

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

In re: LYNNE MARIE BECK,	}	
A.K.A. LYNNE EGELAND BECK	}	
License No. 026.0135186	}	Docket No. 2021-8
	}	

FINDINGS AND ORDER

Participating Board Members:

Jennifer Laurent, APRN, Chair
Deborah Swartz, RN
Kelly Sinclair, LNA
Luana Tredwell, LPN
William Floyd, RN
Wendy Thurston, RN
Jeanine Carr, RN, *ad hoc* Member
Linda Retchin, *ad hoc* Public Member
Daniel Coane, Public Member
William White, Jr., Public Member

Appearances:

Prosecuting the case: Jennifer B. Colin, Esq., who participated electronically
Respondent: participated electronically and was represented by Edward Adrian, Esq.

Presiding Officer:

George K. Belcher

Exhibits:

State Exhibit 1: Pennsylvania Memorandum Order dated 7/3/19
State Exhibit 2: Respondent's Nursing Application 4/20/18
State Exhibit 3: Respondent's Renewal Application 3/7/19
State Exhibit 4: Respondent's Renewal Application 2/21/21
State Exhibit 5: Respondent's Statement to PA investigators 2016
Respondent Exhibit A: PA Motion to Vacate Default Order
Respondent Exhibit B: PA record of Respondent's Licensure
Respondent Exhibit C: NH Online Licensing record
Respondent Exhibit D: Vt. Testing results record
Respondent Exhibit E: NH Mental Health Assessment
Respondent Exhibit F: Report by Dr. Picciotto (Admitted Under Seal)
Respondent Exhibit H: Letter from Foulkeways 2/10/16

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came before the Board of Nursing on Specification of Charges alleging unprofessional conduct. The hearing was held on January 10, 2022, at a regular Board meeting of the Vermont Board of Nursing. The hearing was held by electronic means by virtual and telephone participation by the Board members, and the parties, pursuant to the Emergency Administrative Rules for Remote Hearings, the Vermont Board of Nursing Administrative Rules, and Vermont Statutes. Notice of the hearing was given to the parties and there were no objections to notice.

Findings of Fact

Based on the evidence presented to the Board, the pleadings, and the arguments of the parties, the Board finds as follows:

1. Respondent is licensed as a Licensed Registered Nurse in the State of Vermont. The Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. The prosecutor filed Specification of Charges concerning the Respondent's nursing license on or about 14 January, 2021. The Respondent filed an answer.
3. This licensing matter was begun in Vermont in 2019 when the State of Vermont was advised that the Respondent's nursing license in Pennsylvania had been suspended on July 23, 2019. (State Exhibit 1) The Pennsylvania license had been suspended due to a complaint that the Respondent had diverted Ativan from the Foulkeways at Gwynedd Skilled Nursing Facility for her personal use. The Pennsylvania Board ordered that the Respondent participate in an evaluation. That order was not promptly served, and the Respondent's nursing license in Pennsylvania expired on 10/31/2019 without further, formal discipline being taken on the matter.
4. The investigation showed that the Respondent had not disclosed prior discipline or investigations of her license in her Vermont applications. The Respondent explained in her answer, and in her testimony, that she was unaware that her Pennsylvania or New Hampshire nursing licenses were disciplined or being investigated when she answered the Vermont licensing questions in the negative. Her responses were not intentional acts of misleading the Board, but rather her incorrect answers were due to her unclear understanding of "discipline" or "investigation" given the history of the Pennsylvania investigation.
5. The Respondent did admit that she had diverted Ativan tablets for her personal use in 2015 or 2016 on more than one occasion by taking them from the PRN supply at the Nursing Facility. (State Exhibit 5 and Respondent's Answer, Page 2).
6. Since the Pennsylvania case was initiated, the Respondent has been evaluated twice. The evaluation in January of 2020 concluded that the evaluator had no reservations or concerns to her acting as a nurse without restrictions. (Respondent Exhibit E) The June

2021 evaluation determined that the Respondent is "... able to practice her profession with requisite skill and safety." (Respondent Exhibit F, Page 5)

7. The evidence was unclear and unpersuasive that the Respondent had intentionally misrepresented her licensing status in the Vermont applications. Rather, the delays and ambiguity of her licensing status made it unclear whether she was under investigation or had, in fact, been disciplined by another jurisdiction.

