

**BEFORE THE MINNESOTA  
BOARD OF NURSING**

In the Matter of  
Aszani Stoddard, R.N.  
License No. 192674-3

**STIPULATION AND  
CONSENT ORDER**

**STIPULATION**

Aszani Stoddard, R.N. ("Licensee"), and the Minnesota Board of Nursing Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

**I.**

**JURISDICTION**

1. The Minnesota Board of Nursing ("Board") is authorized pursuant to Minnesota Statutes sections 148.171 to 148.285 to license and regulate registered nurses and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice professional nursing in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

**II.**

**CONFERENCE**

3. On January 7, 2014, Licensee and her attorney, Gregory Bulinski, Esq., of Bassford Remele, Minneapolis, Minnesota, appeared before the Review Panel, composed of Steven Strand, Board member, and Judy Reeve, Nursing Practice Specialist for the Board, to discuss allegations made in a Notice of Conference dated November 25, 2013. Jennifer Coates, Assistant Attorney General, represented the Review Panel.

**III.**  
**FACTS**

4. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. While Licensee was employed as a certified nurse midwife at a birth center in Saint Paul, Minnesota, the following occurred:

1) In 2010, Licensee served as the nurse midwife for a patient, performing prenatal visits, care during a home birth, and postpartum check-ups.

2) Following the birth of this patient's child, Licensee exchanged occasional text messages with the patient and accepted an invitation to have dinner at the patient's home. Licensee also encouraged the patient to volunteer at the birth center.

3) Licensee did not provide any nursing services for the patient after 2010.

4) In March 2011, Licensee resigned this employment.

b. After the end of Licensee's employment at the birth center, Licensee continue to socialize with former patients, including the patient referenced above. In August 2012, the former patient informed Licensee she had romantic feelings towards Licensee. Thereafter, Licensee encouraged the former patient to seek mental health services. Licensee saw the former patient rarely after that time, but did continue to communicate with her by email and text.

c. Later in August 2012, Licensee and the former patient discussed their relationship, and exchanged a series of communications, two of which contained sexual innuendo.

d. In October 2012, Licensee spoke with the patient regarding limiting their future contact, and meeting with the patient's therapist to "put closure" on their friendship. However, a few days before their scheduled meeting, Licensee sent an email to the patient stating they should discuss the possibility of becoming "primary partners," with the patient's

spouse as her “secondary partner.” Licensee later stated she made this statement only to push the patient to make a decision in favor of her marriage. In her written statement to the Board, Licensee admitted this was “an unskilled way of facilitating a formal closure.”

e. Later in October 2012, Licensee and the former patient met with the former patient’s therapist for the purpose of terminating the relationship. After the meeting with the therapist, Licensee admitted she “made an error in thinking of her as a friend” and acknowledged she should have “terminated all contact immediately after she revealed her romantic feelings towards me.”

f. Licensee stated that consistent with practices in the birth community, she socialized with former patients from time-to-time, and described events such as reunion picnics held by the birth center, where she would see former patients in social settings. However, in the Summer of 2012 Licensee spent time alone with the aforementioned patient. Licensee also admitted she sometimes continued to serve as a health care provider to people with whom she had also become friends.

g. During the January 7, 2014, conference, Licensee stated this situation has caused her to reflect on her practice and her boundaries. The Review Panel expressed concern that the Licensee appeared to lack adequate insight into the power dynamics associated with interactions with former patients. While Licensee recognized she made errors in judgment, the Review Panel expressed concern regarding Licensee’s understanding of the magnitude and implications of the errors. The Review Panel concluded Licensee required education regarding these topics, and monitoring of her practice for eighteen months.

#### IV.

#### LAWS

5. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261, subdivision 1(6) and (12), and justifies the disciplinary action described in section V. below.

V.

**DISCIPLINARY ACTION**

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Stayed Suspension

6. The Board hereby **SUSPENDS** Licensee's license to practice professional nursing. The suspension is **STAYED** so long as Licensee complies with the following requirements:

B. Limitation on License

7. The Board places the following **LIMITATION** on Licensee's license: Licensee must be supervised by a supervisor or colleague approved by the Board, who will supervise and evaluate Licensee's practice and professional boundaries.

