

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

IN RE:)
CYNTHIA J. MOULTON) Docket No. 2011-461
License No. 026.0067548)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Cynthia J. Moulton, RN, 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; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Cynthia J. Moulton (the "Respondent") of Hardwick, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0067548. This license was originally issued on or about March 31, 2010 and expires on or about March 31, 2013.
3. At all times relevant, Respondent was employed as a Registered Nurse at Greensboro Nursing Home (the "Facility"), located in Greensboro, Vermont.
4. At all times relevant, Respondent was the Director of Nursing at the Facility.
5. On or about March 16, 2011 LNA K.B. was observed performing inadequate care to a resident. Respondent fired K.B. after the March 16, 2011 incident. Respondent did not make a report to the Vermont State Board of Nursing.

Violations

STATE OF VERMONT



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

6. 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. 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) incorporating 3 V.S.A. §128(a).

Understandings

7. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent does not dispute that the State could prove at least some of charges by a preponderance of the evidence if this matter went to a hearing and agrees that the conditions below are necessary and appropriate.
8. 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.
9. 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.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
12. 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.
13. 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.
14. 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 **WARNS** the Respondent's license.

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- 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:

3/13/13

STATE OF VERMONT
SECRETARY OF STATE

By:

S. Lauren Hibbert
S. Lauren Hibbert
State Prosecuting Attorney

CYNTHIA J. MOULTON
RESPONDENT

Dated:

03-08-2013

By:

Cynthia J. Moulton
Cynthia J. Moulton

APPROVED AS TO FORM:

Dated:

3/08/2013

ATTORNEY FOR RESPONDENT

By:

Martha M. Smyrski, Esq.
Martha M. Smyrski, Esq.

APPROVED AND SO ORDERED:

Dated:

4/8/13

VERMONT BOARD OF NURSING

By:

Janine Carr
Chairperson

Date of Entry:

4/8/13

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