

**BEFORE THE MINNESOTA
BOARD OF NURSING**

In the Matter of
Aszani Stoddard, R.N.
License No. 192674-3
Applicant for Licensure as Advanced Practice
Registered Nurse-Certified Nurse Midwife

**AMENDED 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 advanced practice registered nurses, registered nurses, and licensed practical nurses and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice professional nursing, has applied for licensure as an advanced practice registered nurse 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.

BACKGROUND

3. On June 5, 2014, the Board issued a Stipulation and Consent Order ("2014 Order"), suspending Licensee's license, but staying the suspension as long as Licensee met the requirements of the order. On February 2, 2015, the Board received a written request from Licensee that the 2014 Order be amended. Following a thorough review of all available information, the Review Panel, composed of Steven Strand, Board member, and Judy Reeve,

Nursing Practice Specialist, determined the matter could be resolved by mail with a Stipulation and Consent Order for a conditional license.

4. Licensee was advised by the Board's representatives that she may choose to be represented by legal counsel in this matter. Licensee knowingly waived legal representation. Jennifer Coates, Assistant Attorney General, represented the Review Panel.

III. FACTS

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

a. On June 5, 2014, the Board adopted a Stipulation and Consent Order ("2014 Order"), suspending Licensee's license but staying the suspension so long as Licensee met the order's requirements, including limitations and conditions on her license to practice. The 2014 Order was based on boundary concerns with Licensee's practice as an advanced practice registered nurse ("APRN"), certified nurse midwife. Licensee engaged in a personal relationship with a former patient. The Review Panel determined to monitor Licensee's practice for 18 months to ensure Licensee's understanding of her errors in judgment, and provide her with further education regarding her practice and setting appropriate boundaries with patients.

b. On January 1, 2015, a law went into effect requiring all APRNs to obtain an APRN license for practice authority in Minnesota. One requirement for licensure is that the applicant have an unencumbered registered nursing license to seek APRN licensure.

c. By letter dated January 31, 2015, Licensee requested the Board amend the 2014 Order to allow her to seek licensure as an APRN with an unencumbered registered nursing license.

d. The Review Panel determined that their intention was not to remove Licensee from APRN practice, but to monitor her practice. The Review Panel noted Licensee has completed all of the educational requirements of the 2014 Order. The Review Panel

recommended an amended Stipulation and Consent Order for a conditional registered nursing licensing, allowing Licensee to seek APRN licensure.

IV.

LAWS

6. 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:

7. The Board hereby **RESCINDS** the June 5, 2014 Stipulation and Consent Order which will have no future force or effect.

8. The Board hereby **GRANTS** Licensee a license to practice advanced practice registered nursing in the State of Minnesota upon Licensee's successful completion of all applicable requirements for licensure.

A. Conditions on Licenses

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

a. Self-Report. Licensee must submit to the Board a report from Licensee herself every three months. Each report must 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 that she completed for the 2014 Order;

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.

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

- 1) In the first report, verification Licensee's supervisor has received and reviewed a copy of this Order and the 2014 Order;
- 2) The date of Licensee's employment;
- 3) Licensee's demonstration of appropriate professional boundaries in her relationships with clients; the supervisor or colleague 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 typical work schedule; and
- 8) Any other information the supervisor believes would assist the Board in its ultimate review of this matter.

c. Additional Information. Licensee must provide any additional relevant information reasonably requested by the Board.

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

B. Removal of Conditions

11. The conditions upon Licensee's licenses will be administratively removed after at least 12 months from the date of this Order. The removal is effective upon written notification to Licensee by the Board of the removal of the conditions.

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 making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and will be submitted to the Board by United States Mail, courier, or personal delivery only.

13. 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 will schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel will mail Licensee a notice of the violation(s) alleged by the Review Panel. In addition, the notice will designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee will 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 will not refer to matters outside the record. The evidentiary record will be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Review Panel will 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 before the conference, hearing, or meeting of the Board may be taken into account by the Board but will 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 in a conditional status.

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 conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

f. Nothing herein will limit the Review Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 214.077, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein will 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

14. In the event Licensee should leave Minnesota to reside or to practice outside of the state, Licensee will 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 conditional license 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.

15. Within ten days of execution of this Stipulation and Consent Order, Licensee will 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 will inform the Board within ten days if Licensee becomes employed at any additional agencies or facilities or moves and will provide the new or additional address and telephone number.

16. Within ten days of execution of this Stipulation and Consent Order, Licensee will 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 registered or practical nurse.

17. 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.

18. 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.

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

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

21. 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

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.

22. 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.

23. This Stipulation and Consent Order does 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

24. 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 Stipulation and Consent 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.

25. 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: March 1st, 2015



Gov STEVEN STRAND
Board Member

Dated: March 5, 2015

ORDER

Upon consideration of the Stipulation, the Board **RESCINDS** the June 5, 2014 Stipulation and Consent Order; **GRANTS** Licensee an advanced practiced nursing license upon meeting all applicable requirements; places Licensee's licenses in a **CONDITIONAL** status; and adopts all of the terms described above on this 5th day of March, 2015.

MINNESOTA BOARD
OF NURSING



SHIRLEY A. BREKKEN
Executive Director

