

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

In re: LASHUNDA P. WILLIAMS

License No. 075.0100609

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Docket No. 2018-56

Appearances:

Prosecutor: Jennifer B. Colin, Esq.

Respondent: Did not appear

Hearing Officer: George K. Belcher

DEFAULT ORDER

The Hearing Officer of the Vermont Board of Nursing held a hearing pursuant to 3 VSA Sec. 129(f) in the above matter on September 27, 2018 at the Office of Professional Regulation in Montpelier, Vermont. Respondent did not attend and was not represented by counsel.

Findings of Fact

1. Respondent is a Licensed Nursing Assistant and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, and the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. Charges were filed in this matter on June 5, 2018. The Respondent was sent a Notice of Charges in this matter by certified mail and first class mail to the address of the Respondent which was on file with the Office of Professional Regulation on June 5, 2018. The certified mail notice of charges was returned with notation that the addressee moved with no forwarding address. A copy of the Specification of Charges is attached to this Default Order.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. On September 13, 2018 a notice was sent to the Respondent advising of the hearing before the Board to find a default and advising that, "If you wish to contest the charges you must contact the office immediately at (802) 828-2367 and show good cause for failing to answer the charges against you." This notice was mailed by certified mail. The certified mail notice was returned prior to the hearing as "unclaimed". The State Prosecutor, likewise, sent a copy of the Motion for Default to the Respondent on August 17, 2018 to which no answer was made.
5. Respondent has not filed an answer to the charges, nor any communication concerning good cause for failure to answer. The Respondent did not appear at the hearing on default. No contact was made by the Respondent to the attorney for the State indicating

that the Respondent intended to contest the charges. Upon consideration of the Prosecution's presentation and taking notice of the OPR file, the Hearing Officer of the Board finds Respondent to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board may issue an order of professional discipline. OPR Rule 3.4, 3 V.S.A. § 809(d), and 3 V.S.A. § 814(c).

6. It is specifically found that in June and July of 2017 while working at Mansfield Place Assisted Living the Respondent used patient information, without authority, including account numbers and social security number in order to fraudulently steal services and funds from the patient's account.
7. It was the recommendation of the State of Vermont that the Respondent's license be indefinitely suspended with conditions should the Board later determine that the Respondent's license should be reinstated. Those recommended conditions follow in the proposed order below.

Conclusions of Law

Respondent has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the Prosecution's presentation. Because Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board may find, based up the finding of Default from this Default Hearing held pursuant to 3 V.S.A. §809(d), that Respondent has engaged in the unprofessional conduct alleged in the Specification of Charges. The Respondent committed unprofessional conduct by violating 26 VSA Sec. 1582(a)(3) (Engaging in conduct of a character likely to deceive); 3 VSA Sec. 129a(b)(2) (Failure to practice competently); 3 VSA Sec. 129a(a)(15) (Failure to exercise independent professional judgement); and 26 VSA Sec. 1582(a)(12) (Misappropriating patient property).

Proposed Order

In accordance with the above Findings of Fact and Conclusions of Law, and consistent with the recommendation by the State, the Board does **ORDER** that the Respondent's license be **Indefinitely Suspended**. In the event that the Respondent seeks to regain her license, she must petition for reinstatement. If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms are reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, urine analysis results, the facts contained in the Default Order, and any other relevant factors at that time.

The Hearing Officer reports the above facts, conclusions of law, and the finding of DEFAULT to the Board with the recommendation that the Board approve them and enter the Order as above.

Dated this TH30 day of September, 2018.


George K. Belcher
Hearing Officer of the Vermont Board of Nursing

The Vermont Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on 10.8.18. After considering the report, the Board takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- /✓/ Accepts the report, adopts the findings of fact and conclusions of law, and orders the recommended discipline as set forth in the proposed order above.

SO ORDERED.

Vermont Board of Nursing

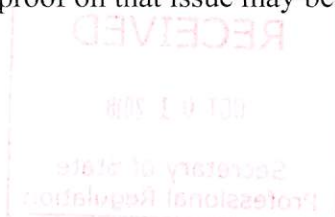
By: 
Ellen Watson, Chair
Vermont Board of Nursing

Date: 8 Oct, 2018

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 10.11.18

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board 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 St., 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.



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Professional Regulation

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

IN RE:
LASHUNDA P. WILLIAMS
License No. 075.0100609

Docket No. 2018-56

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Lashunda P. Williams:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after a disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation ("OPR").

