

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

IN RE:

Katharine M. Kuper

Application Tracking No. 026.0129885

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Docket No. 2017-295

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Katharine M. Kuper, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing (the "Board") has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 26 V.S.A. §1582; and the Rules of the Office of Professional Regulation.

Stipulated Facts

Violation One: 3 V.S.A. § 129a(a)(1). Fraudulent or deceptive procurement or use of a license.

2. In the Application, Katharine M. Kuper (the "Applicant") answered "No" to the following question:
 - a. "Has Vermont or any other state, federal authority, or other jurisdiction (US or elsewhere) taken any disciplinary action against (e.g., restricted, warned, reprimanded, suspended, revoked, or conditioned) a license, certificate, or registration that you hold or held in any profession or occupation?"
3. The answer of "No" to the above-stated question was false.
4. On February 12, 2014, the Virginia Board of Nursing issued an Order ("Virginia Order") against Applicant's Virginia Registered Nurse License containing the following findings: unprofessional conduct; practicing in a manner contrary to the standards of ethics or in such a manner as to make his practice a danger to the health and welfare of patients or to the public; and obtaining supplies, equipment or drugs for personal or other unauthorized use.

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5. The Order required Applicant to undergo a mental health evaluation.
6. The conduct cited in the Virginia Board of Nursing Order from which the disciplinary proceeding arose was "a work-related incident that stemmed from the manifestation of Applicant's insomnia-related issues while she was on duty at the end of four consecutive overnight shifts and following an extended period without sleep. Specifically, she took Xanax belonging to a patient, but, according to Applicant, she had second thoughts, never ingested the medication, and disposed of the medication inside the hospital."
7. Applicant complied with the Order and submitted to the mental health evaluation.
8. Based on the results of the mental health evaluation, the Virginia Board of Nursing concluded no further action by the Board was required.
9. On July 31, 2014 the Virginia Board of Nursing ordered that Applicant be released from the terms of the Board's Order and issued an unrestricted license to practice practical nursing in Virginia.

Understandings

10. Respondent admits the facts as outlined above are true and the Board may find that the Respondent engaged in unprofessional conduct.
11. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
12. Respondent understands that the 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.
13. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
14. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
15. Respondent is not under the influence of any drugs or alcohol at the time of signature of this Stipulation and Consent Order.
16. 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.

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17. Respondent voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
18. 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:

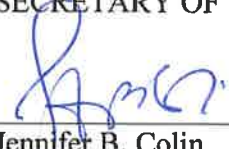
- A. The Board hereby **WARNS** Respondent's license when it is issued.
- B. Notwithstanding any provision above, Respondent must continue to meet all requirements of the Vermont Board of Nursing for maintaining a license, license renewal and license reinstatement.
- C. This Stipulation and Consent Order 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: 5/19/17

By:


Jennifer B. Colin
Prosecuting Attorney
(802)828-1219
Jennifer.Colin@sec.state.vt.us

KATHARINE M. KUPER
RESPONDENT

May 19, 2017
Dated: _____

By:

Katharine Kuper
Katharine M. Kuper

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5/12/17

By:


Chairperson

Date of Entry: 6/12/17

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