

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

IN RE:

GILLIAN ANDREA HERDEGEN
License No. 025.0008855

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Docket No. 2009-270

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Betsy Ann Wrask, and the Respondent, Gillian Andrea Herdegen, LPN, 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. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Gillian Andrea Herdegen (the "Respondent") of Bridgewater, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0008855. This license was originally issued on or about January 3, 2006 and is currently set to expire on or about January 31, 2012.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse through Prison Health Services ("PHS"), and was working in that capacity at the Southeast State Correctional Facility (the "Facility"), located in Windsor, Vermont.
4. On or about June 24, 2009 in a Mandatory Report of Unprofessional Conduct, PHS Clinical Coordinator K.S. reported that Respondent was terminated from the Facility due to her loss of security clearance, which resulted from Respondent's inappropriate relations with an inmate.
5. On or about January 15, 2010 in an interview with State Investigator Gregory D. Kelly, K.S. advised that Respondent had made two (2) deposits of \$100 (one hundred dollars) into a Facility inmate's account, and as a result, was terminated from PHS.

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K.S. further advised that after Respondent's termination, Respondent then visited this inmate at another correctional facility in St. Johnsbury, Vermont.

6. On or about January 15, 2010 in an interview with Investigator Kelly, Respondent admitted that she deposited money into Inmate J.L.'s account. Respondent advised that J.L.'s sister asked Respondent to put money into J.L.'s account so that the sister could speak with J.L. over the phone. Respondent further advised that after she was terminated from PHS, she had gone to see J.L. in St. Johnsbury, Vermont, and that Respondent has been communicating with J.L. Respondent denied that her relationship with J.L. was anything more than friendship, and that the two had become friends in large part due to her termination.
7. It is against Facility policy for a nurse to deposit money into an inmate's account.
8. By depositing money into Inmate J.L.'s account, Respondent has violated Facility policy, essential nursing standards of practice, and 3 V.S.A. § 129a(b)(1) and (2); and 3 V.S.A. § 129a(a)(3).
9. By engaging in a personal friendship with Inmate J.L. that stemmed from a professional, nursing relationship – including visiting J.L. after her termination and continuing communication with him – Respondent has violated essential standards of nursing practice and 3 V.S.A. § 129a(b)(1) and (2); and 3 V.S.A. § 129a(a)(3).
10. It is Respondent's position that she was manipulated by Inmate J.L.

Charges

11. 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:
 - a. 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); and
 - b. 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).

Understandings

12. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.

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13. 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.
14. 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.
15. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
16. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
17. 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.
18. 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.
19. 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 and CONDITIONS** Respondent's license to practice nursing **from the date of entry below**. The conditions are as follows:

(1) Re-issue of License.

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent meets the coursework requirements described below in A(3).

(3) Professional Boundaries Course.

Respondent must successfully complete (i.e., receive a passing grade, if applicable) a professional boundaries course focusing on professional boundaries with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This

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course must be completed within sixty (60) days of the date of entry of this Stipulation and Consent Order.

(4) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(5) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(6) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(7) Completion of Conditional License Period.

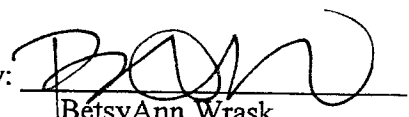
After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

- 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: 12-3-17

By: 
Betsy Ann Wrask
State Prosecuting Attorney

GILLIAN ANDREA HERDEGEN
RESPONDENT

STATE OF VERMONT



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Dated: 12/1/10

By: Gillian Andrea Herdegen
Gillian Andrea Herdegen

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12-13-10

By: Ellen Reff
Chairperson

Date of Entry: 12/15/10
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