

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

IN RE:  
JULIA K. LYNCH  
License No. 026.0086807

)  
)  
)  
Docket No. 2012-300

**STIPULATION AND CONSENT ORDER**

**Stipulation**

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert and Respondent Julia K. Lynch and 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. Julia K. Lynch ("Respondent") of Putney, VT submitted an application to become a licensed Registered Nurse on or about May 17, 2012. This application is still pending under license number 026.0086807. Respondent was issued a temporary re-entry license under license number 026.0087386-RNTY; this license was originally issued on or about May 31, 2012 and expires August 29, 2012.
3. On or about July 25, 2007, the New Hampshire Board of Nursing disciplined Respondent for pleading guilty on or about May 29, 2007 on two Class A misdemeanors for stalking charges initiated after the Respondent's conduct on April 30, 2006, October 5, 2006, and March 5, 2007. A copy of the New Hampshire Board of Nursing's Findings of Fact, Rulings of Law, and Sanctions, dated July 25, 2007, including the modifications to the original order made by the New Hampshire Board of Nursing on December 23, 2008 and September 22, 2010, is attached hereto as Exhibit A.

**Basis for Reciprocal Discipline**

STATE OF VERMONT



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

4. The conduct for which Respondent was disciplined in New Hampshire would constitute unprofessional conduct in this state and is properly the subject of Board discipline pursuant to:
  - a. 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);
  - b. 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
  - c. 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.).
5. 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

6. 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.
7. 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.
8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
10. 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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11. 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.
12. 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. Any license or permit issued to the Respondent, Julia K. Lynch, RN, is **CONDITIONED** on terms substantially similar to those imposed by Order of the New Hampshire Board of Nursing. In particular:
  1. Respondent shall practice nursing in a structured health-care environment where other health-care providers are employed;
  2. Respondent shall not practice nursing in a home care environment or be employed by a staffing agency;
  3. Upon obtaining registered nurse employment, Respondent shall provide to the employer a copy of this Stipulation and Consent Order and the New Hampshire Board of Nursing's Findings of Fact, Rulings of Law, and Sanctions dated December 20, 2008;
  4. Respondent shall submit to the Board quarterly work-performance evaluations from Respondent's nursing supervisor;
  5. Respondent's mental health provider shall submit a status report within 6 months of Respondent commencing work; and
  6. Respondent may petition to terminate the above conditions by demonstrating to the Board's satisfaction that the New Hampshire Board of Nursing has terminated Respondent's probation and restored her unencumbered New Hampshire license.
- 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.

STATE OF VERMONT



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

AGREED TO:

Dated: 6/19/12

STATE OF VERMONT  
SECRETARY OF STATE

By: [Signature]  
S. Lauren Hibbert  
State Prosecuting Attorney

JULIA K. LYNCH, RN  
RESPONDENT

Dated: 6/18/12

By: [Signature]  
Julia K. Lynch, RN

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 7/19/12

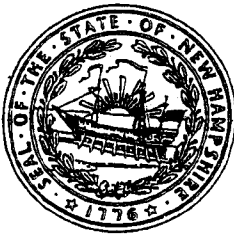
By: [Signature]  
Chairperson

Date of Entry: 7/10/12

STATE OF VERMONT



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



STATE OF NEW HAMPSHIRE  
NEW HAMPSHIRE BOARD OF NURSING  
21 S FRUIT ST STE. 16  
CONCORD NH 03301-2431

COPY

Webpage: <http://www.state.nh.us/nursing>

TDD Access: Relay NH 1-800-735-2964

Nursing 603-271-2323

Nurse Asst. 603-271-6282

September 22, 2010

Julie Lynch RN

Dear Ms. Lynch:

At its September 16, 2010 meeting, Board members discussed and reviewed your documents and verbal argument for a modification to Stipulation #3 of the December 23, 2008 letter of reprimand. The Board voted to modify both Stipulation #1 and #3 as follows:

- Stipulation #1: Respondent shall practice nursing with over-site in a supervised structured health-care environment where supervisory health care providers are employed.
- Stipulation #3: Respondent shall not work in excess of 40 hours per week.

If you have any questions, please call the Board office at (603) 271-2323.

