensed Practical Nurse, provided care for Patient 1 from 10:00pm to 8:00am on July 17, 2015. M.D. documented that Patient 1 had a bruise on her right calf/ankle.
8. On July 17, 2015, Respondent provided care for Patient 1 from 10:30am to 3:00pm. In her documentation for this day, Respondent reported bruising on both legs and a scratch on one leg that occurred after Respondent's feet were caught in her wheelchair during the previous day's walk. Respondent indicated that Patient 1 sustained injuries after she slid down in her wheelchair on July 16, 2015, despite Respondent's consistent efforts to pull Patient 1 up and reposition her.
9. Respondent did not report the incident or the resulting patient injury to Bayada.

Violation One: 3 V.S.A § 129a(b)(1) and (2). Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice.

10. The State re-alleges and incorporates Paragraphs 2 through 9 above.
11. As a Registered Nurse, Respondent must take action, promptly report, and properly document an incident that may result in patient injury to ensure safe and acceptable patient care.
12. The essential standards of acceptable and prevailing practice require an RN to take action to prevent injury when a patient is at risk of injury and promptly report an incident that may result in patient injury.
13. The facts alleged in Paragraphs 6 through 9 demonstrate Respondent's failure to practice competently by performing unsafe or unacceptable patient or client care and failing to conform to the essential standard of acceptable and prevailing practice by failing to take action, promptly report, and properly document the incident that occurred on July 16, 2015, to Patient 1.
14. 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. § 129a(b)(1) and (2).

Violation Two: 26 V.S.A. § 1582(a)(6). Leaving a nursing assignment without properly advising appropriate personnel.

15. The State re-alleges and incorporates Paragraphs 2 through 5 above.

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16. On July 21, 2015, Respondent did not report to work at the homes of Patient 2 and Patient 3 as scheduled. Respondent did not notify Bayada that she would not be providing care that morning. Bayada was unable to get in touch with Respondent.
17. July 21, 2015, at approximately 9:38pm, Respondent sent an email response to a message from Bayada inquiring about her missed visits. Respondent stated that she thought she sent an email prior to her morning shift to report she would not be providing care to Patient 2 and Patient 3.
18. 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 26 V.S.A. § 1582(a)(6).

Understandings

19. Respondent admits the facts as outlined above are true and the Board may find that the Respondent engaged in unprofessional conduct.
20. 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.
21. 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.
22. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
23. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
24. 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.
25. 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.
26. 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 **REPEALS** the Respondent's license.

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B. Respondent must successfully complete (i.e., receive a passing grade, if applicable) the following online courses through the National Council of State Boards of Nursing ("NCSBN") and submit written documentation of completion:

- a. **Righting a Wrong: Ethics & Professionalism in Nursing;**
- b. **Sharpening Critical Thinking Skills; and**
- c. **Professional Accountability and Legal Liability for Nurses.**

These courses must be completed within one hundred (100) days of the date of entry of this Stipulation and Consent Order. Failure to complete such courses within the prescribed timeframe shall constitute a violation of this Stipulation and Consent Order.

- C. Notwithstanding any provision above, the Respondent must continue to meet all 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:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 5/26/17
5/23/17

By: [Signature]
Rachel Allen
State Prosecuting Attorney

HAYLEY C. HAMILTON
RESPONDENT

Dated: 5/23/17

By: Hayley C. Hamilton
Hayley C. Hamilton

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APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6/12/17
Date of Entry: 6/12/17

By: [Signature]
Chairperson

RECEIVED
MAY 26 2017