

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

**In re: Jamie M. John
License No. 025.0009002**

Docket No. 2019-36/37

FINAL ORDER

Board of Nursing:

Ellen Watson, APRN, Chair
Krystal Bernier, LPN
Daniel Coane, public member
Virginia Hudson, RN
Jennifer Laurent, APRN
Wendy Thurston, RN
Luana Tredwell, LPN
William White, Jr., public member

Appearances:

Prosecuting Attorney: Jennifer B. Colin Esq.
IT Member: Douglas Sutton
Respondent: Jamie M. John, *pro se*

Presiding Officer: Michael S. Kupersmith, Administrative Law Judge

Introduction

On or about March 1, 2019, the Office of Professional Regulation filed a Specification of Charges against the Respondent, Jamie M. John. On March 29, 2019, Respondent filed an Answer in which she asserted that all of the facts alleged in the Specification were undisputed and that there were "no legal defenses" to the charges.

A hearing was held by the Board of Nursing on January 13, 2020, at the Office of Professional Regulation, 89 Main Street, Montpelier, Vermont. The Respondent appeared at the hearing and affirmed that there were no factual disputes with the Specification of Charges. Consequently, the Board issued an order in which it concluded that the State had established the four violations alleged by a preponderance of the evidence. The findings of fact and conclusions of law set forth in the order entered January 21, 2020, are hereby adopted by reference and incorporated into this order as if set forth in full.¹

The Board decided that it needed additional information from the Respondent before it could determine the appropriate sanction to impose. The Board therefore issued an order which

¹ At the hearing of February 10, 2020, the State dismissed Violation Two because Respondent's convictions have been expunged.

required that the Respondent provide:

- 1) A letter from Respondent's employer, ClearChoiceMD Urgent Care, which includes: (a) Respondent's date of hire; (b) a description of Respondent's job; and (c) an evaluation of Respondent's job performance.
- 2) A copy of the expungement order from the court where the convictions occurred.
- 3) One random urinalysis.

Further hearing was conducted by the Board on February 10, 2020. The Respondent appeared and provided the required information. The Board was satisfied that Respondent has worked as a Licensed Practical Nurse since April 5, 2018 at ClearChoiceMD Urgent Care and "has been an exemplary employee throughout the duration of her employment and provides outstanding patient care." (See Respondent's exhibit C.) The Respondent also produced expungement orders showing that her criminal convictions (referenced in the Violation Two section of the January 2020 order) were expunged on November 8, 2019. (See Respondent's exhibits A-3 and A-4.) The Respondent appeared on February 3 for a random urinalysis: the results were negative.

At hearing, the Prosecuting Attorney recommended that the Board impose the so-called standard conditions usually imposed in drug-abuse and drug-diversion cases, with certain modifications. The Respondent concurred.

ORDER

Based upon the Findings of Fact and Conclusions of Law set forth in the order entered on January 21, 2020, and upon the recommendation of the parties, it is hereby ORDERED:

A.

1. License Conditioned. Respondent's shall be labeled "conditioned" commencing with the date of entry of this order.
2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a minimum of one (1) year of supervised practice as a Licensed Practical Nurse (LPN) in which Respondent works at least forty (40) hours every two (2) weeks as an LPN. Part time hours of fewer than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Respondent shall be prohibited from working more than forty (40) hours per week.
3. Monitoring. The Office of Professional Regulation, through the Enforcement Case Manager, shall be responsible for monitoring Respondent's compliance with these Conditions. All reports or correspondence regarding compliance with these conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.

4. Random Drug and Alcohol Testing. Respondent shall submit to random drug and alcohol testing through the Board pre-approved entity. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

Respondent shall submit to two (2) random urinalyses with the three-month period following the entry date of this order. If the tests results are negative, no further drug testing shall be required.

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine screen shall cause that screen to be presumed positive. Any positive screen shall constitute a violation of this Order. Failure to check-in to determine whether Respondent is selected for testing on any given day, regardless of whether Respondent is actually selected that day, may be considered a violation of this Order.

