

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

IN RE:

AMY T. KOENIG

License No. 026.0020778

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Docket No. 2009-205

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Amy T. Koenig, RN, 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. Amy T. Koenig (the "Respondent") of Northfield, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0020778. This license was originally issued on or about October 2, 1992 and is currently set to expire on or about March 31, 2011.
3. On or about March 31, 2009, Respondent's license lapsed. Respondent's license was not renewed until on or about April 27, 2009.
4. During the time her license was lapsed, Respondent was working as a Registered Nurse at Central Vermont Home Health & Hospice (the "Facility"), located in Barre, Vermont.
5. Prior to her license lapsing, the Facility sent out a voicemail reminder to all nursing staff that licenses needed to be renewed and copies needed to be turned in to the Facility Human Resources Department by March 31, 2009.
6. Respondent's supervisor, Clinical Supervisor B.B., also reminded Respondent at least twice that she needed to provide the HR Department with a copy of her renewal.

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Montpelier, VT
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Respondent assured B.B. that she had renewed her license, and that she would get a copy for B.B.

7. In fact, Respondent had not yet renewed her license, and continued to see patients and bill insurance companies for her visits. Respondent worked for approximately one (1) to one and a half (1 ½) weeks without an active license.
8. On or about April 20, 2009 while Respondent was on vacation, the Facility found that Respondent's license had not yet been renewed.
9. On or about April 27, 2009, Respondent resigned from the Facility after being requested to do so, due to her continuing to see patients and bill insurance, despite not having renewed her license but telling the Facility that she had done so.
10. On or about January 13, 2010 in an interview with State Investigator Gregory D. Kelly, Home Care Director S.B. advised that Respondent did not renew her license when she should have, despite being asked several times if it was renewed. S.B. advised that each time Respondent was asked by a Facility member whether her license was renewed, Respondent answered in the affirmative. S.B. advised that the Facility had to refund insurance companies for the care Respondent billed because she was not actively licensed as a nurse when she provided that care.
11. By failing to renew her license before it lapsed and despite several reminders by her Facility; by assuring the Facility that her license had been renewed when it had not; and by providing care to patients without an active license and by thereafter billing insurance for that care, when an active license was required, Respondent has violated 3 V.S.A. § 129a(b)(1) and (2).

Charges

12. 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 statutes or rules governing the practice of the profession).

Understandings

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13. Respondent admits the facts above are true.
14. 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.
15. 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.
16. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
17. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
18. 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.
19. 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.
20. 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 **WARNS** the Respondent's nursing license and imposes an **ADMINISTRATIVE PENALTY IN THE AMOUNT OF TWO HUNDRED FIFTY DOLLARS (\$250.00)** on the Respondent. This penalty is to be paid within sixty (60) days of the date of entry 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 the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

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AGREED TO:

6-24-10

Dated: 6/23/2010

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]

BetsyAnn Wrask
State Prosecuting Attorney

AMY T. KOENIG
RESPONDENT

Dated: 6/23/2010

By: [Signature]

Amy T. Koenig

APPROVED AND SO ORDERED:

Dated: 7-12-10

By: [Signature]

Chairperson

Date of Entry: 7/13/10
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