

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

IN RE:

Randy Ross

Application Tracking No. 025.0124490

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Docket No. 2016-552

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Rachel Allen, and the Respondent, Randy Ross, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Nursing (Board) has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 26 V.S.A. § 1582; Rules of the Office of Professional Regulation.
2. Randy Ross (Respondent) of Winooski, Vermont, applied for a licensed practical nurse (LPN) license. The application was assigned the following tracking number: 025.0124490.

Stipulated Facts

Violation One: 3 V.S.A. § 129a(a)(1). Fraudulent or deceptive procurement or use of a license.

3. On September 29, 2016, Respondent submitted a Licensed Practical Nurse application to the Vermont Secretary of State's Office of Professional Regulation (OPR). Respondent answered "NO" to the following questions:
 - a. "Has Vermont or any other state, federal authority, or other jurisdiction (US or elsewhere) denied an application by you for a license, certificate, or registration to practice a profession or occupation?"
 - b. "Has Vermont or any other state, federal authority, or other jurisdiction (US or elsewhere) taken any disciplinary action (restricted, suspended, revocation, or conditioned) against a license, certificate, or registration that you hold or held in any profession or occupation?"

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4. On July 28, 2015, Respondent's licensed practical nurse license was disciplined by state of Texas.

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

5. On October 17, 2016, Respondent subsequently provided OPR with the State of Texas Board of Nursing Eligibility Order (Order), effective July 28, 2015. The Order encumbered Respondent's Texas license and, among other conditions, required Respondent to complete a course in Texas nursing jurisprudence and ethics and "Sharpening Critical Thinking Skills," provided by the National Council of State Boards of Nursing, within one (1) year.
6. A review of the facts of the Order state that Respondent disclosed the following criminal history:
- a. On July 27, 2001, you entered a plea of Nolo Contendere to Theft by Check, a Class B misdemeanor offense committed on October 19, 1998, in the Criminal Court No. 3, Denton County, Texas;
 - b. On September 11, 2002, you entered a plea of Nolo Contendere to Purchasing/Furnishing Alcohol to a Minor, a Class A misdemeanor offense committed on July 26, 2002, in the Criminal Court No. 3, Denton County, Texas; and
 - c. On March 31, 2005, you entered a plea of Guilty and were convicted of Theft 2-2 Counts, a Class C felony offense, in the Circuit Court of the Second Circuit, Hawaii.

Understandings

7. Respondent admits the facts as outlined above are true and the Board may find that the Respondent engaged in unprofessional conduct.
8. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
9. Respondent understands that the 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.
10. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

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11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. Respondent is not under the influence of any drugs or alcohol at the time of signature of this Stipulation and Consent Order.
13. 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.
14. Respondent voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
15. 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 hereby **WARNS** Respondent's license when it is issued.
- B. Notwithstanding any provision above, 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: 12/9/14

By: 
**Rachel Allen
State Prosecuting Attorney**

STATE OF VERMONT



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RANDY ROSS
RESPONDENT

Dated: 12/9/16

By: 
Randy Ross

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12/12/16

By: 
Chairperson

Date of Entry: 12-13-16

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