

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

IN RE:	)	
Susan B. Yustin	)	Docket No. 2018-48
License No. 025.0004389	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and the Respondent, Susan B. Yustin, by and through her counsel F. Rendol Barlow, 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.

Stipulation of Facts

2. Susan B. Yustin (the "Respondent") of Bridport, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0004389. This license was originally issued on May 24, 1978 and expires on January 31, 2020.
3. Respondent's LPN license expired on January 31, 2012.
4. On January 22, 2016, Respondent filed a LPN Renewal/Reinstatement Application ("2016 Renewal Application").
5. On the 2016 Renewal Application, Respondent answered "Yes" to the question: "If this is a late renewal, have you been practicing in Vermont since your license expired?"
6. With the 2016 Renewal Application, Respondent submitted a letter dated December 31, 2015 from her employer, D.S., stating that Respondent worked at

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

Champlain Valley Hematology Oncology (formerly Vermont Center for Cancer Medicine) since November 2002 as a part-time oncology intake nurse.

7. Respondent practiced nursing for almost four years with a lapsed license.

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

8. The State re-alleges and incorporates Paragraphs 2 through 6 above.
9. Paragraphs 2 through 6 above demonstrate that Respondent practiced as an **LPN** for over two years while her license was expired.
10. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has engaged in unauthorized practice of a regulated profession in violation of 3 V.S.A. § 127.

Understandings

11. 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.
12. This Stipulation and Consent Order is intended to resolve all matters related to Docket No. 2018-48. This Stipulation and Consent Order is not a finding of unprofessional conduct.
13. 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.
14. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
15. Respondent is not under the influence of any drugs or alcohol at the time of signature.
16. 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.
17. Respondent voluntarily waives ~~the~~ right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
18. Respondent agrees that the Board may enter this Order.

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ORDER

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

- A. The Board imposes a **MONETARY CIVIL PENALTY IN THE AMOUNT OF ONE THOUSAND, FIVE HUNDRED DOLLARS (\$1,500.00)**. This penalty shall be paid within sixty (60) days of the date of entry of this Order.
- B. 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).
- C. This Stipulation and Consent Order will remain part of Respondent's files and may be used for purposes of determining sanctions in any future unlicensed practice or disciplinary matter.

AGREED TO:

Dated: 5/31/18 By: Jennifer B. Colin
STATE OF VERMONT
SECRETARY OF STATE
Prosecuting Attorney
(802)828-1219
Jennifer.Colin@sec.state.vt.us

Dated: 5/31/18 By: Susan B. Yustin
RESPONDENT
Susan B. Yustin

APPROVED AS TO FORM:

Dated: 5/31/18 By: F. Rendol Barlow, Esq.
ATTORNEY FOR RESPONDENT
Langrock Sperry & Wool, LLP

APPROVED AND SO ORDERED:

Dated: 11 June 2018 By: [Signature]
Date of Entry: 6/11/2018 Chairperson
VERMONT BOARD OF NURSING

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