

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

In re: NOAH A. ROSENZWEIG	}	
License No. 075.0135046	}	Docket No. 2021-64
	}	

Appearances:

Prosecutor: Jennifer B. Colin, Esq.

Respondent: Did not appear

Hearing Officer: George K. Belcher

DEFAULT ORDER

Findings of Fact

1. The Respondent is licensed in Vermont as a Licensed Nursing Assistant.
2. The Hearing Officer held a hearing in the above matter on November 3, 2021, pursuant to 3 VSA Sec. 129(f). The hearing was held electronically pursuant to the Notice of Hearing dated October 4, 2021. The State requested a Default because the Respondent had not responded to the charges in this case. A notice of the hearing on the default was sent to the Respondent on or about October 4, 2021, by regular mail, email, and by certified mail. As of the date of the hearing the email, regular mail and the certified mail notices had not been returned to the Office of Professional Regulation.
3. Specification of Charges were filed in this case on or about May 26, 2021. A copy of the Specification of Charges is attached to this order. The charges were sent to the Respondent at the address which is on file with the Office of Professional Regulation on May 27, 2021, by certified mail, email, and by regular mail. The certified mail notice was returned unclaimed and unable to forward. The other notices were not returned.
4. No answer has been filed.
5. Under the Administrative Rules of the Officer of Professional Regulation, Rule 3.4, a default may be entered when an answer is not filed within the required time period.
6. 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).
7. It is specifically found that the Respondent was charged with, and pled guilty to, two felony charges in New Hampshire between August 2019 and March of 2021: (1) Endangering the Welfare of a Child or Incompetent – Solicitation of Sexual Activity; and (2) Certain Uses of Computer Services Prohibited- Endangering a Child. The charges arose after the Respondent attempted to meet an underage male to engage in

sexual acts in Lebanon, New Hampshire in August of 2019. The Respondent is currently serving a sentence in the New Hampshire State Prison and is required to register as a Sex Offender in the State of New Hampshire.

8. It was the recommendation of the State of Vermont that the Respondent's license be revoked. The recommendation of revocation is included 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: 3 VSA Sec. 129a(a)(10) [Conviction of a felony whether or not related to the practice of the profession]; and 3 VSA Sec. 1582(a)(3) [Engaging in conduct of a character likely to deceive or defraud the public].

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 REVOKED

The Hearing Officer reports the above findings of facts, conclusions of law, and the proposed order to the Board or Director with the recommendation that the Board or Director approve them and enter the Order as above.

Dated this 5th day of November, 2021.



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 on 12/13/2021. After considering the report, the Hearing Authority takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- / x/ 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

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By: Jennifer Laurent
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Jennifer Laurent, APRN Chair
Vermont Board of Nursing

Date: 12/13/2021, 2021

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 12/13/2021

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.

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BOARD OF NURSING**

IN RE:	)	
Noah A. Rosenzweig	)	Docket No. 2021-64
License No. 075.0135046	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against Respondent Noah A. Rosenzweig:

Board Authority

1. The Vermont State Board of Nursing (the “Board”) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Registered Nurses pursuant to 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. Noah A. Rosenzweig (“Respondent”) of Brownsville, Vermont is licensed by the State of Vermont as a Licensed Nursing Assistant (“LNA”) under license number 075.0135046. This license was originally issued on December 31, 2018 and expired on November 30, 2020.
3. On August 13, 2019, Respondent was arrested in New Hampshire as the result of an undercover operation of the Cyber Crimes Unit Task Force of the Lebanon, New Hampshire Police Department.
4. Respondent engaged with an undercover police officer who was posing as a 15-year old male on social media.
5. Respondent attempted to meet in person with the underaged male to engage in sexual acts.
6. Respondent was arrested in Lebanon, New Hampshire at the location where he arranged to meet the underaged male and was charged with several felony offenses.
7. In March 2021, Respondent pled guilty to two felony offenses: Endangering Welfare of Child or Incompetent – Solicitation of Sexual Activity, a violation of NH RSA 639:3 and Certain Uses of Computer Services Prohibited – Endangering a Child, a violation of NH RSA 649-B:4.

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8. Respondent was sentenced to serve time in New Hampshire State Prison commencing on March 17, 2021, with 2 to 4 years to serve on the Child Endangerment felony concurrent with 3 to 6 years on the Prohibited Computer Services felony.
9. As the result of his convictions for offenses against a child, Respondent is required to register as a Sex Offender in the State of New Hampshire.

Violation One: 3 V.S.A. §129a(a)(10) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.

10. The State re-alleges and incorporates Paragraphs 2 through 9 above.
11. In Vermont, a conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession, constitutes unprofessional conduct.
12. Paragraphs 2 through 9 above demonstrate that Respondent has been convicted of a felony, Endangering the Welfare of a Child by Soliciting Sexual Activity, which is related to the practice of the profession.
13. Paragraphs 2 through 9 above demonstrate that Respondent has been convicted of the felony, Certain Uses of Computer Services Prohibited – Endangering a Child, which is related to the practice of the profession.
14. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Violation Two: 3 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 9 above.
16. As an LNA, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
17. Paragraphs 2 through 9 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when he solicited a minor for sexual acts using a social media platform.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. §1582(a)(3).

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Relief Requested

WHEREFORE, the license of Noah A. Rosenzweig should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED this 26th day of May, 2021.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Jennifer B. Colin
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