

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

IN RE:	)	
Crystal D. Miller	)	Docket No. 2020-35
License No. 025.0131780	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Crystal D. Miller, by and through her counsel Jessica Burke, Esq., who hereby 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. Chapter 28; the Administrative Rules of the Board of Nursing (the “ARBN”); and the Rules of the Office of Professional Regulation (“OPR”).

Statement of Facts

2. Crystal D. Miller (“Respondent”) of Carrollton, Ohio is licensed by the State of Vermont as a Licensed Practical Nurse (“LPN”) under license number 025.0131780. This license was originally issued on June 29, 2017 and expired on January 31, 2022.
3. During the relevant time, Respondent worked as an LPN for Centurion of Vermont at Northwest State Correctional Facility (“Facility”), a prison located in Swanton, Vermont.
4. Respondent worked at the Facility from January 7, 2020 until her security clearance was revoked on January 31, 2020.
5. While working as an LPN at the Facility during January 2020, Respondent had direct contact with a male prisoner, H.K. (“Patient”), at the prison infirmary on numerous occasions and provided him with nursing care.

6. Patient transferred into the Facility on January 6, 2020 and transferred out on January 22, 2020.
7. Patient had several chronic health care issues, including diabetes, which required daily medication and monitoring.
8. Respondent did not personally know Patient prior to January 7, 2020; however, Respondent did know Patient's brother prior to January 2020.
9. Respondent worked nursing shifts at the Facility on nine days between January 7, 2020 and January 22, 2020 when Patient was incarcerated at the Facility.
10. Prior to January 16, 2020, Respondent provided her phone number to Patient's brother so that Patient could put Respondent on his call list.
11. From January 16, 2020 through January 22, 2020, Respondent engaged in numerous personal phone calls with Patient for a total time of over two hours.
12. The phone calls between Respondent and Patient, which were recorded by the Facility, contained sexually explicit and intimate discussions about sex acts they wanted to engage in, their body parts, and their desires to see each other and have intimate contact.
13. In the phone calls, Respondent and Patient also discussed Patient's diabetes, medication and glucose levels.
14. During January 2020, Respondent also worked as an LPN at Allenwood Senior Living ("Facility Two"), a nursing home located in South Burlington, Vermont.
15. On January 22, 2020, Respondent worked at Facility Two from 4:30 a.m. to 3:00 p.m.
16. In a phone call on the morning of January 22, 2020, Respondent indicated to Patient that she was at her other job and that she was doing a medication pass.
17. Patient was transferred from the Facility on January 22, 2020.
18. The Facility revoked Respondent's security clearance on January 31, 2020 after learning of the phone calls between Respondent and Patient and the content of the calls.

Violation One: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

19. Paragraphs 2 through 18 above are incorporated herein.
20. As an LPN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
21. Paragraphs 2 through 18 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public by engaging in intimate and sexually explicit phone conversations with a patient who was also an inmate of a prison.
22. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. §1582(a)(3).

Violation Two: 3 V.S.A. §129a(b)(2): Failure to conform to the essential standards of acceptable and prevailing practice.

23. Paragraphs 2 through 18 above are incorporated herein.
24. As an LPN, Respondent must conform to essential standards of acceptable and prevailing practice, which require LPN's to maintain professional boundaries with patients, particularly inmates in a correctional facility.
25. Paragraphs 2 through 18 above demonstrate that Respondent violated the essential standards of acceptable and prevailing practice when she engaged in the conduct described above with Patient.
26. The essential standards of acceptable and prevailing practice require an LPN to provide focused nursing care for patients and to refrain from engaging in personal phone calls while passing medications to patients.
27. Paragraphs 14 through 16 above demonstrate that Respondent violated the essential standards of acceptable and prevailing practice by engaging in a personal phone call with a patient who was an inmate at a correctional facility while working at a senior living facility and passing medications to elderly residents that facility.
28. 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 3 V.S.A. §129a(b)(2).

Violation Three: 3 V.S.A. §129a(b)(1) Performance of unsafe or unacceptable patient or client care.

- 29. Paragraphs 2 through 18 above are incorporated herein.
- 30. Vermont law requires LPN's to practice competently by providing safe and acceptable patient care.
- 31. Paragraphs 2 through 18 above demonstrate that Respondent failed to provide safe and acceptable patient care by engaging in intimate and sexually explicit phone calls with Patient, discussing Patient's diabetes and medications during those same phone calls, and sexually exploiting Patient.
- 32. Paragraphs 14 through 16 above demonstrate that Respondent failed to provide safe and acceptable patient care by conducting a medication pass at Facility Two while engaged in a personal phone call with Patient.
- 33. 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 3 V.S.A. §129a(b)(1).

Violation Four: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

- 34. Paragraphs 2 through 18 above are incorporated herein.
- 35. As an LPN, Respondent is required to exercise her own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
- 36. Paragraphs 2 through 18 above demonstrate that Respondent failed to exercise independent professional judgment by engaging in intimate and sexually explicit conversations with Patient, who was an inmate in a correctional facility.
- 37. Paragraphs 14 through 16 demonstrate that Respondent failed to exercise independent professional judgment by having a personal phone call with Patient while simultaneously working at Facility Two and conducting a medication pass.
- 38. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Understandings

39. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
40. 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.
41. 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.
42. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
43. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
44. 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.
45. 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.
46. 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 **REPRIMANDS** Respondent's license.
- B. The Board of Nursing hereby **CONDITIONS** Respondent's license **FOR A MINIMUM OF ONE (1) YEAR**. The conditions will be as follows:
 1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."
 2. Required Coursework. Respondent shall, at her own expense and within ninety (90) days of the date of entry of this Stipulation and Consent Order, successfully complete (i.e., receive a passing score, if applicable) the PBI Education online Boundaries course entitled "The Complete Professional (DR-2)"

(<https://pbieducation.com/courses/dr-2/>) and the NCSBN online course entitled “Righting a Wrong: Ethics and Professionalism in Nursing” (<https://www.ncsbn.org/5125.htm>) and submit test results, workbooks completed to the satisfaction of the Case Manager, and certificates of completion to the Office of Professional Regulation.

Failure to complete the course within the prescribed timeframe shall constitute a violation of this Order. The coursework may not be counted toward any continuing education requirement of licensure.

3. Reports from Employers/Program Director. Within one (1) month of the date of this order or within one (1) month of the commencement of nursing employment and **monthly** thereafter, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent’s work performance and attendance during that month. In the event 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 Respondent’s performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (i.e. consistently meeting all standards of nursing practice) and attendance.

- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- D. 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).
- E. 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: 1/4/21

By: /s/ Jennifer B. Colin
Jennifer B. Colin
Prosecuting Attorney

RESPONDENT

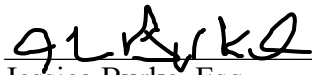
Dated: _____

By: _____
Crystal D. Miller

APPROVED AS TO FORM:

COUNSEL FOR RESPONDENT

Dated: 12-31-20

By: 
Jessica Burke, Esq.
Attorney for Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: _____

By: _____
Chairperson

Date of Entry: 1/11/2021

(<https://pbieducation.com/courses/dr-2/>) and the NCSBN online course entitled "Righting a Wrong: Ethics and Professionalism in Nursing" (<https://www.ncsbn.org/5125.htm>) and submit test results, workbooks completed to the satisfaction of the Case Manager, and certificates of completion to the Office of Professional Regulation.

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AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: _____

By: _____
Jennifer B. Colin
Prosecuting Attorney

RESPONDENT

Dated: 12-30-20

By: C Miller
Crystal D. Miller