Conclusions of Law

1. The burden of proof in a disciplinary matter is upon the State to show by a preponderance of the evidence that the person engaged in unprofessional conduct. 3 VSA Sec. 129a(c).
2. The State alleged that the Respondent violated 3 VSA Sec. 129a(a)(1) by "Fraudulent or deceptive procurement of a license" [Violation One] and 3 VSA Sec. 1582(a)(3)¹ by "Engaging in conduct of a character likely to deceive, defraud, or harm the public" [Violation Three]. In the view of the Board, neither statute was proven to have been violated by any intentional act of the Respondent with particular reference to the license applications.
3. The State further alleged that the respondent violated 26 VSA Sec. 1582(a)(2) by "Diverting or attempting to divert drugs or equipment or supplies for unauthorized use" [Violation Two] and 3 VSA Sec. 129a(a)(15) by "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" [Violation Four]. The action of the Respondent in repeatedly diverting the Ativan for personal use while working, and without a prescription, constitutes violation of each of these statutes.
4. Vermont law provides that upon a finding of unprofessional conduct, a board "... may take disciplinary action against a licensee or applicant..." 3 VSA Sec. 129a(d).
5. The Board has in mind in this case: the time which has passed since the diversion; the evaluations of the Respondent showing that she poses no risk to practice as a nurse; her work history; and her desire to continue to practice as a nurse.
6. After extensive deliberation, a motion was made, seconded, and approved unanimously, to find that violations Two and Four have been proven and that violations One and Three were not proven. It was the decision of the Board that the License of the Respondent should be "WARNED" and that no other conditions or sanctions should be imposed upon the license of the Respondent.

SO ORDERED.

Vermont Board of Nursing

Jennifer

Laurent

Digitally signed by Jennifer
Laurent
Date: 2022.01.14 09:33:30
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Jennifer Laurent, APRN, Chair

Date

1/24/2022

Date of Entry

¹ The correct citation is 26 VSA Sec. 1582(3).

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 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
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IN RE:	)	
Lynne Marie Beck, a.k.a.	)	
Lynne Egeland Beck	)	Docket No. 2021-8
License No. 026.0135186	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against Respondent Lynne Marie Beck, also known as Lynne Egeland Beck:

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 disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129; 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. Lynne Marie Beck, also known as Lynne Egeland Beck, (“Respondent”) of West Burke, Vermont is licensed by the State of Vermont as a Registered Nurse (“RN”) under license number 026.035186. This license was originally issued on April 26, 2018 and expires on March 31, 2021.
3. Prior to obtaining an RN license in Vermont, Respondent was licensed as an RN by the Commonwealth of Pennsylvania under the name Lynne Egeland Beck.
4. Respondent worked as an RN at Foulkeways at Gwynedd Skilled Nursing Facility in Gwynedd, Pennsylvania (“Facility”) from August 2012 to the end of December 2015.
5. Early in 2016, a complaint was filed against Respondent’s Pennsylvania RN license by the Nursing Home Administrator of the Facility, who reported that Respondent diverted Ativan from a patient for her own personal use, conduct for which the Facility terminated Respondent’s employment.
6. During the investigation of the complaint, Respondent admitted to the Investigator from the Pennsylvania Department of State that she had taken the patient’s Ativan on multiple occasions for her own personal use because she experienced anxiety at work.

