

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

IN RE:

SARAH N. LINTON

License No. 026.0028696

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)  
)

Docket No. 2008-74

STIPULATION AND CONSENT ORDER

**STIPULATION**

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Sarah N. Linton, 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 and 1595; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

**Statement of Facts**

2. Sarah N. Linton (the "Respondent") of Superior, Colorado is licensed by the State of Vermont as a Registered Nurse under license number 026.0028696. This license was originally issued on or about April 1, 2007 and lapsed on or about March 31, 2009. Respondent is also licensed by the State of Vermont as a Licensed Nursing Assistant under license number 075.0011154. This license was originally issued on or about April 10, 2001 and lapsed on or about January 31, 2003.
3. On or about February 12, 2008, the Board received a complaint from Dr. R.G., advising that Respondent is under investigation by local, state, and federal authorities for fraud.
4. Respondent and Dr. R.G. had been in a personal relationship that ended prior to Dr. R.G.'s report to the Board.
5. On or about May 23, 2008 in an interview with State Investigator Gregory Kelly, Dr. R.G. stated that in or around August 2006, Respondent advised her insurance company that she had lost the engagement ring Dr. R.G. gave her, when in reality, she did not lose the ring. Dr. R.G. advised Respondent obtained a reimbursement of

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\$8,000.00 (eight thousand dollars) for this fraudulent claim. Moreover, Dr. R.G. advised that after his relationship with Respondent ended, he found out that Respondent had fraudulently and without his permission opened a credit card in Dr. R.G.'s name and charged approximately \$22,000 (twenty-two thousand dollars) in purchases onto this card without his permission.

6. On or about January 9, 2009 in an interview with Investigator Kelly, Respondent admitted that she had reported to her insurance agency that she had lost the engagement ring Dr. R.G. had given her in order to be paid \$8,000.00 for the ring, when the ring was never lost.
7. In this same interview, Respondent admitted that she had opened a credit card in Dr. R.G.'s name without Dr. R.G.'s knowledge in or around March 2007 and charged purchases on the card without Dr. R.G.'s knowledge.
8. In this same interview, Respondent advised that she knew what she did was wrong. Respondent stated her actions were acts of "total desperation." Respondent advised the money she fraudulently obtained was used in part to enable her to move to Colorado.
9. Respondent currently works as a nurse in Denver, Colorado at Denver Children's Hospital.
10. On or about April 10, 2010 pursuant to a Notice of Plea Agreement, Respondent agreed to plead Nolo Contendere to the charge of False Pretense or False Tokens \$900 or Less (a misdemeanor) in Chittenden District Court under docket number 1030-3-10 Cncr. If agreed to by the court, Respondent will be required to pay a fine of approximately \$256.00; pay restitution in the amount of \$8,205.00 to State Farm; and pay restitution in the amount of \$13,877.14 to Chase Bank.

#### Charges

11. 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. 26 V.S.A. § 1582(a)(3) (Inability to practice nursing competently by reason of any cause) which includes failure to conform to the essential standards of acceptable and prevailing practice, pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(2);
  - b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes aiding, abetting, or assisting any person in any act in violation of this chapter or acts against the best interest of the public, pursuant to ARBN Chapter 4, Subchapter 4, Rule II(D)(10); and

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- c. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

### Understandings

12. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
13. 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.
14. 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.
15. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
16. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
17. 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.
18. 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.
19. 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 **CONDITIONS** Respondent's license to practice as a registered nurse **FOR A MINIMUM OF ONE (1) YEAR AND UNTIL RESPONDENT COMPLETES ANY CONDITIONS OR RESTITUTION ORDERED BY CHITTENDEN DISTRICT COURT** from the date of entry below. The conditions are as follows:

(1) Re-issue of License

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

(2) Length of Time Conditions Imposed.

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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 nursing practice in which she works at least forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

(3) Notification to Employers/Program Director.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status.

Within ten (10) days of the date of entry of this Consent Order or of any subsequent nursing employment, Respondent shall cause Respondent's 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.

In the event the Respondent is attending a nursing program which has a clinical portion that involves actual patient care, Respondent shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability of the program to comply with the conditions in the Consent Order during clinical experience.

(4) Reports from Employers/Program Director.

Within one (1) month of the date of entry of this Order or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer the Respondent has worked for during the month to submit to the Board an evaluation of Respondent's work performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance and attendance.

In the event the 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 her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead. All Program Director reports shall indicate satisfactory performance and attendance.

(5) Ethics Course(s).

Respondent must successfully complete (i.e., receive a passing grade, if applicable) an ethics course(s) focusing on ethics with prior approval by the Board or its designee, and then submit written documentation of completion (certificate of completion, etc.) to verify the same to the satisfaction of the Board or its designee. This course must be completed within ninety (90) days of the date of entry of this Stipulation and Consent Order.

(6) Practice Under Supervision.

Respondent shall practice as a nurse only in a setting where Respondent has on-site supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.

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(7) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, 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 Consent Order.

(8) Interview with the Board or its Designee.

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

(9) 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 employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(10) 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 prior to Respondent practicing as a nurse outside the State of Vermont. If Respondent fails to receive such approval before practicing as a nurse outside the State of Vermont, none of the time spent practicing as a nurse out-of-state will be credited toward the fulfillment of the terms and conditions of this Consent Order. The Board will approve out-of-state nursing practice so long as the Respondent can still comply with the provisions of this Consent Order.

(11) Notification to Other States.

In the event that the Respondent is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which the Respondent is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(12) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a nurse, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

(13) Costs.

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

(14) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the 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

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is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(15) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms 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 Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 5-10-10

STATE OF VERMONT  
SECRETARY OF STATE

By: [Signature]  
Betsy Ann Wrask  
State Prosecuting Attorney

SARAH N. LINTON  
RESPONDENT

Dated: 5/10/10

By: [Signature]  
Sarah N. Linton

APPROVED AS TO FORM:

Dated: \_\_\_\_\_

ATTORNEY FOR RESPONDENT

By: \_\_\_\_\_  
Brooks G. McArthur, Esq.

APPROVED AND SO ORDERED:

Dated: 5-10-10

VERMONT BOARD OF NURSING

By: [Signature]  
Chairperson

Date of Entry: 5/12/10  
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AGREED TO:

STATE OF VERMONT  
SECRETARY OF STATE

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Betsy Ann Wrask  
State Prosecuting Attorney

SARAH N. LINTON  
RESPONDENT

Dated: 5/10/10

By: \_\_\_\_\_  
Sarah N. Linton

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 5/10/10

By: \_\_\_\_\_  
Brooks G. McArthur, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Chairperson

Date of Entry: \_\_\_\_\_  
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