

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

In re: PAMELA G. FAULKNER	}	
License No. 026.0138731	}	Docket No. 2021-95
	}	

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 Registered Nurse.
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 August 30, 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 August 31, 2021, by certified mail, email, and by regular mail. None were returned to the Office of Professional Regulation as of the date of the default hearing.
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 the federal criminal charge of Conspiracy to Commit Healthcare Fraud in the U.S. District Court for the Eastern District of North Carolina, Case No. 4:19-Cr-59-1 FL, a felony, relating to the Respondent's behavioral health services company. On October 17, 2019 the Respondent pled guilty to the charge and on March 30, 2021 the Respondent was sentenced to 37 months imprisonment and a restitution order of \$213,925.55. In May

of 2021 the Respondent's nursing license in North Carolina was suspended. The Respondent submitted a Renewal Application for her Vermont Nursing License on March 5, 2021 in which she represented that since her last renewal (April, 2019) she had no criminal charges pending against her in any US jurisdiction. See Specification of Charges 10-12. The Respondent did not report her felony, federal criminal conviction to the Office of Professional Regulation.

8. It was the recommendation of the State of Vermont that the Respondent's license be revoked. The recommendation was based, in part, on the serious federal charges of which the Respondent was convicted, and the failure of the Respondent to report or disclose the conviction to Vermont licensing authorities. The recommendation of revocation is included in the proposed order below.

Conclusions of Law

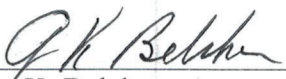
Respondent has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the Prosecution's presentation. Because Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 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] 3 VSA Sec. 129a(a)(1) [Fraudulent or deceptive procurement or use of a license]; 3 VSA Sec. 129a(a)(11) [Failure to report to the Office of Professional Regulation conviction of any felony in a court within or without the State of Vermont]; 26 VSA Sec. 1582(a)(3) [Engaging in conduct of a character likely to deceive or defraud the public]; and 3 VSA Sec. 129a(a)(15) [Failure to exercise independent judgment in the performance of licensed activities].

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.

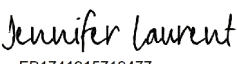

George K. Belcher
Hearing Officer of the Vermont Board of Nursing

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

DocuSigned by:
By: 
EB1741915719477...
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.

**STATE OF VERMONT
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BOARD OF NURSING**

IN RE:)
Pamela G. Faulkner) **Docket No. 2021-95**
License No. 026.0138731)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Pamela G. Faulkner:

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(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. Pamela G. Faulkner (“Respondent”) of Greensboro, North Carolina is licensed by the State of Vermont as a Registered Nurse (“RN”) under license number 026.0138731. This license was originally issued on April 17, 2019 and expires on March 31, 2023.
3. Respondent has a multistate RN licensed from North Carolina and a single-state RN license issued by Washington State.
4. In 2019, Respondent was charged with the felony crime of Conspiracy to Commit Healthcare Fraud, a violation of 18 U.S.C. §1349, §1347(a), in United States District Court for the Eastern Division of North Carolina, Case Number 4:19-CR-59-1FL.
5. Respondent entered a guilty plea on October 17, 2019.
6. Respondent’s conduct that gave rise to the federal criminal charge occurred in 2013 and 2014, during which time Respondent conspired with others to submit over 4,500 fraudulent Medicaid claims through Respondent’s behavioral health services company, Skeen Services, Inc.

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7. On March 30, 2021, the U.S. District Court for the Eastern Division of North Carolina sentenced Respondent to 37 months imprisonment, followed by three years of supervised release, and payment of restitution of \$213,925.55.
8. Respondent did not report her felony conviction to OPR within thirty days.
9. In May 2021, the North Carolina Board of Nursing suspended Respondent's multistate RN license for a minimum of 36 months, an order to which Respondent consented.
10. Respondent's original endorsement application in Vermont was submitted in April 2019, approximately five months prior to the initiation of the federal criminal case against her.
11. Respondent submitted her latest renewal application on March 5, 2021 ("2021 Renewal Application"), which was a year and a half after her initial guilty plea in the federal criminal case and only three weeks prior to her sentencing.
12. In the 2021 Renewal Application, Respondent falsely answered "No" to the mandatory question:

Since your license was last renewed (or since it was issued if within the last two years): Do you have any criminal charges pending against you in Vermont or any other jurisdiction (US or elsewhere)?

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.

13. The State re-alleges and incorporates Paragraphs 2 through 12 above.
14. Vermont law provides that conviction of a crime related to the practice of the profession or conviction of a felony shall constitute unprofessional conduct.
15. Paragraphs 2 through 12 above demonstrate that Respondent was convicted of the crime of Conspiracy to Commit Health Care Fraud, which was a felony related to the practice of the profession.
16. 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)(10).

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

17. The State re-alleges and incorporates Paragraphs 2 through 12 above.
18. Vermont law prohibits fraudulent or deceptive procurement or use of a license.

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19. Paragraphs 2 through 12 above demonstrate that in 2019, Respondent fraudulently or deceptively procured the renewal of her Vermont Registered Nurse license by providing false information.
20. 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)(1).

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

21. The State re-alleges and incorporates Paragraphs 2 through 12 above.
22. As an RN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
23. Paragraphs 2 through 12 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public by conspiring with others to submit over 4,500 fraudulent Medicaid claims through her behavioral health care company in 2013 and 2014.
24. 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.

25. The State re-alleges and incorporates Paragraphs 2 through 12 above.
26. 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.
27. Paragraphs 2 through 12 demonstrate that Respondent failed to exercise independent professional judgment by conspiring with others to submit over 4,500 fraudulent Medicaid claims through her behavioral health care company in 2013 and 2014.
28. 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).

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Violation Five: 3 V.S.A. §129a(a)(11) Failing to report to the Office a conviction of any felony or misdemeanor offense in a Vermont District Court, a Vermont Superior Court, a federal court, or a court outside Vermont within 30 days.

29. The State re-alleges and incorporates Paragraphs 2 through 12 above.
30. As an RN, Respondent is required to report to OPR within 30 days any felony conviction in a federal court.
31. Paragraphs 2 through 12 demonstrate that Respondent failed to report to OPR within 30 days a felony conviction in federal court.
32. 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)(11).

Relief Requested

WHEREFORE, the license of Pamela G. Faulkner should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED this 30th day of August, 2021.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Jennifer B. Colin
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