

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

IN RE:)
EDWARD THAIRU) Docket No. 2019-128
License No. 026.0133212)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Edward Thairu, by and through his counsel Brooks McArthur, Esq., who hereby Stipulate and Agree as follows:

Board Authority

1. The Vermont Board of Nursing ("Board") is authorized to adjudicate complaints of unauthorized practice and unprofessional conduct, and to issue warnings or reprimands, assess civil penalties, suspend, revoke, limit, condition, deny, or prevent the renewal of licenses if, after disciplinary hearing, it finds that Respondent has engaged in unauthorized practice or unprofessional conduct. 3 V.S.A. §§ 127, 129, 129a, 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing; and the Administrative Rules of Practice of the Office of Professional Regulation.

Statement of Facts

2. Edward Thairu ("Respondent") of Essex Junction, Vermont is currently licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0133212. The license was first issued on September 15, 2017 and expires on March 31, 2021.
3. Respondent was employed as a "Graduate RN" at Spring Village at Essex (now known as Maple Ridge) ("Facility") in Essex Junction, Vermont from approximately July 11, 2017 to September 15, 2017.
4. During the time Respondent was employed at the Facility, he worked as the RN on duty during overnight shifts and engaged in the practice of nursing.
5. Respondent's work as an RN at the Facility occurred prior to being duly licensed by the State as an RN.

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
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05620-3402

6. In August 2017 while he was working at the Facility as an unlicensed RN, Respondent signed his name in Nurse's Notes for at least one patient as "Edward Thairu RN."

Violation One: 3 V.S.A. §127 Unauthorized practice.

7. The State re-alleges and incorporates Paragraphs 2 through 6 above.
8. 26 V.S.A. 1584(a)(3) prohibits the practice of nursing unless duly registered and currently licensed to do so under the provisions of Vermont Nursing statutes in Title 26, Chapter 28.
9. Paragraphs 2 through 5 above demonstrate that Respondent practiced the regulated profession of nursing without an active license.
10. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for a civil penalty because Respondent has engaged in the unauthorized practice of nursing in violation of 3 V.S.A. §127.

Violation Two: 26 V.S.A. §1584(a)(4) Use in connection with a name any words, letters, signs, or figures which imply that a person is a registered or practical nurse or an advanced practice registered nurse when not authorized under this chapter.

11. The State re-alleges and incorporates Paragraphs 2 through 6 above.
12. Vermont law prohibits a person from holding him/herself out as a nurse when not authorized by law to do so.
13. Paragraphs 2 through 6 above demonstrate that Respondent signed a patient's medical record using the "RN" designation before he was duly licensed by the State as an RN.
14. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has engaged in unprofessional conduct in violation of 26 V.S.A. §1584(a)(4).

Understandings

15. Respondent admits that 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.

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17. Respondent specifically waives any claims that any disclosures made to the Board during review of this agreement have prejudiced the right to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board and proceeds to a contested hearing.
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 of signature.
20. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced into signing this Stipulation and Consent Order.
21. Respondent voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
22. Respondent agrees that the Board may enter this Order.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **REPRIMANDS** Respondent's license.
- B. The Board imposes a **MONETARY CIVIL PENALTY IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00)**. This penalty shall be paid within sixty (60) days of the date of entry of this Order.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- D. 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).
- E. 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.

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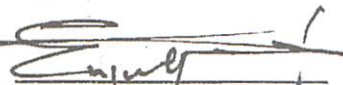
AGREED TO:

Dated: 2/3/20

By: 
Jennifer B. Colin
Prosecuting Attorney
(802)828-1219
Jennifer.Colin@sec.state.vt.us

STATE OF VERMONT
SECRETARY OF STATE

Dated: 1/31/2020

By: 
Edward Thairu

RESPONDENT

APPROVED AS TO FORM:

Dated: 1/31/2020

By: 
Brooks McArthur, Esq.
Jarvis, McArthur & Williams

ATTORNEY FOR RESPONDENT

APPROVED AND SO ORDERED:

Dated: 2.10.2020
Date of Entry: 2.11.2020

By: 
Chairperson

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05620-3402



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