

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

In re: RACHEL STEBBINS-NAVY	}	
License No. 025.0008449	}	Docket No. 2009-393
	}	

Participating Board Members:
Jennifer Laurent, APRN, Chair
Luana Tredwell, LPN
Ginger Gillette-Kent, APRN
Kelly Sinclair, LNA
Jennifer Lyon, RN
Daniel Coane, Public Member
Douglas E. Sutton, RN, *ad hoc* Member

Appearances:
Prosecutor: Jenifer B. Colin, Esq.
Respondent: Did not participate in the hearing

Presiding Officer: George K. Belcher

Exhibits:
Attachment 1, Findings of Fact, Conclusions of Law and Order of 1/10/2011

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Board of Nursing on a Request for “Expungement” of a prior Order of the Board. The hearing was held electronically on August 14, 2023, with the Attorney for the State and the Board members all participating by telephone or via electronic means pursuant to the Office of Professional Regulation Rules for Remote Hearings.

Findings of Fact

Based on the evidence presented at the hearing and the arguments of counsel, the Vermont Nursing Board finds as follows:

1. Respondent was issued a disciplinary reprimand upon her license by an order of this

Board on January 10, 2011. The finding of that case showed that the Respondent had been convicted of three misdemeanor criminal offenses in 2006, 2007 and 2008. When she renewed her nursing license in 2010, she failed to disclose the convictions, despite being asked about criminal convictions.

2. Now the Respondent seeks an "expungement" of her prior discipline because, "This reprimand continues to prevent me from obtaining positions I desire and additionally educated for within the field." (See letter seeking expungement)
3. This case was originally scheduled for a hearing on July 10, 2023. The Respondent requested a continuance which was granted to August 14, 2023. Despite this, the Respondent did not appear or request another continuance or advise the Board that she was not able to appear and was not planning on appearing.
4. Since this is a request for a modification of an existing Board order, the petitioner/Respondent has the burden to prove that the modification is appropriate and justified. Without any testimony from the Respondent, it is unclear to the Board what difficulty the past reprimand has on the Respondent's profession or job/education opportunities. Moreover, the Board has no information about the current practice of the Respondent or how the "expungement" would benefit the Respondent or the public at large.

Conclusions of Law

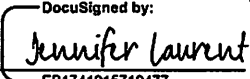
1. Neither the Vermont Administrative Procedures Act, nor the Office of Professional Regulation Administrative Rules of Practice allow or contemplate "expungement" of a prior discipline. Without authority to issue an "expungement" and with no evidence presented which would justify any modification of the order of 2011, there is no legal reason to take the action requested. To the extent that the Board would have discretion to modify the existing order/reprimand, the Board declines to do so.

Order

The Request for expungement is DENIED.

SO ORDERED.

Vermont Board of Nursing

By: 
Jennifer Laurent, APRN, Chair

Date: _____, 2023

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/23/23

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing or Director of the Office of Professional Regulation. A party aggrieved by a final decision of a board or hearing authority may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.