8. If Licensee is in possession of her nursing registration certificate, Licensee shall surrender and personally deliver or mail the certificate to the Minnesota Board of Nursing, c/o Shirley A. Brekken, Executive Director, 2829 University Avenue S.E., Suite 200, Minneapolis, Minnesota 55414, within ten days of the date of this Order. The Board's online licensure verification service shall indicate Licensee's license is in a limited status.

C. Conditions on License

9. The Board places the following **CONDITIONS** on Licensee's license:

a. Continuing Education. Within two months of the date of this Order, Licensee shall submit to the Board evidence of successful completion of the National Council of State Boards of Nursing ("NCSBN") online continuing education courses titled "Professional Accountability and Legal Liability for Nurses," "Ethics of Nursing Practice," "Respecting Professional Boundaries," and "Patient Privacy." A brochure containing these and other courses was provided to Licensee. Each class meets the continuing nursing education requirements found in Minnesota Rules Part 6310.2800, subpart 3.

b. One-on-One Consultation. Within two months of completion of the continuing education required above, Licensee shall complete one-on-one consultation with a nurse consultant who is a psychiatric/mental health advanced practice registered nurse. The consultation shall last six hours or until such time as the evaluator determines is sufficient to achieve the learning objectives, whichever is greater. The nurse consultant must be approved by Board staff, for purposes of this Order, before the consultation begins. In order for the Board to consider approving a consultant, Licensee shall submit or cause to be submitted the resume or curriculum vitae of the proposed consultant and proposed course outline. Licensee is responsible for arranging and paying for the consultation. The instruction shall address: 1) professional/patient power differential; 2) identifying situations or circumstances presenting risks for boundary violations; 3) interventions to use when boundaries become blurred; and 4) the effect and ramifications on patients when personal or sexual boundaries are crossed by the professional. The nurse consultant shall submit a report directly to the Board, addressing the following:

- 1) Verification the consultant has reviewed a copy of this Order;
- 2) An evaluation of Licensee's understanding of the subjects of the instruction prior to beginning the consultation;
- 3) A description of the content and method of instruction provided during the consultation;
- 4) A statement indicating what Licensee learned and achieved through the instruction and how the learning was evaluated;
- 5) Any recommendations for additional education directed at improving Licensee's nursing practice; and
- 6) Any other information the nurse consultant believes would assist the Board in its ultimate review of this matter.

c. Compliance With Consultant's Recommendations. Licensee shall promptly comply with any recommendations for additional education made by the nurse

consultant. Licensee must submit written documentation, such as measurable learning objectives and qualifications of the instructor, in order to receive prior approval from Board staff of classes that Licensee takes in fulfillment of this requirement. Each class must meet the continuing nursing education requirements found in Minnesota Rules 6310.2800, subpart 3. Licensee shall submit verification of participation for any class taken in fulfillment of this requirement.

d. Typewritten Report. Within two months of completion of the one-on-one consultation, Licensee shall submit to the Board a typewritten report at least six pages in length addressing what she learned and achieved through the continuing education and the one-on-one consultation, and how she will apply her knowledge to her current and future nursing practice. Licensee shall reflect on the situation described in section III, describe her personal insights as to factors contributing to this situation, describe what she could or should have foreseen, and explain how she should have intervened. Licensee shall cite to at least three sources including the Nurse Practice Act.

e. Self-Report. Licensee shall submit to the Board a report from Licensee herself. The report shall be submitted every three months. The report shall provide and address:

- 1) Licensee's job title, dates of employment, work schedule, and the employer's name for every employment Licensee has held during the preceding three months;
- 2) How Licensee has applied the information she has gained from the continuing education and one-on-one instruction to her nursing practice;
- 3) Licensee's future plans in nursing; and
- 4) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

f. Report From Supervisor. If Licensee is employed in nursing or in any health care or residential care setting, Licensee shall cause to be submitted to the Board a report from a registered nurse or other licensed health care provider who is her supervisor. The report shall be submitted every three months. Each report shall provide and address:

