

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

**IN RE:  
RODNEY WAYNE HICKS  
License No. 026.0040827**

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**Docket No. 2011-94**

**STIPULATION AND CONSENT ORDER**

NOW COMES the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Rodney Wayne Hicks, 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.

**Stipulated Facts**

2. Rodney Wayne Hicks (the "Respondent") of Rancho Cucamonga, California is licensed by the State of Vermont as a Registered Nurse under license number 026.0040827. This license was originally issued on or about January 29, 2008 and expires on March 31, 2013.

**Facts re: Discipline by Texas Board of Nursing**

3. On or about July 20, 2012, the Texas Board of Nursing (the "Texas Board") entered an Opinion and Order of the Board which sanctioned the Respondent with a warning with stipulations. The Texas Board found that the Respondent committed the following violations:
  - a) Respondent engaged in unprofessional conduct that was likely to injure the public by carelessly recording and submitting sexually-explicit material for publication on his employer's website. Such publication was unintentional by Respondent

and also involved a series of systematic computer/network procedural failings.

- b) Respondent failed to conform to the minimum standards of nursing practice when he failed to separate his work and private life in order to promote a safe environment for his adult university-level nursing students to learn without the possibility of viewing explicit material.
4. The Texas Board Case is currently on appeal to the Third Court of Appeals of Texas (03-16-00403-CV 11091465) in Austin, Texas.

**Facts re: Failure to Disclose Investigation**

5. On or about January 29, 2011, Respondent submitted an Online Renewal Application for his Vermont license as a Registered Nurse.
6. Among the Mandatory Credential and Fitness Questions appearing on Respondent's renewal application is a question reading:

*Are you currently under investigation by a licensing authority?*

7. In response to the question excerpted supra, Respondent answered "No."
8. On or about January 6, 2011, formal charges were filed against Respondent before the Texas Board. A copy of the charges was mailed to Respondent's Texas attorney via Certified Mail. The copy of the charges was delivered and signed for by Respondent's Texas attorney on January 13, 2011.
9. Respondent maintains that when renewing his online registration, he was under the good faith belief that the Texas investigation and the recent filing of formal charges was confidential and was not to be disclosed to any individual or entity without the Texas Board of Nursing's consent. Thus, when Respondent filled out his Vermont on-line renewal application, he maintains that he had a good faith belief that he did not have to disclose the Texas investigation and responded to all such inquiries accordingly.
10. The State maintains that Respondent was required to disclose the Texas investigation.

**Violations**

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(a)(1) (Deceptive procurement or use of a license);
  - 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); and
  - c. 26 V.S.A. § 1582(a)(1) (Has made or caused to be made a false statement or representation in procuring or attempting to procure registration or renew a license to practice nursing).

### **Understandings**

- 12. Respondent admits that the facts above are true and does not object to the imposition of the conditions below.
- 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 his 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 he 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 his 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** the Respondent's license.
- B. Prior to requesting reinstatement, Respondent shall provide a copy of this Order to all states in which Respondent currently holds a conditional license or has previously held a conditioned license. Those states must certify in writing that Respondent has completed the conditional period in its jurisdiction or is currently in compliance with the conditions on his license.
- C. This Order constitutes a release of information; allowing the Vermont Office of Professional Regulation to receive any and all information related to Respondent's compliance with out of state discipline. Respondent waives the right to claim that any information received between states is confidential and explicitly agrees that it may be used against him in a public prosecution.
- D. If Respondent requests reinstatement of his license and is conditioned in another jurisdiction, his license will be **CONDITIONED** as follows:
  - i. If currently conditioned in other jurisdictions, Respondent shall cause each State in which he is currently conditioned to provide documentation that he is in compliance with that state's conditional license on a quarterly basis.
  - ii. Failure to comply with the orders of other states shall constitute discipline in the State of Vermont and shall be the basis for additional discipline in Vermont.
  - iii. Respondent may petition to remove the conditions on his license when he is able to show proof of completion of the conditions placed on his license in all other jurisdictions.
- E. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- F. 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).

G. 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:

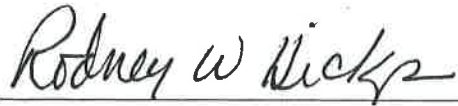
STATE OF VERMONT  
SECRETARY OF STATE

Dated: 6/13/16

By:   
S. Lauren Hibbert, Esq.  
State Prosecuting Attorney

RODNEY WAYNE HICKS  
RESPONDENT

Dated: 12 June 2016

By:   
Rodney Wayne Hicks

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 6/13/16

By:   
L. Brooke Dingleline, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 6/13/16

By:   
Chairperson

Date of Entry: 6/14/16