

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

IN RE:	)	
LORI (HILL) LESTER, L.P.N.	)	Docket No: NU17-0800
License No. 025-0006224	)	
	)	

MODIFIED STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Lori (Hill) Lester, LPN, who stipulate and agree as follows:

Board Authority

- 1) The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §§129 and 129a, and 26 V.S.A. §§1574 and 1582.

Facts

- 2) The Respondent (whose address is listed in the database of the Office of Professional Regulation as 25 Greenwood Drive, Colchester, VT 05446) is licensed as a Licensed Practical Nurse under License Number 025-0006224.
- 3) Respondent's license was originally issued on November 23, 1987 and it currently expires on January 31, 2002.
- 4) On or about May 17, 2001, the Board entered a Stipulation and Consent Order signed by the parties that conditioned Respondent's license (attached and incorporated).
- 5) To date, Respondent has complied with all terms as required.
- 6) Respondent now requests that the conditions concerning monthly employer and probation reports be modified to quarterly employer and probation reports.
- 7) By way of history the unprofessional conduct, involving theft of monies, did not occur while employed as a nurse.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

Understanding

- A. 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.
- B. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- C. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- D. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
- E. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.
- F. 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.
- G. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

Based on the stipulation and understanding above it is **ORDERED AND**

ADJUDGED as follows:

- H. The Board **MODIFIES THE CONDITIONS** of Respondent's license to practice as a nurse. The **MODIFIED CONDITIONS** on Respondent's license are as follows:
 - a) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent is successfully discharged from probation and/or parole and the Board of Nursing is presented with sufficient evidence showing rehabilitation.

b) Compliance with Parole or Probation Conditions

Respondent shall fully comply with all terms, conditions and requirements of her probation or parole.

c) Reports from Parole/Probation Officer

Respondent shall authorize and cause her probation or parole officer to submit to the Board evidence of satisfactory progress with the terms, conditions and requirements of her probation or parole during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board (see Attached Form). The first report is due commencing on a quarterly basis (same as employer reports under section 'h' below) and for each subsequent quarter thereafter.

Respondent shall authorize her probation or parole officer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

d) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

e) Re-issue of License.

Upon the imposition of these conditions Respondent shall be issued a license labeled "conditioned".

f) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

g) Notification to Employers.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nursing assistant and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

h) Quarterly Reports from Employers.

Beginning January 2002, with the first report due March 2002, Respondent shall cause every employer she has worked for during each three-month period to submit to the Board an evaluation of Respondent's performance and attendance during that quarter. This report shall be submitted in writing on forms issued by the Board.

Respondent shall sign a consent, upon request of the Board, to authorize her employer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period the Consent Order is in effect.

i) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order.

j) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered and/or licensed nurse in good standing with the Vermont Board of Nursing.

k) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

l) Costs.

Respondent shall bear all costs of complying with this Consent Order.

m) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action. If a

complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

n) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order. Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

o) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing assistant license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a nurse. Such proof shall include appropriate support from her probation and/or parole officer and her employer. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

I. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

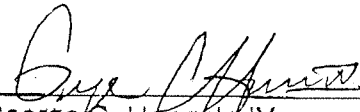
J. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

K. 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.

STATE OF VERMONT

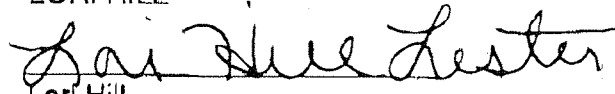
WILLIAM H. SORRELL
ATTORNEY GENERAL

Dated: 11/19/01

by: 
George C. Haegle IV
Assistant Attorney General

RESPONDENT
LORI HILL

Dated: 11/16/01

by: 
Lori Hill

APPROVED AS TO FORM:

by: _____
Respondent's Attorney (if applicable)

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12-10-01

by: 
Chairperson

Date of entry: 12/11/01

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

IN RE:

LORI HILL, L.P.N.

License No. 025-0006224

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Docket No: NU17-0800

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, through Attorney General William H. Sorrell, and Respondent Lori Hill, LPN, who stipulate and agree as follows:

Board Authority

- 1) The Board of Nursing has jurisdiction to investigate complaints of unprofessional conduct and approve consent orders pursuant to 3 V.S.A. §§129 and 129a, and 26 V.S.A. §§1574 and 1582.
- 2) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 3) Conviction of a felony crime, or a misdemeanor crime related to the practice of the profession, is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(9).
- 4) Conviction of a crime, whether or not committed in this state, related to the practice of nursing or a felony which evinces an unfitness to practice nursing is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(2).

Facts

- 5) The Respondent (whose address is listed in the database of the Office of Professional Regulation as 25 Greenwood Drive, Colchester, VT 05446) is licensed as a Licensed Practical Nurse under License Number 025-0006224.
- 6) Respondent's license was originally issued on November 23, 1987 and it currently expires on January 31, 2002.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

- 7) On or about September 15, 2000, Respondent entered a plea of nolo contendere and was convicted in State v. Lori Hill (docket number 2869-5-00 Cncr), of one misdemeanor offense related to the practice of the profession, specifically, one count of violating 13 V.S.A. §2502 (Petit larceny).
- 8) On or about September 15, 2000, Respondent entered a plea of nolo contendere and was convicted in State v. Lori Hill (docket number 2869-5-00 Cncr), of one felony offense, specifically, one count of violating 13 V.S.A. §2531 (Embezzlement).

Charges

- 9) The Respondent has failed to comply with the provisions of state statutes or rules governing the practice of the profession, which is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
- 10) The Respondent was convicted of a felony crime, which is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(9); 26 V.S.A. §1582(2).
- 11) The Respondent was convicted of a misdemeanor crime related to the practice of the profession, which is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(9); 26 V.S.A. §1582(2).

