

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

IN RE:

TISH JOHNSON SMITH

License No. 026-0021968

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Docket No. NU76-0406

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Tish Johnson Smith, R.N., 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, 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Tish Johnson Smith, is licensed as a registered nurse by the State of Vermont under license number 026-0021968. This license was originally issued on or about February 6, 1995 and was put on inactive status pursuant to the Respondent's request on March 31, 2007.

3. By way of letter dated March 14, 2006, the Respondent advised the Board that her license had lapsed on or about March 31, 2003 and that she wished to have her license renewed. On her renewal application, the Respondent indicated that she had been employed as a School Nurse/Prevention Consultant for the Department of Education since approximately September 6, 1999 up to the date of her renewal application, dated March 14, 2006.

4. The Respondent's license was renewed on or about March 22, 2006 based on the information contained in her renewal application.

5. Subsequently, in a letter addressed to the Board dated April 18, 2006, the Respondent advised that she had not been employed in a capacity requiring direct patient contact since June of 1999. The Respondent advised that since that time, she has been employed by the Department of Education managing a grant for Safe and Drug Free Schools. The Respondent

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Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
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further advised that she should not have listed that she worked as a School Nurse Consultant as she never officially functioned in that capacity.

Charges

6. By committing the act(s) and/or omission(s) alleged above, the Respondent has violated:
- i. 26 V.S.A. § 1582(a)(1) (Has made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing);
 - ii. 3 V.S.A. § 129a(a)(1) (Fraudulent or deceptive procurement or use of a license);
 - iii. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice);
 - iv. 3 V.S.A. § 129a(a)(3) (Failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

7. 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.
8. 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.
9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. 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.
12. 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.
13. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

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A. The Board of Nursing hereby ~~REPRIMANDS~~ **REPRIMANDS** the Respondent's license. Additionally, the Board imposes a **\$250.00 ADMINISTRATIVE PENALTY** against Respondent. This penalty must be paid by October of 2007.

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

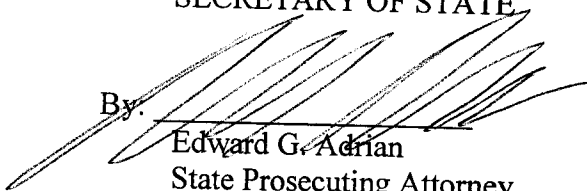
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

D. This Stipulation and Consent Order will remain part of the 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: 10/1/07

By: 

Edward G. Adrian
State Prosecuting Attorney

TISH JOHNSON SMITH
RESPONDENT

Dated: 9/26/2007

There was no fraud or deception intended on my part.

By: Tish Johnson Smith

Tish Johnson Smith

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 10-8-07

By: Laurie M. Tye

Chairperson

Date of Entry: 10/10/07

nu.smith.stip

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