5. Abstain from Drug and Alcohol Use. Respondent shall abstain completely from the consumption or possession of alcohol and drugs.
6. Drug Use Exception. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a health care practitioner disclosed to the Board in writing by Respondent within forty-eight (48) hours of the prescription. Respondent's health care practitioner shall inform the Board, in writing and on appropriate letterhead, of knowledge of Respondent's conditional license status within seven (7) days of entering into the practitioner/patient relationship. Additionally, the practitioner shall inform the Board of all scheduled/controlled medications prescribed – and the anticipation of how long such prescriptions will need to be taken – within seven (7) days of the prescription.

The Board or its designee may request that the practitioner document the necessity for the prescribed scheduled/controlled medications or other medications known to have abuse potential. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Order for a period greater than fourteen (14) days, but if so, then the conditions herein may be revoked by the Board.

Respondent shall provide the Board with a current medication list of any medications taken on a scheduled or as-needed basis on forms issued by the Board within seven (7) days of the date of reinstatement and shall update this list within forty-eight (48) hours of any change in these medications.

7. Notification to Employers/Nursing School. Respondent shall provide a copy of this Order to all employers in any setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of any nursing employment, Respondent shall cause Respondent's immediate supervisor to submit to the

Board an employer agreement form approved by the Board, acknowledging receipt of this Order and the ability to comply with the conditions in the Order.

In the event Respondent is attending a nursing program which has a clinical portion that involves actual patient care, Respondent shall provide a copy of this Order to the Program Director. Respondent shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of this Order and the ability of the program to comply with the conditions in the Order during clinical experience.

8. Reports from Employers/Program Director. Commencing May 1, 2020, and on a monthly basis thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. Moreover, on a quarterly basis, these reports shall include the results of the employer's medication audits of Respondent's medication administration and practices, if and when Respondent engages in medication administration. In the event Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of Respondent's performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (i.e., consistently meeting all standards of nursing practice) and attendance.
9. Practice Under Supervision. Respondent shall practice as a Licensed Practical Nurse only in a setting where Respondent has direct supervision for the entire shift by a registered nurse that is in good standing with the Board.
10. Administration of Medications. Respondent is prohibited from administering any controlled substances. This condition may be removed only by Respondent filing a petition with the Board after Respondent has worked as an LPN for six (6) months for at least forty (40) hours every two weeks (or the part time equivalent) after the date of entry of this order.

In any such petition, Respondent must demonstrate, to the satisfaction of the Nursing Board or its designee, that Respondent can safely and competently administer such medications. Respondent must include appropriate support from Respondent's treating professional and employer or nursing school administrator and a description of the documentation and inventory control procedures in place.

The removal of this prohibition shall not automatically result in the reinstatement of all medication privileges. The Board may gradually restore those privileges through whatever intermediary steps it determines are appropriate.

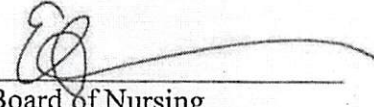
11. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this order.

12. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
13. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board or its designee. The Board will approve out-of-state nursing practice so long as Respondent can still comply with the provisions of this order. If Respondent receives discipline on a nursing license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.
14. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Order, Respondent shall notify the Board, in writing, of Respondent's current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.
15. Notification to Other States. In the event that Respondent is licensed in nursing in any other state(s), Respondent must inform the nursing licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont nursing license within thirty (30) days of the date of entry of this Order.
16. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
17. Costs. Respondent shall bear all costs of complying with this Order.
18. Violation of this Order. If Respondent violates this Order the Board, after giving 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 Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.
19. Completion of Conditional License Period. Respondent shall submit a petition to the Docket Clerk to remove any and all conditions on Respondent's license. The State will assent to or oppose Respondent's petition. The Board will conduct a hearing if necessary. Respondent bears the burden and must present proof that Respondent has fully complied with the terms of this Order and these conditions are no longer necessary to protect the public.

B. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement. This Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a). This Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

C. On the motion of the Prosecuting Attorney, Violation Two is dismissed.

Dated at Montpelier, Vt., this 28th day of February, 2020,


Board of Nursing
By: Ellen Watson, Chair

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision by the Board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Office of Professional Regulation, 89 Main St., 3rd floor, Montpelier, VT 05620-3402, within 30 days of the entry of this Order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an Appellate Officer. The review shall be conducted on the basis of the record created before the Board. In cases of alleged irregularities in procedure before the Board, not shown in the record, proof on that issue may be taken by the Appellate Officer. 3 V.S.A. §§ 129(d) and 130a. A stay may also be requested.