7. In March 2017, the Commonwealth of Pennsylvania began the formal process of having Respondent assessed for fitness to practice nursing.
8. On March 13, 2017, the Probable Cause Screening Committee (“PCC”) issued an Order Compelling and Notice of Mental and Physical Examination (“PA Order and Notice”) directing Respondent to appear for a mental and physical examination by Dr. George E. Woody on April 27, 2017.
9. Initial attempts to serve Respondent with the PA Order and Notice were not successful until Respondent updated her address with the Commonwealth’s Board of Nursing.
10. On April 7, 2018, Respondent was served with an Amended Notice and Order requiring her to submit to a mental and physical examination by Dr. Woody on May 17, 2018.
11. Respondent failed to appear as ordered for the mental and physical examination.
12. Respondent contacted Dr. Woody and informed him she had moved to Vermont and could not appear for the examination in Pennsylvania.
13. As the result of her failure to appear for the physical and mental examination in Pennsylvania to determine her fitness to practice, the Commonwealth indefinitely suspended Respondent’s RN license on July 3, 2019.
14. Respondent applied for an RN license in the State of Vermont on April 20, 2018 (“2018 Application”) using the name Lynne Marie Beck under the pains and penalties of perjury.
15. In her 2018 Application, which Respondent submitted approximately two weeks after being served with the Amended PA Order and Notice, Respondent answered “No” to the following questions:
 - a. Has Vermont or any other state, federal authority, or other jurisdiction taken any DISCIPLINARY ACTION against (e.g., warned, reprimanded, fined, restricted, conditioned, suspended, revoked) a license, certificate, or registration that you hold or have held in any profession or occupation?
 - b. Are you currently under INVESTIGATION or PENDING CHARGES in any licensing jurisdiction?
16. In her 2018 Application, Respondent solely listed under “Experience Details” working as an RN for the VNA Greater Philadelphia from December 2016 to April 20, 2018. Respondent did not identify her work for Foulkeways at Gwynedd Skilled Nursing Facility from 2012-2015.
17. In her March 2019 Renewal Application, Respondent also answered “No” to the Mandatory questions regarding discipline in other States, including whether any other jurisdiction had taken any disciplinary action against a license she holds or whether she was under investigation or pending charges in any other jurisdiction.

Violation One: 3 V.S.A. §129a(a)(1) Fraudulent or deceptive procurement of a license.

18. The State re-alleges and incorporates Paragraphs 3 through 17 above.
19. Vermont law prohibits the fraudulent or deceptive procurement of a professional license required to undertake a regulated activity, such as an RN license to engage in the practice of nursing.
20. Paragraphs 7 through 17 above demonstrate that Respondent fraudulently or deceptively procured an RN license from the State of Vermont when she failed to disclose that she was under investigation or pending charges by the nursing licensing authority of the Commonwealth of Pennsylvania.
21. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent engaged in unprofessional conduct in violation of 3 V.S.A. §129a(a)(1).

Violation Two: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

22. The State re-alleges and incorporates Paragraphs 3 through 17 above.
23. As an RN, Respondent is prohibited from diverting drugs for unauthorized use.
24. Paragraphs 3 through 6 above demonstrate that Respondent diverted drugs from the Facility for unauthorized use.
25. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent diverted drugs for unauthorized use in violation of 26 V.S.A. §1582(a)(2).

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

26. The State re-alleges and incorporates Paragraphs 3 through 17 above.
27. As an RN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
28. Paragraphs 3 through 17 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public by diverting drugs for unauthorized use and by providing false information on her 2018 Application and 2019 Renewal Application for her Vermont RN license.
29. 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).

Violation Four: 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.

30. The State re-alleges and incorporates Paragraphs 3 through 17 above.
31. As an RN, 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.
32. Paragraphs 3 through 17 above demonstrate that Respondent failed to exercise independent professional judgment by diverting drugs from a patient and fraudulently procuring a Vermont RN license.
33. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Relief Requested

WHEREFORE, the license of Lynne Marie Beck, also known as Lynne Egeland Beck, should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 14th day of January, 2021.

STATE OF VERMONT
SECRETARY OF STATE

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