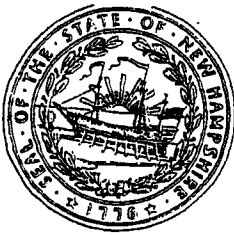
FOR THE BOARD:

*Margaret J. Walker*

Margaret J. Walker Ed.D., RN  
Executive Director

MJW/sg  
enclosure

Exhibit A



STATE OF NEW HAMPSHIRE  
NEW HAMPSHIRE BOARD OF NURSING  
21 S FRUIT ST STE. 16  
CONCORD NH 03301-2431

**COPY**

Webpage: <http://www.state.nh.us/nursing>

TDD Access: Relay NH 1-800-735-2964

Nursing 603-271-2323

Nurse Asst. 603-271-6282

December 23, 2008

Julia Lynch

Dear Ms. Lynch:

At its December 18, 2008 meeting, Board members voted to reinstate your NH RN license with **PROBATION For A Period of 1 year**. During this probation period the following conditions and restrictions are imposed:

1. Respondent shall practice nursing in a structured health-care environment where other health-care providers are employed;
2. Respondent shall not practice nursing in a home care environment or be employed by a staffing agency;
3. Respondent is limited to working in one assigned unit during a shift and will not float to other units. Respondent shall limit daily work hours to no more than 12-hours, shall not work in excess of 40 hours per week and shall not work after 11:30 p.m..
4. Upon obtaining registered nurse employment, Respondent shall notify the Board in writing of such employment within ten days and provide a copy of this Agreement to the registered nurse supervisor. Within one (1) month after beginning such employment, said nursing supervisor shall submit a report directly to the Board, in writing, setting forth:
  - a. the name and address of Respondent's employer;
  - b. the duties and responsibilities to be performed by Respondent;
  - c. a discussion of the quality of care provided by Respondent, including a discussion of the ability of the Respondent to render care with skill and safety to patients, particularly regarding medication administration and documentation; and
  - d. the nursing supervisor shall acknowledge that this Agreement was read and that the role of the nursing supervisor is understood by the supervisor.
5. Respondent shall submit to the Board on a quarterly basis work performance evaluations from Respondent's nursing supervisor on a Board-provided form. Said evaluation shall include:
  - a. name and address;
  - b. number of hours worked, timeliness and efficiency;
  - c. quality and safety of nursing care;
  - d. ability to safely practice nursing with reasonable skill;
  - e. adherence or failure to adhere to Board stipulations.
6. Respondent shall request her physician to provide the Board with a status report within 6 months of the date of this letter.

Encl. 3

7. Said restrictions and conditions shall be in force only while the Respondent is employed in a capacity for which a Registered Nurse license is required and subject to adequate supervision approved by the Board. Respondent is required to notify the Board, in writing, within 10 days after the commencement, termination or change in role in any such employment;
8. Any complaint or negative employer work report regarding Respondent that is received by the Board shall be reviewed by the Executive Director (E.D.). The E.D. shall determine if the complaint or report is credible, is a violation of RSA 326-B and/or the Board rules and whether, if true, Respondent's act or omission rises to the level for which the Board would likely consider disciplinary action. If the E.D. so determines, it shall be considered grounds for disciplinary action pursuant to RSA 326-B:12 III and Respondent's license shall be summarily suspended, without recourse by Respondent, pending resolution of the matter by agreement or commencement of an adjudicative proceeding within 10 days.
9. Respondent shall notify the Board of address change within fifteen (15) days of such relocation;
10. At the end of this probation period, Respondent shall, in a letter to the Board, petition the Board for removal of the restrictions and conditions set forth above. Respondent shall appear before and demonstrate to the Board the ability to safely practice nursing through:
  - a. the work reports previously submitted by Respondent's Registered Nurse supervisor;
  - b. a statement from Respondent's Registered Nurse supervisor providing an opinion as to Respondent's ability to safely administer and document medications; and
  - c. personal testimony and other written exhibits Respondent wishes to present to the Board.

Respondent shall notify all nurse-licensing boards, where currently licensed, of this probationary status, within 30 days of receipt of this letter. Respondent shall also provide a copy of this letter to all nurse-licensing Boards for which she makes future applications for licensure, at the time of application.

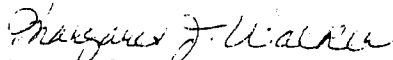
Should Respondent apply for any New Hampshire license under RSA 326-B authority on or after the date of this Agreement, Respondent shall by the act of filing such an application, automatically waive any statute of limitations or laches defense which may otherwise be available concerning the misconduct allegations set forth above, and consents to these allegations being fully addressed in the context of her license application. Respondent shall bear the burden of proving that Respondent possesses sufficient knowledge, judgment and skills, and character qualifications to be licensed in any such future licensing proceedings;

This document becomes a public record upon signature, a summary of the misconduct noted above may be published in the Board's Newsletter and notification of federal or other state agencies and boards of nursing shall be effected as required or permitted by law.