Understanding

- A. Respondent admits the conclusions of unprofessional conduct as set forth below in the Board's Order.
- B. 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.
- C. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- D. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- E. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
- F. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.

- G. 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.
- H. Respondent agrees that the order set forth below may be entered by the Board.

ORDER

Based on the stipulation and understanding above it is **ORDERED AND ADJUDGED** as follows:

- I. By engaging in the acts, omissions and/or circumstances described above, the Board concludes that Respondent acted unprofessionally pursuant to, and in violation of, 3 V.S.A. §129a(a)(3)(The Respondent has failed to comply with the provisions of state statutes or rules governing the practice of the profession, which is unprofessional conduct upon which the Board can base disciplinary action) and 3 V.S.A. §129a(a)(9) and 26 V.S.A. §1582(2)(The Respondent was convicted of a felony crime, which is unprofessional conduct and is a basis on which the Board can impose disciplinary action) and (Respondent was convicted of a misdemeanor crime related to the practice of the profession, which is unprofessional conduct and is a basis on which the Board can impose disciplinary action).
- J. The Board **CONDITIONS** Respondent's license to practice as a nurse. The **CONDITIONS** on Respondent's license are as follows:
- a) Length of Time Conditions Imposed.
- The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until

Respondent is successfully discharged from probation and/or parole and the Board of Nursing is presented with sufficient evidence showing rehabilitation.

b) Compliance with Parole or Probation Conditions

Respondent shall fully comply with all terms, conditions and requirements of her probation or parole.

c) Reports from Parole/Probation Officer

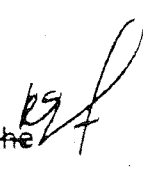
Respondent shall authorize and cause her probation or parole officer to submit to the Board evidence of satisfactory progress with the terms, conditions and requirements of her probation or parole during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board (see Attached Form). The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

Respondent shall authorize her probation or parole officer to provide all information requested by the Nursing Board, or its designee, either orally or in writing, at any time during the period this Consent Order is in effect.

d) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

e) Re-issue of License.

Upon the imposition of these conditions, ~~and successful completion of the~~  ~~competency evaluation test~~, Respondent shall be issued a license labeled "conditioned". 

f) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of nursing employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in nursing employment, personal address, or telephone number.

g) Notification to Employers.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a nursing assistant and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

h) Reports from Employers.

Within one (1) month of the date of entry of this Consent Order and every month thereafter, Respondent shall cause every employer she has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

Respondent shall sign a consent, upon request of the Board, to authorize her employer to provide all information requested by the Nursing Board, or its

designee, either orally or in writing, at any time during the period the Consent Order is in effect.

i) Out of State Practice/Residence.

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board prior to leaving the State of Vermont. If Respondent fails to receive such approval before leaving the State, none of the time spent out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order.

j) Practice Under Supervision.

Respondent shall practice only in a setting where she has on-site supervision for the entire shift by a registered and/or licensed nurse in good standing with the Vermont Board of Nursing.

k) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice nursing in the State of Vermont.

l) Costs.

Respondent shall bear all costs of complying with this Consent Order.

m) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke

the terms of the conditional license and take further disciplinary action. If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

n) Reevaluation of Conditions.

In the event Respondent does not work in nursing within three (3) years of the date of entry of this Consent Order, Respondent may appear before the Board for reevaluation of the conditions of this Consent Order.

o) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's nursing assistant license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful rehabilitation and demonstrate, to the satisfaction of the Nursing Board, that she poses no danger to the practice of nursing and that she can safely and competently perform the duties of a nurse. Such proof shall include appropriate support from her probation and/or parole officer and her employer. Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

K. Notwithstanding any provision above, Respondent must meet all Nursing Board requirements for license renewal and license reinstatement.

L. 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).

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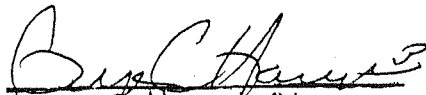
MAY-11-01 08:13 AM ROBERT FARRAR, ATTY

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P.03

M. 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.

STATE OF VERMONT

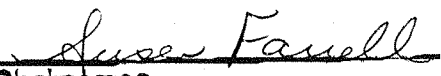
WILLIAM H. SORRELL
ATTORNEY GENERALDated: 5/11/01by: 
George C. Haegle IV
Assistant Attorney GeneralRESPONDENT
LORI HILLDated: 5/11/01by: 
Lori Hill

APPROVED AS TO FORM:

by:  R. E. FARRAR
Respondent's Attorney (if applicable)

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5/14/01by: 
ChairpersonDate of entry: 5-17-01

State of Vermont
Office of the Secretary of State
Heritage Building
81 River Street
Drawer 09
Montpelier, VT 05609-1106

Tel: (802) 828-2363

<http://www.sec.state.vt.us>



Deborah L. Markowitz
Secretary of State

David L. Grayck
Deputy Secretary

Thomas J. Lehner
Director, Professional Regulation

EMPLOYER

TO: The Vermont Board of Nursing

I, _____ have read the STIPULATION AND
(Please Print name)

CONSENT ORDER for _____ and agree to assist
(Licensee's Name)

the licensee to meet the following Board requirements as noted in
the STIPULATION AND CONSENT ORDER:

- a brief description of his/her job performance, including any difficulties encountered;
- any absenteeism and/or problems with punctuality, to include reasons thereof;
- any evidence of problems as cited in the reasons for his/her stipulation.
- performance of random drug screens if you have been identified as the contact person.

Signed _____ Title _____

Date _____