



**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

August 8, 2022

Kristi Powers
919 White Road
Glover, VT 05839-9777

Case: In Re Kristi Powers
Credential: License # 075.0009635
Docket No.: 2022-173

Dear Ms. Powers:

Enclosed, please find a *Default Order* in the matter captioned above. This is a final administrative determination.

If you are aggrieved by this decision, you may begin the appeal process by filing a Notice of Appeal with the Office of Professional Regulation. The notice must be received no later than 30 days from the decision's date of entry (see last page of order). Send the appeal to:

Office of Professional Regulation
Attn: S. Lauren Hibbert, Director
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402

The appeal does not stop the disciplinary action from going into effect. If you wish to have the disciplinary action stayed during the appeals process, you must specifically request a stay in writing. Your request for a stay will be considered, and a decision to grant or deny your request will be issued. Please see the enclosed instructions.

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

Sincerely,

DocuSigned by:

S. Lauren Hibbert
Director

Enclosure: *Default Order*

cc: George Belcher, Hearing Officer
Rachel Heath, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Kristi Powers, Respondent, First Class Mail, Certified Mail, Email

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

**In re: KRISTI POWERS
License Nos. 075.0009635**

Docket No. 2022-173

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 Nursing Assistant.
2. The Hearing Officer held a hearing in the above matter on August 4, 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 July 21, 2022, by regular mail and by certified mail. The regular mail notice was not returned as of the date of the hearing. The certified mail notice was returned on July 28, 2022. The notice of default hearing was sent by email to the Respondent and it was not returned.
3. Specification of Charges were filed in this case on or about June 29, 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 June 29, 2022, by certified mail and regular mail. The certified mail notice was returned on July 5, 2022, with a note that it was signed for by "JL Rt 2". The regular mail notice was not returned.
4. No answer has been filed.
5. Under the Administrative Rules of the Office 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 employed as an LNA at a nursing home in Morrisville, Vermont. While there, she borrowed money from a patient. She also took the patient out of the facility to stay at her home for four days. At various times over a period of about 35 days, the Respondent used a debit card of the patient for more than \$1,100.00 in charges on his account. When confronted with these facts by the OPR investigator, the Respondent falsely reported that she had only used the

- debit card when she was in the presence of the patient which was not true.
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(b)(26) [Exploiting a patient]; 26 VSA Sec. 1582(a)(3) [Engaging in conduct of a character likely to deceive, defraud or harm the public]; and 3 VSA Sec. 129a(a)(15) [Failing to exercise independent professional judgment in the performance of licensed activities].
 9. The State recommended that the Respondent's license be Indefinitely Suspended with conditions to be imposed should the licensee seek reinstatement.

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 Indefinitely Suspended with conditions to be imposed should the Respondent seek reinstatement.

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 4th day of August, 2022.



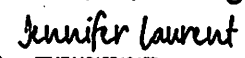
George K. Belcher
Hearing Officer of the Vermont Board of Nursing

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 8/8/2022. 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, APRN, Chair
Vermont Board of Nursing

Date: 8/8/2022, 2022

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 8/9/22

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.