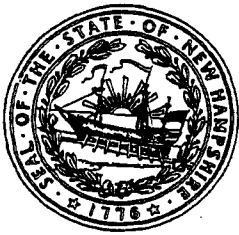
You are reminded to contact the Board, in writing, when you have obtained nursing employment so the appropriate pre-dated, Board approved forms can be mailed to you.

If you have any questions, please call the Board office at (603) 271-2323.

FOR THE BOARD:

  
Margaret J. Walker Ed.D., RN  
Executive Director

MJW/sg



**STATE OF NEW HAMPSHIRE  
NEW HAMPSHIRE BOARD OF NURSING**

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Nursing 603-271-2323

Nurse Asst. 603-271-6282

**JULIA LYNCH**

**RN # 048248-21**

**DOCKET # 07-0627-0117**

**SETTLEMENT AGREEMENT**

1. This agreement is entered into between the New Hampshire Board of Nursing ("Board") and **Julia Lynch** ("Respondent"), a registered nurse (RN). The Respondent was licensed by endorsement on October 9, 2000. The Board has jurisdiction over this matter pursuant to RSA 326-B and its Administrative Rules, Nur 100-800.
2. The Board received a complaint charging the respondent with violations of the Nurse Practice Act. In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to RSA 326-B:38, X, the undersigned parties enter into this Settlement Agreement as a final disposition of this matter.
3. At all times relevant to this complaint the respondent was employed as a nurse supervisor in the emergency room at Portsmouth Regional Hospital.
4. In November 2006 the Board received a complaint from Portsmouth Regional Hospital based on a call from a detective at the Portsmouth Police Department informing the hospital that the respondent had been arrested on four Class A misdemeanor charges of false swearing, attempted false imprisonment, stalking and tampering with public or private records. The information described how the respondent completed a Petition and Complaint on two ex-boyfriends one of whom was then apprehended by the police and brought to the emergency room to be psychiatrically evaluated and how she filled out the involuntary emergency admissions (IEA) forms as the petitioner pursuant to RSA 135-C:28, II. The first incident occurred on April 30, 2006 in Dover, NH and the other on October 5, 2006 in Portsmouth, NH.
5. The respondent's arrest was publicized in the Portsmouth Herald newspaper on November 2, 2006 and described how the respondent used her position at the hospital to wrongfully have her ex-boyfriend picked up at work and involuntarily admitted for an emergency psychiatric evaluation. Her arraignment was scheduled for December 4, 2006 in Portsmouth District Court.
6. The respondent resigned from Portsmouth Hospital by letter dated November 8, 2006.

Encl. 2

7. By mutual agreement the administrative licensing proceedings against the respondent were continued until the conclusion of her criminal case and the respondent agreed not to engage in the practice of nursing until the Board adjudicated the complaint.
8. Detective K. Bernier from the Portsmouth Police Department provided the Board with her affidavit in support of the warrant for the respondent's arrest on the four criminal charges and the affidavit described in more detail the background that led up to the respondent's misconduct on the dates of question.
9. On March 5, 2007 the Portsmouth Herald published another article about the respondent about a second incident at Portsmouth Hospital that resulted in her arrest for having a former boyfriend from Dover, NH involuntarily committed without merit and her arraigned on these charges was scheduled for April 2, 2007.
10. On May 29, 2007 the respondent pleaded guilty in Portsmouth District Court to two stalking charges, both Class A misdemeanors in exchange for which the Court dropped the other two charges, imposed two sentences of six months each, both suspended for one year, and warned the respondent that any repeated offense would trigger the reinstatement of the sentences to be served at the County House of Correction. The Court also assessed two fines of \$1,000 each, \$500 of which was suspended for one year and ordered the respondent not to have any contact with the victims.
11. The respondent admits that all of the material facts recited above are true.

