

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

IN RE:

Teaghan C. Powell

License No. 025.0122476

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Docket No. 2018-86

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Teaghan C. Powell, by and through his counsel Edward Adrian, 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").

Stipulated Facts

2. Teaghan C. Powell ("Respondent") of Colchester, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0122476. This license was originally issued on August 1, 2016 and expires on January 31, 2020.
3. On August 5, 2016, four days after Respondent's LPN license was originally issued by OPR, Respondent was arrested in connection with a physical domestic assault on his ex-girlfriend, K.M.
4. On March 19, 2018, Respondent pled guilty to misdemeanor Domestic Assault, a violation of 13 V.S.A. §1042 in Vermont Superior Court, Chittenden Criminal Division.
5. As a result of the conviction, Respondent is on probation and will not be discharged from probation prior to March 19, 2021. Respondent's probation warrant expires on March 19, 2022.

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05620-3402

6. From November 2016 through January 2018, Respondent worked full time at Gazebo Senior Living in South Burlington, Vermont as an LPN dayshift charge and medication nurse.
7. On October 30, 2018, Respondent had a two-hour mental Health/Drug and Alcohol evaluation conducted by Carolyn A. Prescott, M.Ed., LACD, an Independent Evaluator pre-approved by OPR.
8. Prior to issuing her report dated November 11, 2018, Ms. Prescott reviewed the Specification of Charges filed by the State against Respondent.
9. The Independent Evaluator recommended that Respondent engage in therapeutic counseling.
10. The Independent Evaluator stated in her report, "I believe that, at this time, Teaghan does not pose a threat to public safety in the capacity of practicing as a Licensed Practical Nurse."

Violation One: 3 V.S.A. §129a(a)(10) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.

11. Paragraphs 2 through 6 above are incorporated herein.
12. In Vermont, conviction of a crime related to the practice of the profession, whether a misdemeanor or felony, constitutes unprofessional conduct.
13. On March 19, 2018, Respondent was convicted of a crime, domestic assault, which is related to the practice of the profession.
14. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent violated 3 V.S.A. §129a(a)(10).

Understandings

15. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
16. 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.
17. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

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18. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
19. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
20. 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.
21. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
22. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

- A. The Board of Nursing hereby **CONDITIONS** Respondent's license until Respondent is discharged from probation as the result of successfully completing his probation conditions. The conditions hereby imposed on Respondent's license are as follows:

1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."
2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions contained in this Consent Order.
3. Notification to Employers/Nursing School. 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 submit to the Board an employer agreement form approved by the Board, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event 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 submit to the Board a nursing program agreement form approved by the Board, 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.

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4. Notification to Probation Officer. Within ten (10) days of the date of entry of this Order, Respondent shall provide a copy of this Stipulation and Consent Order to his Probation Officer and inform him or her of Respondent's conditional license status. Respondent's Probation Officer shall submit to the Board, on letterhead from his or her office, acknowledgement of receipt of the Stipulation and Consent Order.

5. Probation Violation. If the Respondent is alleged to have violated his probation during the term of this Order, this Order shall be automatically extended until the probation violation matter is concluded. Respondent shall notify the Board, in writing, within ten (10) days of the filing of an allegation of a probation violation.

If a probation violation matter results in the Respondent being found to have violated his probation, the Respondent shall be considered in violation of this Order. 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.

6. Practice Under Supervision. Respondent shall practice nursing only in a setting where Respondent has direct supervision for the entire shift by a registered nurse that is licensed and in good standing with the Board.

7. 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 while Respondent's license is "conditioned," 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.

8. Types of Employment Prohibited. Respondent shall not work in a supervisory role. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, 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.

9. Out-of-State Practice and Licensing. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. Failure to seek approval shall result in out-of-state practice not being credited toward the fulfillment of the terms and conditions of this Consent Order.

If the Respondent receives discipline on a nursing license held in another state during the conditioned period, the Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

10. Notification to Other States. In the event that the Respondent is licensed in nursing in any other state(s), he must inform the other nursing licensing boards of the conditional status of his Vermont nursing license within thirty (30) days of the date of entry.

11. Supportive Individual Counseling. Within one (1) month of the date of this order or within one (1) month of the commencement of nursing employment, Respondent shall engage in supportive individual counseling with a pre-approved treating professional qualified and experienced to provide counseling related to depression and anxiety. Respondent shall comply with the treatment plan until the treating professional certifies in writing to the Board that such counseling is no longer necessary. Compliance with the treatment plan includes, but is not limited to, engaging in face-to-face meetings with the treating professional at the frequency recommended in the treatment plan.

Prior to engaging in counseling with the pre-approved treating professional, Respondent shall provide a copy of this Stipulation and Consent Order to his treatment provider and inform him or her of Respondent's conditional license status and the accompanying conditions. Respondent's treating professional shall submit to the Board, on forms provided by the Board, acknowledgement of receipt of the Stipulation and Consent Order along with Respondent's current treatment plan.

Respondent shall authorize Respondent's treating professional to submit to the Board **monthly** reports on forms issued by the Board. The initial treatment plan and all revisions to the treatment plan must be included in the monthly reports to the Board. Respondent shall authorize Respondent's treating professional to provide all information requested by the Nursing Board, either orally or in writing, at any time during the period this Consent Order is in effect.

12. Completion of Conditioned License Period. After the conditioned license period and upon successful completion of probation, the Respondent may petition the Board to remove any and all conditions on his license. Respondent shall have the burden of proof to demonstrate successful completion of the above-stated conditions.

- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

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- 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: 1/29/19

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]

Jennifer B. Colin
Prosecuting Attorney

RESPONDENT

Dated: 1/24/19

By: [Signature]

Teaghan C. Powell

APPROVED AS TO FORM:

COUNSEL FOR RESPONDENT

By: [Signature]

Edward Adrian, Esq.
Monaghan Safar Ducham PLLC

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 11 February 2019

By: [Signature]

Chairperson

Date of Entry: 2-12-19

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