



**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

Steven Miller
42821 McKenzie Hwy
Waterville, Oregon 97489

Case: In Re Steven Miller
Credential: Registered Nurse / 026.0143009
Docket No.: 2022-17

Dear Mr. Miller:

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:
A handwritten signature in black ink that reads "S. Lauren Hibbert".
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S. Lauren Hibbert
Director

Enclosure: *Default Order*

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

In re: **STEVEN MILLER**
License No. 026.143009

}
}
} Docket No. 2022-17

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 Registered 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. Neither notice was returned as of the date of the hearing. The Notice of Default hearing was sent by the prosecutor to the Respondent's email address with no reply.
3. Specification of Charges were filed in this case on or about February 17, 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 February 18, 2022, by certified mail and regular mail. Both notices were returned with a notification that the mailings were undeliverable because the Respondent had move leaving no forwarding address.
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, submitted an application to the Board of Nursing for a license as a Registered Nurse in June of 2020. The license was issued. The license application was based on fraudulent and false information including the existence of a regulatory investigation, existence of criminal charges, and a history of criminal conviction. The Respondent failed to disclose that he was convicted of a Class C Felony Conviction in Oregon regarding abuse and injury to a minor child.
8. As indicated by the Board's file and the Prosecution's presentation, because

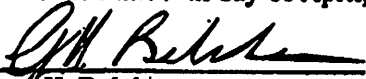
- Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board may find, based up the finding of Default from this Default Hearing held pursuant to 3 V.S.A. §809(d), that Respondent has engaged in 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], 26 VSA Sec. 1582(a)(3) [Engaging in conduct of a character likely to deceive], and 3 VSA Sec. 129a(a)(10) [Conviction of a felony]
9. The State recommended that the Respondent's license be **REVOKED**.

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 31st 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 _____. 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 or Director of the Office of Professional Regulation

By: Jennifer Laurent Digitally signed by Jennifer Laurent
Date: 2022.04.22 18:07:08 -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:
Steven Miller
License No. 026.0143009

Docket No. 2022-17

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney Rachel Health, 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 Steven Miller ("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 February 17, 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 February 16, 2022. *See* ARPOPR 3.2. Respondent's answer was due on or before March 10, 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 Montpelier, Vermont this 14th day of March 2022.

**STATE OF VERMONT
SECRETARY OF STATE**

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

STATE OF VERMONT



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BOARD OF NURSING**

IN RE:)
Steven M. Miller) **Docket No. 2022-17**
License No. 026.0143009)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges
against Respondent Steven M. Miller:

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. Steven M. Miller ("Respondent") of Walterville, Oregon is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0143009. This license was originally issued on June 6, 2020 and expired on March 31, 2021.
3. Respondent was previously a licensed RN in Oregon.
4. In November 2018, the Oregon State Board of Nursing (BON) opened an investigation of Respondent following a self-report of Respondent's arrest in early November 2018 for Criminal Mistreatment in the First Degree.
5. Respondent was aware of the Oregon investigation and the Oregon Board investigator interviewed Respondent on February 1, 2019.
6. In April 2019, the Oregon BON notified Respondent of the Board's intention to revoke his Oregon RN license. Within 20 days of the notice, Respondent requested a hearing before the Oregon BON.
7. On January 28, 2020, Respondent pled guilty to Criminal Mistreatment in the First Degree, a class C Felony, in the Oregon Circuit Court for causing physical injury to his minor child.

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8. Respondent was sentenced to supervised probation for 36 months with conditions that included a 30-day confinement to jail.
9. Ultimately, as a result of his criminal conviction and failure to disclose, Respondent voluntarily surrendered his RN license for the State of Oregon on October 7, 2020.
10. During the Oregon BON investigation, Respondent submitted to OPR his application for a Vermont RN license on June 6, 2020,.
11. In the June 2020 Application for licensure, Respondent 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?

12. This answer was false.
13. In the June 2020 Application, Respondent answered "No" to the following question, under the pains and penalty of perjury:

Have you EVER been convicted of a crime other than a minor traffic violation? (Driving While Intoxicated and Driving Under the Influence are not minor traffic violations.)

14. This answer was false.

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 RN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
17. Paragraphs 2 through 14 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when he caused physical injury to his child and was subsequently convicted of Criminal Mistreatment in the First Degree, a class C Felony, for this conduct.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension 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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Violation Two: 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.

19. The State re-alleges and incorporates Paragraphs 2 through 14 above.
20. Under Vermont law, conviction of a felony is unprofessional conduct and constitutes grounds for disciplinary action.
21. Paragraphs 2 through 14 above demonstrate that on January 28, 2020, Respondent was convicted of Criminal Mistreatment in the First Degree, a class C Felony, in the Oregon Circuit Court.
22. 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 Three: 3 V.S.A. § 129a(a)(1) Fraudulent or deceptive procurement or use of a license

23. The State re-alleges and incorporates Paragraphs 2 through 14 above.
24. Vermont law prohibits fraudulent or deceptive procurement or use of a license.
25. Paragraphs 2 through 14 above demonstrate that in 2020 Respondent fraudulently or deceptively procured his RN license by providing false information.
26. 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 Steven M. Miller should be warned, reprimanded, suspended, revoked, limited, conditioned, or otherwise disciplined.

DATED at Vermont, this 17th day of February 2022.

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