#### SPECIFIC PROVISIONS

To resolve the aforementioned matter in a fair and reasonable manner, the Respondent, **Julia Lynch**, and the Board agree to the following terms, sanctions, conditions and stipulations set forth in this Settlement Agreement (Agreement):

1. Respondent's Registered Nurse license shall be suspended for one and one-half years retroactive to the date of voluntary cessation of practice on November 8, 2006. She will be allowed to petition for the reinstatement of privileges after May 8, 2008 and to renew her license as scheduled in August 2008 subject to any terms and conditions imposed by the Board at that time upon any reinstatement.
2. Respondent shall enroll in and submit proof of **successful completion of psychological counseling and psychiatric treatment** to address the underlying issues associated with her behavior during the incidents in question at the Respondent's own expense. The respondent shall submit quarterly counseling reports to the Board while the suspension is in effect.
3. The respondent agrees to have the Board monitor her compliance with the pharmacological plan through the NCPS testing service.
4. At the end of the suspension period in May 2008 the Respondent can petition for a reinstatement of practice privileges with or without conditions and the prosecutor will not oppose it without good cause such as new substantiated complaints relating to the practice of nursing or other egregious circumstances.
5. Respondent is **prohibited from exercising the multistate licensure privileges** under RSA 326-B:46 without the express written authorization of the Executive Director while the suspension is in effect.

6. The Board assesses an administrative **penalty of \$1,000** representing \$500 for each criminal charge payable by certified check to the "NH Board of Nursing" within 30 days from the effective date of this Agreement. Failure to pay the penalty by the deadline will cause the penalty to be reported to regional and national credit reporting services for inclusion on the respondent's credit record. If the Board determines that collection action including court proceedings are necessary to enforce this obligation, the respondent agrees to pay all costs including reasonable legal fees plus interest at the statutory rate in effect at the time the Agreement is executed. The respondent further agrees that any subsequent bankruptcy filing shall not discharge this debt and that this debt shall be non-dischargeable in any future Bankruptcy Court proceedings. The Board reserves all rights to argue in any Bankruptcy proceedings that this debt is non-dischargeable.

### GENERAL PROVISIONS

1. If the Respondent wishes to petition for reinstatement of her RN license, the Respondent shall, in a letter to the Board, petition the Board for such reinstatement. Respondent shall demonstrate to the Board the ability to perform nursing activities through evidence of adherence to standards of clinical practice and patients' rights, character references, personal testimony and written exhibits which shall include but not be limited to, if applicable:
  - A. Three letters of reference that address the Respondent's professionalism and work habits during the period of suspension. If the Respondent has been employed since the date of this Agreement, at least one of the references must be from an employer;
  - B. A personal statement from the Respondent which describes the Respondent's experiences including specific examples of the behavioral changes that have been made.
2. Respondent shall provide a copy of this Settlement Agreement to all nurse licensing boards where she is currently licensed and schools of nursing where currently enrolled within 30 days of receipt of the copy executed by the Board while the suspension is in effect. Respondent shall also provide a copy of the Agreement to all nurse licensing boards or schools of nursing for which the Respondent makes future application at the time of such application while the suspension is in effect.
3. Any substantiated complaint or breach of this Agreement that is received by the Board while the suspension is in effect shall be reviewed by the Executive Director (E.D.). Following discussions with the Respondent's counsel and the prosecutor, the E.D. shall determine if the complaint or breach is credible, violates RSA 326-B and /or the Board rules and whether, if founded, Respondent's act or omission rises to the level for which the Board would likely consider further disciplinary action. If the E.D. so determines, it shall be considered grounds for disciplinary action pursuant to RSA 326-B:37 and the Respondent's license shall be summarily suspended without recourse, if not already suspended, on such temporary basis pending resolution of the matter by agreement or commencement of an adjudicative proceeding within 10 days of the suspension order as provided for by RSA 541-A:30, III, and RSA 326-B:37, IV.
4. Respondent is aware of and understands the right to have a formal disciplinary hearing pursuant to RSA 326-B:38 and hereby waives those rights and requests that this Agreement be accepted with the same force and effect as an order entered as a result of a formal hearing.

5. This Agreement is entered into by the Respondent voluntarily after an opportunity to consult with counsel and will full understanding of the legal consequences of this Agreement.
6. This Agreement constitutes the entire agreement and understanding between the parties and supercedes all prior agreements and understandings.
- 3-
7. This Agreement becomes a public record upon signature as required by RSA 326-B:38, X and XI, and Nur 402.02 (f) and notification to federal and other state agencies and boards of nursing shall be effected as required or permitted by law.

I have carefully read and fully understand the conditions of this Agreement:

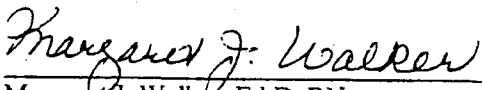
7/19/07  
Date

  
Julia K. Lynch

  
Witness

Executed this 25<sup>th</sup> day of July 2007

For the New Hampshire Board of Nursing:

  
Margaret J. Walker, Ed.D, RN  
Executive Director