

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

IN RE:
ZOE KINGSLEY
License No. 026.0021635

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)
)

Docket No. 2012-216

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Gabriel M. Gilman, and Respondent Zoe Kingsley and stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("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. Zoe Kingsley ("Respondent") of Granville, New York is licensed by the State of Vermont as a Registered Nurse under license number 026.0021635. The license was originally issued on or about July 8, 1994 and is currently set to expire on March 31, 2013.
3. On or about December 23, 2011, the New York State Board of Nursing disciplined Respondent's New York nursing license. A copy of the New York State Board of Nursing's Consent Order (hereinafter, "New York Order"), dated December 23, 2011, is attached hereto as Exhibit A.
4. Respondent is in compliance with the terms of the New York Order at the time of this writing, but a conditional/probationary period established by the New York Order has yet to run.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

Basis for Reciprocal Discipline

5. The conduct for which Respondent was disciplined in New York would constitute unprofessional conduct in this state and is properly the subject of Board discipline pursuant to:
 - a. 3 V.S.A. § 129a(b)(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: (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - b. 3 V.S.A. §129(a)(5) (The Board may discipline any licensee or refuse to license any person who has had a license application denied or license revoked, suspended, limited, conditioned or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute unprofessional conduct in this state, or has surrendered a license while under investigation for unprofessional conduct).
6. Consistent and commensurate application of licensing conditions between and among jurisdictions tends to promote professional accountability and is in the interest of the public.

Understandings

7. Respondent understands that the Board of Nursing must review and accept the terms of this Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
8. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her right to a fair and impartial hearing if this agreement is not accepted by the Board and proceeds to a contested hearing.
9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. 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.

STATE OF VERMONT



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12. 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.
13. Respondent agrees that the Order set forth below may be entered by the Board.

Order

Based on the above Stipulation, it is **ORDERED and ADJUDGED** as follows:

- A. The license of Zoe Kingsley, RN, is **CONDITIONED** on terms substantially similar to those imposed by Order of the New York State Board of Nursing. In particular:
 1. Respondent shall comply with the terms of probation listed in "Exhibit B" to the New York Board of Nursing's Consent Order dated December 23, 2011 and shall notify this Board within forty-eight hours of any adverse action relative to her license status in New York.
 2. If for any reason Respondent ceases to make the quarterly visits to the New York State Education Department's Office of Professional Discipline described in ¶6 of "Exhibit B" of said New York Order, Respondent shall advise the Vermont Board of Nursing, which may, as it deems appropriate, require equivalent reporting directly to the Vermont Board of Nursing.
 3. Respondent shall, upon request of Board staff, authorize the New York State Education Department to share any and all records relating to Respondent.
 4. Respondent may petition to terminate the above conditions by demonstrating to the Board's satisfaction either that:
 - a. the New York Board of Nursing has terminated Respondent's probation and restored her unencumbered New York license, or
 - b. Respondent has met reinstatement requirements substantially equivalent to those set out in the New York Board of Nursing's Consent Order dated December 23, 2011.
- B. 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).
- C. 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.

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AGREED TO:

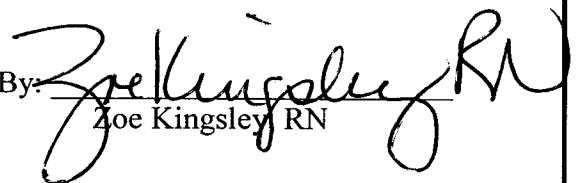
Dated: May 24, 2012

STATE OF VERMONT
SECRETARY OF STATE

By: 
Gabriel M. Gilman
State Prosecuting Attorney

ZOE KINGSLEY, RN
RESPONDENT

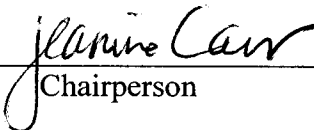
Dated: 6/28/12

By: 
Zoe Kingsley RN

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7/9/12

By: 
Chairperson

Date of Entry: 7/11/12

nu.kingsley.stp

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
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The University of the State of New York

IN THE MATTER

OF

ZOE ELLEN KINGSLEY
(Registered Professional Nurse)

ORIGINAL
VOTE AND ORDER
NO. 25979

Upon the application of ZOE ELLEN KINGSLEY, under Calendar No. 25979, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (February 14, 2012): That the application of ZOE ELLEN KINGSLEY, respondent, for a consent order be granted; and that the Deputy Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

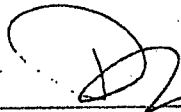
ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and SO ORDERED, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.



