

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

IN RE:)
KIM NORTON) Docket No. 2011-2 (NU)
License No. 026.0019299)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Kim Norton, 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. Kim Norton (the "Respondent") of Lincoln, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0019299. This license was originally issued on or about December 28, 1989 and expires on or about March 13, 2013.
3. At all times relevant, Respondent was employed as a Registered Nurse at Fletcher Allen Health Care (the "facility"), located in Burlington, Vermont.
4. On or about December 20, 2010, the Office of Professional Regulation received a Mandatory Report of Unprofessional Conduct alleging that the Respondent had been terminated after she accessed a physician's credit card on-line account without permission and subsequently shared information regarding purchases made by the physician with her co-workers.
5. On or about February 10, 2011, in an interview with State Investigator Laura Pezzulo, R.R., Human Resource Specialist for the Facility, stated that the Respondent shares an office with J.R., who is also a nurse. J.R. was dating B.T, who is a doctor.
6. On or about April 1, 2011, in an interview with Investigator Pezzulo, S.D stated that on or about November 1, 2010 she observed the Respondent looking at the Bank of America website and making comments about the credit card purchases of B.T.

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Additionally, S.D. stated that she had observed this behavior in the past but did not know until November 1, 2010 that the Respondent was looking at another person's account.

7. On or about March 31, 2011, in an interview with Investigator Pezzulo, J.R. stated that she set up a Bank of America account for B.T. and wrote down the access information in a book that she stored in her desk.
8. On or about March 31, 2011, in an interview with Investigator Pezzulo, M.R. stated that she works in the same office as the Respondent and J.R. M.R. stated that she had been present when the Respondent was looking at B.T.'s Bank of America account.
9. On or about March 31, 2011, in an interview with Investigator Pezzulo, J.M. stated she worked in the same office as the Respondent and J.R. and she observed the Respondent accessing B.T.'s Bank of America account for approximately six to eight months.
10. On or about April 1, 2011, in an interview with Investigator Pezzulo, D.K. stated that she worked in the same office as the Respondent and J.R. D.K. additionally stated that on one occasion the Respondent said that she found a "folder with the initials 'BT' with IDs and passwords to an account." Furthermore D.K. stated that she thought only the Respondent accessed the account even though others in the office knew she was doing so.
11. On or about March 30, 2011, in an interview with Investigator Pezzulo, K.C. stated that she worked in the same office as the Respondent and J.R. and that she heard the Respondent state that she found the password to B.T.'s account.
12. Respondent has committed unprofessional conduct because when she accessed the financial account of a co-worker without his permission she engaged of a character likely to deceive, defraud or harm the public and she did not conform to the essential standards of acceptable and prevailing nursing practice. Therefore, the Respondent failed to comply with provisions of federal or state statutes or rules governing the practice of the profession of nursing.

Violations

13. 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).

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Understandings

14. The Respondent agrees that the Board may enter a finding of unprofessional conduct against her and impose a public warning as further set out below. By so agreeing, the Respondent does not admit that all the facts were as the State alleges or that her acknowledged error constituted unprofessional conduct. 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 these charges by a preponderance of the evidence if this matter went to a hearing and agrees that if the charges were proven the discipline set forth below could be imposed as necessary to protect the public.
15. 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.
16. 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.
17. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
18. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
19. 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.
20. 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.
21. 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 issues Respondent a **WARNING** against her license based on the conduct alleged above.

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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:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 12/2/11

By: S. Lauren Hibbert
S. Lauren Hibbert, Esq.
State Prosecuting Attorney

KIM NORTON
RESPONDENT

Dated: November 29, 2011

By: Kim Norton
Kim Norton

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 11/29/11

By: Brooks McArthur
Brooks McArthur, Esq.

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APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12.12.11

By: Sheila Reiff

Chairperson

Date of Entry: 12/13/11

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