

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

In re: KAREN WALKER	}	
License No. 026.O100495	}	Docket No. 2013-739
	}	

Participating Board Members:

Jennifer Laurent, APRN, Chair
Daniel Coane, Public Member
Matthew Choate, RN
William Jamie Floyd, RN
Luana Tredwell, LPN
Jennifer Lyon, RN
Deborah Belcher, Public Member
Jill Neary, RN
Marsha Arend, RN

Appearances:

Prosecutor: Jennifer B. Colin, Esq.
Respondent: Did not appear

Presiding Officer: George K. Belcher

DECISION AND ORDER REGARDING PETITION TO REMOVE DISCIPLINE

This matter came before the Board of Nursing on a “Petition to Remove Discipline” filed by Karen E. Walker. The hearing was held electronically on May 13, 2024, with the Attorney for the State, the witnesses, 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. Petitioner was licensed by the Vermont Board of Nursing as a Registered nurse in 2014.
2. The Respondent’s license was disciplined by Order of the Board on November 10, 2014. A copy of that decision is attached to this order. The Board’s discipline “Warned” the petitioner’s license because she failed to correctly answer a question on her Vermont license application regarding her licensing history in other states.

3. By letter received by the Vermont Board of Nursing on February 1, 2024, the Respondent asked that the “negative documentation” in Vermont concerning her license be removed.
4. The State of Vermont filed an opposition to Ms. Walker’s petition which argued that the decision by the Board in 2014 was not opposed by the Petitioner, not appealed by the Petitioner, and was not factually flawed. Moreover, the State asserted that there is no legal mechanism to “remove documentation” of past discipline which has become final. Similarly, the State is unaware of the ability to remove the record of discipline from the “Nursy” reporting system as requested by the petitioner.

Conclusion of Law

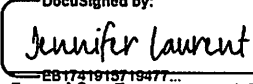
There is no legal basis or authority for the Petitioner’s request.

Order

Upon motion duly made, seconded, and voted, the Petitioner’s request to remove documentation is DENIED.

SO ORDERED.

Vermont Board of Nursing

By: 

Jennifer Laurent, APRN
Chair

Date: 5/21, 2024

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 5/21/24

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.

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

IN RE:	)	
Karen Walker	)	Docket No. 2013-739
License No. 026.100495	)	

STATE'S OPPOSITION TO PETITION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Jennifer B. Colin, and hereby opposes Respondent's petition for "negative documentation to be removed from Nursys" for the reasons stated in the following supporting memorandum.

MEMORANDUM

In November 2014, the Board issued an Order with the sanction of a "Warning" against Respondent's license. *See* Decision on Unprofessional Conduct Charge, OPR Docket 2013-739, entered November 10, 2014, attached hereto as Attachment 1, at p.3. The Board determined that Respondent engaged in unprofessional conduct when she failed to disclose on a Vermont OPR Temporary RN license application that her RN license in Georgia had been suspended as the result of unresolved criminal charges in New Mexico. *See id.* at pp.2-3. Respondent has filed a petition requesting that "negative documentation be removed from Nursys." Respondent's Petition at ¶8. In Respondent's petition, she acknowledges having had notice of the hearing in the case, stating "I was unable to go to the hearing...." *See id.* at ¶5. Respondent also did not request to appear by phone because she was scared. *See id.* Respondent did not appear at the hearing, nor did she appeal the Board's decision.

Respondent was disciplined by the Board in 2014 after notice and an opportunity to be heard and in a decision that Respondent failed to appeal. The Board's Order became the final order in the case. There is no mechanism, statute or legal authority for the Board remove documentation from Nursys or for Respondent to relitigate the Board's decision, made almost ten years ago, after having failed to avail herself of legal process afforded at that time.

For these reasons, the State respectfully requests that the Board deny Respondent's petition.

STATE OF VERMONT



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

DATED this 26th day of February, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Jennifer B. Colin
Jennifer B. Colin
Prosecuting Attorney
Jennifer.Colin@vermont.gov

STATE OF VERMONT



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

**STATE OF VERMONT
BOARD OF NURSING**

In re: Karen E. Walker
License No. 026-100495

}
} Docket No. 2013-739(RN)
}

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Ellen Watson, APRN, Vice Chair
Alan Weiss, Public Member
William G. White, Jr., Public Member
Deborah Swartz, RN
Douglas Sutton, RN
Sheila Davis, LPN
Virginia Hudson, RN
Jennifer Laurent, APRN
Kelly Sinclair, LNA

Appearances:

Prosecuting the case: S. Lauren Hibbert
Respondent: did not appear for the hearing

Presiding Officer: Larry S. Novins

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

The Vermont Board of Nursing held a hearing in the above matter on November 10, 2014 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The Specification of Charges alleges that Ms. Walker, in violation of Vermont Statutes, failed to disclose disciplinary action taken against her license in another jurisdiction.

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. Ms. Walker held a temporary license as a registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d), 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On April 30, 2012 Ms. Walker's Georgia license to practice as a registered nurse was summarily suspended. The basis of the summary suspension was unresolved criminal charges in New Mexico, a pending bench warrant in New Mexico; and termination of her employment for several reasons. The suspension was in effect at the time Ms. Walker applied for licensure in Vermont.
3. On her December, 2013 application for the license Ms. Walker answered "no" to the question, "[H]as Vermont or any state, federal authority, or other jurisdiction (US or elsewhere) restricted, suspended, revoked, or taken any other disciplinary action against a license, certificate, registration that you hold or held in any profession or occupation?"
4. Ms. Walker applied for a Vermont temporary license to practice as a registered nurse. The license was issued on December 17, 2013 and expired on March 16, 2014.
5. Ms. Walker's answer to the application question above was false. Ms. Walker knew that she her license had been summarily suspended.

