



**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

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director

April 25, 2022

Anne Rainbolt
320 Nichols Road
Fairfax, VT 05454

Case: In Re Anne Rainbolt
Credential: Licensed Practical Nurse / 025.0077488
Docket No.: 2022-1

Dear Ms. Rainbolt,

Enclosed, please find a copy of a *Default Order* in the matter captioned above. Thank you for calling this matter to the Office's attention.

If you have questions, please do not hesitate to contact the Office of Professional Regulation at (802) 828-2367.

Sincerely,

DocuSigned by:

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S. Lauren Hibbert
Director

Enclosure: *Default Order*

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

**In re: ANNE RAINBOLT
License No. 025.0077488**

} Docket No. 2022-1
}

Appearances:

Prosecutor: Rachel Heath, 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 Practical Nurse.
2. The Hearing Officer held a hearing in the above matter on March 31, 2022 pursuant to 3 VSA Sec. 129(f). The hearing was held electronically pursuant to the Notice of Hearing. 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 March 18, 2022, by regular mail and by certified mail. The regular mail notice was not returned but the certified mail notice was delivered with the signed green card showing receipt being received on March 24, 2022.
3. Specification of Charges were filed in this case on or about January 10, 2022. 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 January 14, 2022, by certified mail and regular mail. Neither notice was returned 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's Alaska Nursing License was revoked by reason of her failure to provide verification of completion of ongoing nursing education. In addition, the Respondent submitted three nursing license applications to Vermont which failed to disclose professional discipline pending or taken against the Respondent's license in Alaska.
8. 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)(1) [Fraudulent or deceptive procurement or use of a license].

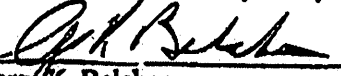
9. The State recommended that the Respondent's license be **WARNED** with no administrative penalty.

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 **WARNED**.

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 1st day of April, 2022.


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

The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the report of findings of fact and conclusions of law on 4/11/22. 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.
- ☒ 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 or Director of the Office of Professional Regulation

By: Jennifer Laurent Digitally signed by Jennifer Laurent Date: 2022.04.22 18:03:58 -04'00' Date: _____, 2022
Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 4/25/2022

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:

Anne Rainbolt

License No. 025.0077488

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Docket No. 2022-1

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney Rachel Heath, and pursuant to Rule 3.3 of the Administrative Rules of Practice for the Office of Professional Regulation ("ARPOPR"), hereby moves that the Board of Nursing (the "Board") find Respondent Anne Rainbolt ("Respondent") in default for the reasons stated in the following Memorandum of Law.

MEMORANDUM OF LAW

Rule 3.3 of ARPOPR requires a respondent to file an answer to a specification of charges "within 20 days of the date on which the notice of charges was mailed by the Director." Under the Rules, if a respondent fails to file a timely answer, a default hearing shall be conducted. ARPOPR 3.4. At the default hearing, "the allegations of the charges will be treated as proven and disciplinary action will be taken." *Id.*

In this matter, Respondent has failed to file a response to the charges and is, therefore, in default. The State filed the Specification of Charges against Respondent on January 10, 2022. Respondent was notified of the charges by letter from the Docket Clerk of the Office of Professional Regulation, sent by both certified and first class mail, on January 14, 2022. *See* ARPOPR 3.2. Respondent's answer was due on or before February 3, 2022. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

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WHEREFORE, in accordance with ARPOPR 3.3, et seq., the State respectfully requests that the Board schedule a default hearing and find Respondent in default.

DATED at Vermont this 7th day of February 2022.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Rachel Heath
Rachel Heath
Prosecuting Attorney
Rachel.heath@vermont.gov

STATE OF VERMONT



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**STATE OF VERMONT
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BOARD OF NURSING**

IN RE:)
Anne Rainbolt) **Docket No. 2022-1**
License No. 025.0077488)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Anne Rainbolt:

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. Anne Rainbolt ("Respondent") of Fairfax, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0077488. This license was originally issued on May 18, 2011 and expires on January 31, 2022.
3. On May 29, 2015, the Alaska Department of Commerce, Community, and Economic Development filed an Accusation seeking disciplinary sanctions against Respondent's LPN license for failure to provide verification of completion of hours of nursing employment and continuing education.
4. On January 21, 2016, Respondent submitted to OPR her application to renew her LPN license (the "2016-Application").
5. In the 2016-Application, Respondent answered "No" to the following question, under the pains and penalty of perjury:

Are you currently under investigation by a licensing authority in Vermont or any other state, federal authority, or other jurisdiction (US or elsewhere)?

6. This answer was false.

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7. Subsequently, on January 21, 2016, the Alaska Board of Nursing revoked Respondent's license for her failure to provide verification of completion of hours of nursing employment and continuing education.
8. On January 19, 2018, Respondent submitted to OPR her application to renew her LPN license (the "2018-Application").
9. In the 2018-Application, Respondent answered "No" to the following question, under the pains and penalty of perjury:

Has Vermont or any other state, federal authority, or any jurisdiction taken any DISCIPLINARY ACTION against (e.g. warned, reprimanded, fined, restricted, conditioned, suspended, or revoked) a license, certificate, or registration that you hold or have held in an profession or occupation.

10. This answer was false.
11. Then, on June 8, 2018, an OPR investigator informed Respondent of Vermont OPR's investigation concerning her failure to disclose the Alaska investigation and subsequent discipline on her two previous Vermont license applications. Also at this time, the OPR investigator interviewed Respondent concerning her failures to disclose.
12. On January 31, 2020, Respondent submitted her 2020 renewal application for her LPN license (the "2020-Application").
13. In the 2020-Application, Respondent falsely answered "No" to the following question, under the pains and penalty of perjury:

Are you currently UNDER INVESTIGATION or PENDING CHARGES for a professional, occupational, or professional services license, certificate, or registration in any licensing jurisdiction?

14. This answer was false.

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

15. The State re-alleges and incorporates Paragraphs 2 through 14 above.
16. Vermont law prohibits fraudulent or deceptive procurement or use of a license.
17. Paragraphs 2 through 14 above demonstrate that in 2016, 2018, and 2020, Respondent fraudulently or deceptively procured her LPN license by providing false information.

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18. 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).

Relief Requested

WHEREFORE, the license of Anne Rainbolt should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Vermont, this 10 day of January 2022.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Rachel Heath
Rachel Heath
Prosecuting Attorney
(802) 828-0041
Rachel.Heath@vermont.gov

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