Statement of Facts

2. Lashunda P. Williams ("Respondent") of Burlington, Vermont is licensed by the State of Vermont as a Licensed Nursing Assistant ("LNA") under license number 075.0100609. This license was first issued on February 11, 2014, and expires on November 30, 2018.
3. During the relevant time period, Respondent was employed as an LNA at Mansfield Place Assisted Living ("the Facility") in Essex Junction, Vermont.
4. Respondent moved into an apartment in Essex Junction, Vermont ("the Apartment") in June of 2017.
5. On or about June 16, 2017, Respondent fraudulently opened a Comcast/Xfinity internet account for the Apartment using the name and social security number of a resident of the Facility, Resident 1, without Resident 1's knowledge or permission.
6. On January 25, 2017, Respondent was interviewed by OPR Investigator John Lewis and made several admissions.
7. In the interview, Respondent admitted that she used the Comcast/Xfinity account from mid-June 2017 through the end of July 2017 when the account was closed.

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8. Respondent admitted that Respondent's mother, P.W., opened a bank account with "TD Bank, N.A." for Respondent's use.
9. Respondent admitted that in September 2017, Respondent took a blank check from the room of a resident of the Facility, Resident 2, without Resident 2's knowledge or permission.
10. Respondent admitted to making the blank check she acquired from Resident 2's room payable to Respondent's mother, P.W., in the amount of four hundred twenty-eight dollars and sixty-six cents (\$428.66).
11. Respondent forged Resident 2's signature on the check, endorsed the check by forging her mother's name, deposited the check into the TD Bank account, and used the money for her own personal benefit.
12. Respondent admitted that in September 2017, Respondent took a blank check from the room of another resident of the Facility, Resident 3, without Resident 3's knowledge or permission.
13. Respondent admitted to making the blank check she acquired from Resident 3's room payable to Respondent's mother, P.W., in the amount of four hundred ninety-eight dollars and seventy-three cents (\$498.73).
14. Respondent endorsed the check taken from Resident 3's room by forging her mother's name, deposited the check into the TD Bank account, and used the money for her own personal benefit.

Violation One: 26 V.S.A. § 1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

15. The State re-alleges and incorporates Paragraphs 2 through 14 above.
16. As an LNA, Respondent is prohibited from engaging in conduct that is likely to deceive, defraud, or harm the public.
17. Paragraphs 2 through 14 demonstrate that Respondent engaged in conduct that deceived, defrauded, and exploited at least three resident patients for personal pecuniary gain.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by engaging in conduct that deceived, defrauded, and harmed the public, in violation of 26 V.S.A. § 1582(a)(3).

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Violation Two: 26 V.S.A. § 1582(a)(12) Abusing or neglecting a patient or misappropriating patient property.

19. The State re-alleges and incorporates Paragraphs 2 through 14 above.
20. As an LNA, Respondent is prohibited from misappropriating patient property.
21. Paragraphs 2 through 14 demonstrate that Respondent misappropriated patient property for personal pecuniary gain by deceiving, defrauding, and exploiting at least three resident patients for personal pecuniary gain.
22. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by misappropriating patient property, in violation of 26 V.S.A. § 1582(a)(12).

Violation Three: 3 V.S.A. § 129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

23. The State re-alleges and incorporates Paragraphs 2 through 14 above.
24. As an LNA, Respondent is required to exercise her own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
25. Paragraphs 2 through 14 demonstrate that Respondent failed to exercise independent professional judgment necessary to avoid action repugnant to the obligations of being a Licensed Nursing Assistant by deceiving, defrauding, and exploiting at least three resident patients for personal pecuniary gain.
26. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by failing to exercise independent professional judgment necessary to avoid action repugnant to the obligations of being a Licensed Nursing Assistant, in violation of 3 V.S.A. § 129a(a)(15).

Violation Four: 3 V.S.A § 129a(b)(2) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (2) failure to conform to the essential standards of acceptable and prevailing practice.

27. The State re-alleges and incorporates Paragraphs 2 through 14.

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28. As an LNA, Respondent is required to perform to the essential standards of acceptable and prevailing practice that apply to every Licensed Nursing Assistant in the state of Vermont.
29. The essential standards of acceptable and prevailing practice prohibit a Licensed Nursing Assistant from deceiving, defrauding, or exploiting any patient.
30. Paragraphs 2 through 14 demonstrate that Respondent failed to perform to the essential standards of acceptable and prevailing practice of being a Licensed Nursing Assistant by deceiving, defrauding, and exploiting at least three resident patients for personal pecuniary gain.
31. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by failing to conform to the essential standards of prevailing practice on multiple occasions, in violation of 3 V.S.A. § 129a(b)(2).

Relief Requested

WHEREFORE, the license of Lashunda P. Williams should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 5th day of June, 2018.

STATE OF VERMONT
SECRETARY OF STATE

By: 
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