- 1) In the first report, verification Licensee's supervisor has received and reviewed a copy of this Order;
- 2) The date of Licensee's employment;
- 3) Licensee's demonstration of appropriate professional boundaries in her relationships with clients; the supervisor must report any boundary violations which occur;
- 4) Licensee's attendance and reliability;
- 5) Licensee's ability to carry out assigned functions, and if any performance deficiencies are identified, the actions taken to address them;
- 6) Licensee's ability to handle stress;
- 7) Licensee's compliance with the limitation;
- 8) Licensee's typical work schedule; and
- 9) Any other information the supervisor believes would assist the Board in its ultimate review of this matter.

g. Maintaining Professional Boundaries. Licensee must maintain professional boundaries and avoid any inappropriate personal or sexual relationships with clients.

h. Additional Information. Licensee shall provide any additional relevant information reasonably requested by the Board.

10. While this Order is in effect, Licensee shall notify each present and future nursing supervisor of this Order within ten days of the date of the order or commencing employment. Licensee shall provide the supervisor with a copy of the entire signed Order.

#### D. Removal of Stayed Suspension

11. The limitations, conditions, and stayed suspension of Licensee's license shall be administratively removed after at least 18 months from the date of this Order and upon satisfactory completion of the requirements imposed by the conditions. The removal is effective upon written notification to Licensee by the Board of the removal of the stayed suspension.

## VI.

### CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

12. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file payments, reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Consent Order.

#### A. Noncompliance With Requirements for Stayed Suspension

13. If the Review Panel has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraphs 7 and 9 above, the Review Panel may remove the stayed suspension pursuant to the procedures outlined in paragraph 14 below, with the following additions and exceptions:

a. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Licensee agrees that the Review Panel is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 14 below. The Order of Removal shall confirm the Review Panel has probable cause to believe Licensee has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee's license. Licensee further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee waives any right to a conference or hearing before removal of the stayed suspension.

b. The Review Panel shall schedule the hearing pursuant to paragraph 14.a. below to be held within 60 days of the notice.



## B. Noncompliance With Stipulation and Consent Order

14. If Licensee fails to comply with or violates this Stipulation and Consent Order the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Licensee a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent Order, the Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's

authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation will not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 3, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein shall limit the Review Panel's or the Board's right to automatically suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 2.

## VII.

### ADDITIONAL INFORMATION

15. In the event Licensee should leave Minnesota to reside or to practice outside of the state, Licensee shall give the Board written notification of the new location, as well as dates of departure and return. Periods of residency and practice outside of Minnesota will not apply to the reduction of any period of Licensee's suspension or stayed suspension in Minnesota unless Licensee demonstrates that the practice in another state conforms completely with this Stipulation and Consent Order. If Licensee leaves the state, the terms of this order continue to apply unless waived in writing.

16. Within ten days of execution of this Stipulation and Consent Order, Licensee shall provide the Board with the addresses and telephone numbers of Licensee's residence and all agencies or facilities and locations at which Licensee has become employed or performs

volunteer nursing. Licensee shall inform the Board within ten days if Licensee becomes employed at any additional agencies or facilities or moves and shall provide the new or additional address and telephone number.

17. Within ten days of execution of this Stipulation and Consent Order, Licensee shall provide the Board with the names of all states in which Licensee is licensed to practice professional or practical nursing or has applied for licensure as a professional or practical nurse.

18. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

19. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

20. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

21. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

22. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

23. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

24. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth herein.

#### VIII.

#### DATA PRACTICES NOTICES

25. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

26. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

BOARD OF NURSING

REVIEW PANEL



ASZANI STODDARD, R.N.  
Licensee

Dated: May 28, 2014



STEVEN STRAND  
Board Member

Dated: 6/5, 2014

**ORDER**

Upon consideration of the Stipulation, the Board hereby **SUSPENDS** Licensee's license. The Board **STAYS** the suspension upon Licensee's compliance with the requirements outlined in the Stipulation and adopts all other terms of the Stipulation on this 5<sup>th</sup> day of June, 2014.

MINNESOTA BOARD  
OF NURSING

  
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SHIRLEY A. BREKKEN  
Executive Director