Date of Entry: 3/4/2020



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

**In re: Jamie M. John
License No. 025.0009002**

Docket No. 2019-36/37

DECISION ON CHARGES OF UNPROFESSIONAL CONDUCT

Appearances:

Prosecuting Attorney: Jennifer B. Colin Esq.
IT Member: Douglas Sutton
Respondent: Jamie M. John, *pro se*

Board of Nursing:

Ellen Watson, APRN, Chair
Krystal Bernier, LPN
Jennifer Laurent, APRN
Daniel Coane, Public Member
Virginia Hudson, RN
Kelly Sinclair, LNA
Wendy Thurston, RN
Luana Tredwell, LPN
William G. White, Jr., Public Member

Presiding Officer: Michael S. Kupersmith, Administrative Law Officer

Introduction

On or about March 1, 2019, the Office of Professional Regulation filed a Specification of Charges against the Respondent, Jamie M. John. On March 29, 2019, Respondent filed an Answer in which she asserted that all of the facts alleged in the Specification were undisputed and that there were "no legal defenses" to the charges.

A hearing was held by the Board of Nursing on January 13, 2020, at the Office of Professional Regulation, 89 Main Street, Montpelier, Vermont. The Respondent appeared at the hearing and affirmed that there were no factual disputes with the Specification of Charges.

Findings of Fact

Accordingly, the Board of Nursing finds that the factual allegations set forth in the Specification of Charges have been proven by a preponderance of the evidence. The Specification of Charges is hereby adopted by reference and is incorporated into this Order as if set forth in full.

Conclusions of Law

The Board concludes that the State has proved the four alleged violations set forth in the Specification of Charges.

Violation One: Diverting drugs for unauthorized use in violation of 26 V.S.A. § 1582(a)(2).

The allegations in paragraphs (4) through (10) of the Specification of Charges establish that the Respondent stole Patient D.C.'s Oxycodone from his home on June 15, 2017.

The allegations in paragraphs (18) through (25) and (28) through (30) of the Specification of Charges establish that on August 15, 2017, the Respondent stole Patient S.P.'s Oxycodone from her home.

Oxycodone is a Schedule II Controlled Substance. (See ¶ 30).

Violation Two: Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession in violation of 3 V.S.A. § 129a(a)(10).

On September 20, 2018, Respondent pleaded guilty to obtaining a prescription drug by fraud,¹ for stealing D.C.'s Oxycodone. The conviction is for a felony which is related to the practice of the profession. (See ¶ 10.) On September 20, 2018, Respondent was also convicted a petit larceny for the theft of S.P.'s Oxycodone. (See ¶¶ 28, 29.) Though a misdemeanor, the conviction is related to the practice of the profession.²

Violation Three: Failing to conform to the essential standards of acceptable and prevailing practice in violation of 3 V.S.A. § 120a(b)(2).

Theft of regulated drugs from patients fails to conform to the essential standards of acceptable and prevailing practice of the practice of nursing.

Violation Four: Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action

¹ 18 V.S.A. § 4223(a) provides:

(a) No person shall obtain or attempt to obtain a regulated drug, or procure or attempt to procure the administration of a regulated drug, (1) by fraud, deceit, misrepresentation, or subterfuge; (2) by the forgery or alteration of a prescription or of any written order; (3) by the concealment of a material fact; or (4) by the use of a false name or the giving of a false address.

The State alleged Respondent was convicted under subsection (a)(1), not (a)(2), so the conviction was for obtaining a regulated drug by fraud.

² At hearing, the Respondent testified that she had successfully completed a deferred sentence and that her convictions had been expunged. The Board does not have to determine whether an expunged sentence may be used as a predicate for a professional misconduct violation because the other violations do not raise this issue and the Board's final order will be the same whether or not Violation Two is properly founded.

repugnant to the obligations of the profession in violation of 3 V.S.A. § 129a(a)(15).

Theft of regulated drugs from patients constitutes failure to exercise independent judgment in the performance of licensed activities. Clearly, Respondent's poor judgment in stealing regulated drugs from her patients brought about action repugnant to the profession of nursing.

Discussion

The Respondent testified that upon her convictions she was given deferred sentences and placed on probation. She further testified that she had successfully completed probation and that her convictions had been expunged. She also testified that she has been working as a Licensed Practical Nurse for Clear Choice Urgent Care since March, 2018.