ZOE ELLEN KINGSLEY (25979)

IN WITNESS WHEREOF, I, Douglas E. Lentivech, Deputy Commissioner for the Professions, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand, at the City of Albany, this 14th day of February, 2012.



DOUGLAS E. LENTIVECH
DEPUTY COMMISSIONER
FOR THE PROFESSIONS

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X
IN THE MATTER

of the

Disciplinary Proceeding

against

ZOE ELLEN KINGSLEY

APPLICATION FOR
CONSENT ORDER

CAL. NO. 25979

who is currently licensed to practice
as a registered professional nurse
in the State of New York.
-----X

ZOE ELLEN KINGSLEY states:

That on or about April 14, 1986 I was licensed to practice as
a registered professional nurse in the State of New York, having
been issued license number 385624 by the New York State Education
Department.

I am currently registered with the New York State Education
Department to practice as a registered professional nurse in the
State of New York from an address at 9 Bulkley Avenue, Granville,
New York 12832.

That I have been charged with one (1) specification of
professional misconduct, a copy of which is annexed hereto, made a
part hereof, and marked as Exhibit "A".

I do not contest the aforesaid specification of professional
misconduct, charging me with unprofessional conduct (failure to
maintain accurate records).

ZOE ELLEN KINGSLEY

I hereby agree to the penalty that my license to practice as a registered professional nurse in New York State be suspended for two (2) years with execution of the last twenty-two (22) months stayed; that I be placed on probation for a period of two (2) years, under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B"; and that I be fined five-hundred dollars (\$500), said fine to be paid as set forth in the aforesaid terms of probation.

I hereby make this application to the Board of Regents and request that it be granted.

I understand that in the event that the Board of Regents denies the application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that in the event the Board of Regents grants my application, as set forth herein, an Order may be issued in accordance with the same. I understand that if and when the Board

ZOE ELLEN KINGSLEY

of Regents grants this application, the entire application shall become a matter of public record.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Zoe E. Kingsley
Respondent

EXHIBIT "A"

ZOE ELLEN KINGSLEY

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with unprofessional conduct by failing to maintain accurate records, within the purview and meaning of New York Education Law section 6509(9), in specific violation of 8 NYXRR section 29.2(a)(3) in that:

Respondent, on or about June 18, 2010, while employed as a registered professional nurse at Great Meadow Correctional facility, a state prison, failed to accurately document a mental health status and evaluation of inmate A.H. in that she copied old notes on his mental health status, on the date he was transferred from another correctional facility.

EXHIBIT "B"

TERMS OF PROBATION

ZOE ELLEN KINGSLEY

CALENDAR NO. 25979

1. That Respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing Respondent's profession;
2. That Respondent shall submit written notification to the New York State Education Department, addressed to the Director, Office of Professional Discipline, New York State Education Department, 195 Montague Street -- Fourth Floor, Brooklyn, New York 11201-3631, of any employment and/or practice, Respondent's residence, telephone number, or mailing address, and of any change in Respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
3. That Respondent shall pay the \$500 fine imposed upon Respondent, by certified or bank cashier's check, made payable to the order of the New York State Education Department, to be delivered to the Director, Office of Professional Discipline, as aforesaid; within the first three (3) months of the period of probation;
4. That Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, no later than the first three months of the period of probation;
5. That Respondent shall submit written proof to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board of Regents, said proof of the above to be submitted no later than the first three months of the period of probation;

ZOE ELLEN KINGSLEY
CALENDAR NO. 25979

6. That Respondent shall make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department, unless otherwise agreed to by said employee, for the purpose of said employee monitoring Respondent's terms of probation to assure compliance therewith, and Respondent shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
7. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Education Department may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents.

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

ZOE ELLEN KINGSLEY

APPLICATION FOR
CONSENT ORDER

CAL. NO. 25979

who is currently licensed to practice
as a registered professional nurse
in the State of New York.

-----X

The undersigned agree to the above statement and to the
proposed penalty based on the terms and conditions thereof.

Dated: Nov. 5th, 2011 Zoe E. Kingsley
Respondent

Dated: Nov. 10, 2011 M. Magallon
Attorney for Respondent

Dated: Nov. 18, 2011 Rene L. Agnew RN
Member of the State Board
for Nursing

Dated: 12/6, 2011 Theresa H. Feltner
Director
Office of Professional Discipline

The undersigned, a member of the Board of Regents who has
been designated by the Chairman of the Regents Committee on
Professional Practice to review this Application for a Consent
Order, has reviewed said Application and recommends to the Board
of Regents that the Application be granted.

Dated: 12/23, 20 Seamus C. Cery
Member, Board of Regents
/kec