

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
OCCUPATIONAL THERAPISTS

IN RE:)
Karyn M. Kipp) Docket No. 2011-514
License No. 072.0000416)

REINSTATEMENT STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Jennifer B. Colin, and Respondent Karen M. Kipp, who hereby stipulate and agree as follows:

Authority

1. The Office of Professional Regulation (the "OPR") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct, by and through a duly appointed administrative law officer (the "ALO"), committed by Occupational Therapists pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 71; and the Administrative Rules for Occupational Therapists and Occupational Therapy Assistants ("AROT") and the Rules of the Vermont Office of Professional Regulation.

Stipulated Facts

2. Karen M. Kipp ("Respondent") of White Hall, New York is licensed by the State of Vermont as an Occupational Therapist ("OT") under license number 072.0000416. The license was first issued on June 1, 2010 and expired on May 31, 2012.
3. In 2012, Respondent was disciplined by OPR for unprofessional conduct, namely fabricating notes for two patients on multiple dates in 2011. The violations charged were: 3 V.S.A. §129a(a)(3) Failure to comply with provisions of federal or state statutes or rules governing the practice of the profession; 3 V.S.A. §129a(b)(1) and (2) Failure to practice competently (includes performance of unsafe or unacceptable patient or client care or failure to conform to the essential standards of acceptable and prevailing practice; and 3 V.S.A. §129a(a)(7) Willfully making or filing false reports or records in the practice of the profession.
4. Respondent failed to file an Answer and Default Judgment was entered on September 11, 2012. The Default Judgment indefinitely suspended Respondent's license.
5. In May 2018, Respondent petitioned for reinstatement, but submitted no documentation to support her request and failed to attend the hearing. On July 24,

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2018, the ALO entered a Decision on Petition for Reinstatement denying Respondent's request but allowing that Respondent could request reinstatement in the future.

6. On July 12, 2022, Respondent submitted a Petition for Reinstatement. The petition was supported by Respondent's statement and documentation, which included: Respondent engaged in a period of counseling for three years; Respondent completed a 15-week course on Anger Management/Stress Reduction through a Counseling Center in New York; Respondent continues to stay current with research and current practice as a member of a professional organization for OT's; Respondent has completed over thirty hours of continuing education; and Respondent has volunteered in the area of Disability Advocacy, working with and advocating for students with disabilities in New York State. Respondent included a letter of support from her supervisor in the Disability Advocate role.
7. Based on the underlying facts of the 2012 Default Order and the content and substance of Respondent's petition, the State supports Respondent's reinstatement request, with the conditions as outlined below.

Understandings

8. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
9. Respondent understands that the ALO must review and accept the terms of the Consent Order. If the ALO 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 ALO 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 ALO.
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 she signs 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 her right to a contested hearing before the ALO 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 ALO.

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ORDER

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

- A. The ALO hereby **REINSTATES and CONDITIONS** the Respondent's license and/or re-entry permit for a **MINIMUM OF ONE (1) YEAR, commencing on the date of reinstatement**. The **CONDITIONS** shall be as follows:
1. Renewal. Respondent is immediately eligible to renew and revive her Occupational Therapist license. Respondent must comply with all requirements of license renewal.
 2. Re-issuance of License. Upon the commencement of these conditions and the renewal of Respondent's license, Respondent shall be issued a license labeled "conditioned."
 3. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a **minimum of one (1) year** of Occupational Therapy practice in which Respondent works at least eighty (80) hours every calendar month as an OT. Part time hours of fewer than eighty (80) hours every calendar month shall be credited on a prorated basis.
 4. Monitoring. The Office of Professional Regulation, through the Enforcement Case Manager, shall be responsible for monitoring Respondent's compliance with these Conditions. All reports or correspondence regarding compliance with these conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.
 5. Notification to Employers/Nursing School. During the conditioned period, 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 an Occupational Therapist 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 OT employment, Respondent shall cause Respondent's immediate supervisor to submit to the Case Manager an employer agreement on a form provided by the Case Manager, 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 an Occupational Therapy educational program which has a clinical portion that involves actual patient/client 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 Case Manager an agreement on a form provided, 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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6. Reports from Employers/Program Director. Within one (1) month of the date of reinstatement or within one (1) month of the commencement of OT employment and **monthly** thereafter, Respondent shall cause every employer Respondent has worked for as an OT during the month to submit to the Case Manager an evaluation of Respondent's work performance and attendance during that month. In the event Respondent is attending an OT educational program, Respondent shall cause the Program Director to submit to the Case Manager, 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 Case Manager. All employer reports shall indicate satisfactory performance (i.e., consistently meeting all standards of OT practice) and attendance.
7. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Case Manager. The request for out-of-state practice will be approved provided Respondent can still comply with the provisions of this Consent Order. If Respondent receives discipline on an OT license held in another state during the conditioned period, Respondent must inform the Case Manager of such, in writing, within ten (10) days of receiving such discipline.
8. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Case Manager, in writing, of Respondent's current place of employment, personal address, and telephone number. Respondent shall further notify the Case Manager, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.
9. Notification to Other States. In the event that Respondent is licensed in Occupational Therapy in any other state(s), Respondent must inform the licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont OT license within thirty (30) days of the date of entry of this Order.
10. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
11. Costs. Respondent shall bear all costs of complying with this Consent Order.
12. Violation of this Order. If Respondent violates this Order the ALO, after giving Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

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13. Completion of Conditional License Period. Respondent shall submit a petition to the Docket Clerk to remove any and all conditions on Respondent's license. The State will assent to or oppose Respondent's petition. The ALO will conduct a hearing if necessary. Respondent bears the burden and must present proof that Respondent has fully complied with the terms of this Order and these conditions are no longer necessary to protect the public.

- B. Notwithstanding any provision above, the Respondent must continue to meet all 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:

Dated: 8/9/2022

STATE OF VERMONT
SECRETARY OF STATE

By: DocuSigned by:
Jennifer Colin
D190D9C5BA65468
Jennifer B. Colin
Prosecuting Attorney

Dated: 8/9/2022

RESPONDENT

By: DocuSigned by:
Karen M Kipp
B83DE15D37DD46E
Karen M. Kipp

APPROVED AND SO ORDERED:

Dated: 8/12/22

ADMINISTRATIVE LAW OFFICER

By: *Georg H Belch*

Date of Entry: 8/15/22

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