In the course of deliberations, the Board decided that it needs more information before determining what sanction to impose because of the Respondent's violations. The Board voted to continue this matter until the Board meeting on February 10, 2020. In order to obtain necessary information, the Board orders that the Respondent provide the documentation set forth in the Order below and to submit to one random urinalysis.

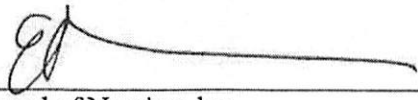
ORDER

The Respondent will provide the following documents to Phyllis Mitchell, Nursing Board Executive Officer (with a copy to the Prosecuting Attorney, Jennifer B. Colin, Esq.) on or before February 3, 2020:

- 1) A letter from Respondent's employer, Clear Choice Urgent Care, which includes: (a) Respondent's date of hire; (b) a description of Respondent's job; and (c) an evaluation of Respondent's job performance.
- 2) A copy of the expungement order from the court where the convictions occurred.

The Respondent will also submit to one random urinalysis.

It is SO ORDERED this 16th day of January, 2020.



Board of Nursing, by
Ellen Watson, Chair

Date of Entry: 1.21.2020

Note: This is *not* a final order of the Board of Nursing. The Board anticipates that it will issue a final order following the February meeting of the Board.

RECEIVED
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Department of State
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**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:

Jamie M. John

License No. 025.0009002

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**Docket No. 2019-34
2019-34**

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against Respondent Jamie M. John 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. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation ("OPR").

Statement of Facts

2. Jamie M. John ("Respondent") of Barre, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0009002. This license was originally issued on August 17, 2006, and expires on January 31, 2020.
3. During the relevant time period, Respondent was employed as an LPN by Central Vermont Home Health and Hospice in Barre, Vermont ("the Facility").

Allegations Related to Patient D.C.

4. Patient D.C. received in-home wound care in June 2017 after being discharged from the hospital at the end of May 2017.
5. Among other medications, Patient D.C. was prescribed Oxycodone 5mg tablets, 1 tablet every four hours as needed.
6. On June 15, 2017, Respondent provided wound care for Patient D.C. at his home.
7. After Respondent provided wound care, she asked to review Patient D.C.'s medications.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
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8. The evening of June 15, 2017, Patient D.C. contacted the Facility and Vermont State Police reporting that Respondent had stolen nine of his Oxycodone pills, leaving him with only two pills from his most recent prescription.
9. As a result of the theft of Patient D.C.'s Oxycodone, Respondent was charged criminally for felony prescription fraud, a violation of 18 V.S.A. §4223(a)(1), in *State vs. John*, Docket Number 1131-10-17 Wncr.
10. On September 20, 2018, Respondent pled guilty to and was convicted of felony Prescription Fraud in violation of 18 V.S.A. §4223(a)(1).

Allegations Related to Patient S.P.

11. Patient S.P. received home health care services from the Facility from late April through mid-August of 2017.
12. While she worked for the Facility, Respondent provided home-based nursing care to Patient S.P.
13. Patient S.P.'s family had a race car. While Patient S.P. was receiving home health care, S.P. and Respondent discussed their families' common interest in race cars and racing.
14. Among other medications, Patient S.P. had a prescription for Oxycodone 5mg tablets, 1 tablet every 8 hours as needed for pain.
15. On August 10, 2017, Respondent called Patient S.P.'s home and asked to stop by Patient S.P.'s home to check the patient's medications.
16. Respondent went to Patient S.P.'s home on August 10, 2017 while S.P. and S.P.'s husband were there, brought her laptop into the home, opened the drawer where S.P.'s medications were stored, and picked up bottles while she had her laptop open.
17. Respondent did not complete an LPN Observation and Assess Visit note or any other type of note to document the August 10, 2017 visit.
18. On August 15, 2017, Respondent contacted Patient S.P. and asked if Patient S.P.'s family would be working on their race car at their home that evening.
19. Patient S.P. responded affirmatively and indicated that her family would be cooking out that night as well, inviting Respondent to come over.
20. Respondent arrived at Patient S.P.'s house that evening with some food and a group of people in two cars, including Respondent's three children, her boyfriend, and her boyfriend's two children.