Conclusions of Law

Based on the evidence presented and Facts found above we conclude as follows:

1. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(1):** The Prosecution has proved by a preponderance of the evidence that Ms. Walker made a false, statement or representation in procuring or attempting to procure registration or renew a license to practice nursing. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).
2. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(3):** The Prosecution has not proved by a preponderance of the evidence that Ms. Walker is unable to practice nursing competently by reason of any cause. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3). This charge is dismissed.
3. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(7):** The Prosecution has proved by a preponderance of the evidence that Ms. Walker has engaged in conduct of a character likely to deceive, defraud, or harm the public. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).
4. **Re: Alleged Violation of 3 V.S.A. § 129a(a)(1):** The Prosecution has proved by a preponderance of the evidence that Ms. Walker engaged in fraudulent or deceptive procurement or use of a license. This is unprofessional conduct.
5. **Re: Alleged Violation of 26 V.S.A. § 129a(a)(3):** 3 V.S.A. § 129a(a)(3) defines unprofessional conduct to include failing to comply with provisions of federal or state statutes or rules governing the practice of the profession. Any allegation of failure to

comply with statutes or rules has been addressed above. This statute does not provide separate/additional grounds for discipline. There is no independent violation of this statute.

Re: Alleged Violation of 3 V.S.A. § 129a(b)(1) and (2): The Prosecution has not proved by a preponderance of the evidence that Ms. Walker failed to practice competently. This charge is dismissed.

Order

For the violations above, to protect the public, health, safety and welfare, the following sanction is necessary.

The temporary license Ms. Walker held is **warned**, effective the date of this decision. Should Ms. Walker apply for a license in the future, her application shall be preliminarily denied because of the unprofessional conduct found herein. Ms. Walker may appeal the preliminary denial to the Board as provided by law.

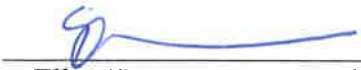
APPEAL RIGHTS

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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.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By: 
Ellen Watson, APRN, Vice Chair

Date: November 10, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 11/10/14



**State of Vermont
Office of the Secretary of State**

Office of Professional Regulation

89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov

**Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary
Kevin Rushing, Director**

February 1, 2024

Jennifer Colin, Esq.
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402

Case: Karen Walker
Credential: License # 026.0100495
Docket No: 2013-739

Dear Attorney Colin:

Please find the enclosed **Request to remove Nursy's Discipline** filed on the above captioned docket number. Pursuant to the Office of Professional Regulation's Administrative Rule 3.8 you have 10 days to respond to the motion.

You may contact me at (802) 828-2367 if you have any questions.

Sincerely,

/s/ Julie Bowen
Docket Clerk

Enc: *Request to Remove Nursy's Discipline*

Cc: Kristin Donnelly, Case Manager
Karen Walker, Respondent

2013-739

Shiela Boni, MSN, RN
Executive Officer
Vermont Board of Nursing
89 Main Street, 3rd Floor
Montpelier, VT 05620



Karen Elaine Walker
577 Bisbee Way
Spartanburg, SC 29301

My name is Karen Walker and from 1998 until 2012, I had a LPN license in the State of Georgia without incident. I applied for a RN Temp license in Vermont in December of 2013, and it was granted but due to the following, I was denied a permanent license.

Let me first say, I have a clean criminal record and have always had a clean criminal record.

In 2011, I took a travel assignment in New Mexico. I purchased a car and dog from an older woman and was paying on time which I had proof of. I left to go on my next travel assignment, she went to the police department and put a warrant out for my arrest and said I defrauded her. She stated she expected me to stay in New Mexico until everything was paid off. I returned to New Mexico for my court hearing and all charges were dropped and the judge apologized to me and stated this should have never happened. Also, the agency I worked for made untrue claims regarding my work experience in New Mexico.

Consequently because of these charges Georgia suspended my LPN license. I submitted court papers showing all charges had been dropped. In 2013, I was called by Janet or Janice Jackson, who I believe was a Georgia state assistant district attorney and told I could renew my LPN license. I opted not to renew it because I had become an RN.

I applied for a travel assignment in Vermont. I was given a temp license in December of 2013. When I filled out the application, it asked had I had any disciplinary actions on any license. Please keep in mind, I checked no because I thought Georgia had resolved and removed this from my record. New Mexico never reported it to Nursys, and the incident happened in New Mexico. When Vermont checked and saw the Georgia LPN suspension, they opened an investigation. I was unable to go to the hearing and at the time too terrified to see what other recourse I could have i.e. a telephone hearing. The Vermont Board ruled against me because I was not there in person or via telephone to rebut the allegations.

I have been a RN since 9/16/2011 without incident. My RN license was originally out of New Mexico, and they did not put anything negative in Nursys, they waited to see if the above incident was resolved, and I remained in the work force.

I currently have a New Mexico RN License - RN74886 which I have had since 2/2/2012 and a South Carolina RN license - 269513 which I have had since 12/2022.

I am asking that the negative documentation be removed from Nursys. I have not had any further investigations into my licenses, and it was not my intention to deceive the Vermont Board. I had never been investigated and just did not understand the seriousness of not answering the question, yes.

I can be reached at 864-285-2709 with any further questions.

KawauRN