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21. Patient S.P. and her family were surprised and unhappy that Respondent arrived to their home with such a large group of people.
22. Respondent and her group stayed at Patient S.P.'s house for almost three hours, until after 10:00 p.m.
23. The Respondent's group stayed outside in the garage almost the entire time, except when Respondent took two of the children inside the home twice to use the restroom with Patient S.P.'s permission.
24. After the group left, Patient S.P. immediately asked her husband to check her Oxycodone bottle.
25. Based on the record keeping of Patient S.P.'s Oxycodone prescription, Patient S.P. and her family determined that 73 tablets of Oxycodone 5mg were missing after Respondent's social visit to her home on August 15, 2017.
26. On August 17, 2017, Patient S.P.'s daughter contacted the Facility and reported the stolen Oxycodone.
27. Patient S.P.'s family also reported the stolen narcotics to Montpelier Police Department.
28. Respondent was charged criminally for theft of Patient S.P.'s Oxycodone with the misdemeanor crime of Petit Larceny \$900 or Less, a violation of 13 V.S.A. §2502, in *State vs. John*, Docket Number 1150-10-17 Wncr.
29. On September 20, 2018, Respondent pled guilty to and was convicted of misdemeanor Petit Larceny as the result of stealing Patient S.P.'s Oxycodone.
30. Oxycodone is a Schedule II Controlled Substance under the Federal Controlled Substances Act, 21 U.S.C. §1308.12.

Violation One: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

31. The State re-alleges and incorporates Paragraphs 2 through 30 above.
32. As an LPN, Respondent is prohibited from diverting drugs for unauthorized use.
33. Paragraphs 2 through 30 above demonstrate that Respondent diverted drugs from two patients for unauthorized use in violation of 26 V.S.A. §1582(a)(2).
34. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent diverted drugs for unauthorized use in violation of 26 V.S.A. §1582(a)(2).

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Violation Two: 3 V.S.A. §129a(a)(10) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.

- 35. The State re-alleges and incorporates Paragraphs 2 through 30 above.
- 36. In Vermont, conviction of a crime related to the practice of the profession, whether a misdemeanor or felony, constitutes unprofessional conduct.
- 37. Paragraphs 9 and 10 demonstrate that Respondent was convicted of felony prescription fraud as the result of her theft of Patient D.C.'s Oxycodone.
- 38. Paragraphs 28 and 29 demonstrate that Respondent was convicted of misdemeanor petit larceny as the result of her theft of Patient S.P.'s Oxycodone.
- 39. Paragraphs 11 through 29 demonstrate that Respondent's misdemeanor petit larceny conviction is related to the practice of the nursing conviction because the conduct underlying the conviction was Respondent's theft of a patient's prescription narcotics.
- 40. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent violated 3 V.S.A. §129a(a)(10).

Violation Three: 3 V.S.A. §129a(b)(2): Failure to conform to the essential standards of acceptable and prevailing practice.

- 41. The State re-alleges and incorporates Paragraphs 2 through 30 above.
- 42. As a Licensed Practical Nurse, Respondent must conform to essential standards of acceptable and prevailing nursing practice, including respecting and maintaining appropriate professional boundaries between herself and patients.
- 43. Paragraphs 18 through 27 above demonstrate that Respondent engaged in conduct which violated essential standards of acceptable and prevailing practice.
- 44. Respondent violated the essential standards of acceptable and prevailing practice by intentionally disregarding professional boundaries with respect to Patient S.P. and Patient S.P.'s family by engaging in an inappropriate social interaction when Respondent brought her family and her boyfriend's family to socialize with the patient and the patient's family at the patient's home during a period of time when Respondent also provided nursing care to Patient S.P.
- 45. 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)(2).

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Violation Four: 3 V.S.A. §129a(a)(15): Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

46. The State re-alleges and incorporates Paragraphs 2 through 30 above.
47. Vermont law requires licensed practical nurses to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
48. Paragraphs 2 through 30 above demonstrate that Respondent failed to exercise the requisite independent professional judgment in her performance of licensed activities by stealing the narcotics of two patients and bringing her family to a patient's home to socialize with the patient and the patient's family.
49. 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(a)(15).

Relief Requested

WHEREFORE, the license of Jamie M. John should be revoked suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 14 day of March, 2019.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Jennifer B. Colin
Prosecuting Attorney
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STATE OF VERMONT



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