

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

**IN RE: MARK LACOMB
 LICENSE NO. 075.0137980TEMP**

DOCKET NO. 2022-174

Appearances:

Prosecutor:	Ultan Doyle, Esq.
Respondent:	Did not appear

Hearing Officer: Wesley M. Lawrence

ORDER ON MOTION FOR DEFAULT

Based on the evidence before me, I find as follows:

1. At all relevant times, Mark Lacombe ("Respondent") was temporarily licensed by the Vermont State Board of Nursing ("Board") as a Licensed Nursing Assistant ("LNA") under license number 075.0137980TEMP. On July 11, 2022, the Board approved a stipulation in which Respondent agreed to an indefinite suspension of this license.
2. I held a Default Hearing in the above matter on April 15, 2024 pursuant to 3 V.S.A. §129(f) and 3 V.S.A. §809(d). This public hearing was held electronically via Microsoft Teams pursuant to a Notice of Hearing.
3. The State filed the Specification of Charges in this matter on January 17, 2024. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent on January 17, 2024 by regular mail, certified mail and email. The United State Postal Service returned the Certified Mail copy as unclaimed on March 4, 2024. Neither the first class nor emailed copies of the Specification of Charges were returned as undeliverable. I find that notice of the Specification of Charges was proper.
4. On February 23, 2024, the State moved for Respondent to be found in default because he had not responded to the Specification of Charges in this matter.
5. Ms. Bowen testified that she sent the Notice of Hearing for Default Judgment to the Respondent on March 19, 2024 by regular mail, certified mail, and e-mail. Both mailed copies, which had been sent to the same mailing address as the Specification of Charges, were returned as undeliverable on April 5, 2024. The e-mailed copy was not returned as undeliverable.
6. I find that notice of the April 15, 2024 hearing and that the State sought a default judgment was proper.

7. Respondent has not filed an answer, has not acknowledged in any way the Specification of Charges, and did not appear for the Default Hearing in this matter.
8. 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.
9. I find Respondent to be in default based on Ms. Bowen's testimony, the State's Motion for Default, Specification of Charges, presentation of evidence, and by taking official notice of the Office of Professional Regulation file. The allegations contained in the Specification of Charges are therefore treated as the facts upon which the Board of Nursing may issue an order of professional discipline. *See* OPR Rule 3.4, 3 V.S.A. §809(d), and 3 V.S.A. §814(c).
10. I shall treat all factual allegations in the Specification of Charges as proven. These are hereby incorporated by reference as if set forth at length herein. *See* O.P.R. Rule 3.4. The Specification of Charges, and all exhibits thereto, shall be appended to this Order.
11. I find that Respondent violated 26 V.S.A. §1582(a)(3) (engaging in conduct of a character likely to deceive, defraud, or harm the public), 3 V.S.A. §129a(a)(10) (conviction of a crime related to the practice of the profession) and 3 V.S.A. §129a(a)(11) (Failing to report to the Office [of Professional Regulation] a conviction of any felony or misdemeanor offense in [a Vermont Superior Court]) as set forth at length in the Specification of Charges.
12. Accordingly, the State recommended that Respondent's license be revoked.
13. Respondent was convicted of crimes related to the practice of the profession. Respondent financially exploited vulnerable adults while he was supposed to provide care to them as an LNA
14. Given the nature of Respondent's offenses, including commission of crimes related to his work as an LNA, the only appropriate sanction here is revocation.

PROPOSED ORDER

Consistent with the above, and the recommendation of the State, the Board of Nursing hereby **ORDERS** that the Respondent's license, referenced above, is hereby **REVOKED**.

I hereby forward the above Proposed Order to the Board of Nursing with the recommendation that the Board approve it.

DATED at Montpelier, Vermont this 16th day of April 2024.



Wesley M. Lawrence
Hearing Officer, Vermont Board of Nursing

The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the Proposed Order and its basis, above, on May 13, 2024.

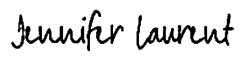
After considering the Proposed Order and its basis, above, the Board of Nursing takes the following action:

- ☐ Rejects the Hearing Officer's recommendation, and schedules the matter for hearing.
- ☐ Schedules the matter for additional evidence.
- ☒ Accepts the Hearing Officer's recommendation and orders the recommended discipline as set forth in the Proposed Order above.

The Respondent's license is Indefinitely Suspended and this continues until the Respondent petitions for reinstatement and the Board reinstates their license.

SO ORDERED,

Vermont Board of Nursing or Director of the Office of Professional Regulation.

DocuSigned by:

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Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: 5/14/24

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. 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, Floor 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:)
Mark Lacomb) **Docket No. 2022-174**
License No. 075.0137980TEMP)

AMENDED SPECIFICATION OF CHARGES

NOW COMES the State of Vermont (the "State") and brings the following charges against Licensed Nursing Assistant, Mark Lacomb as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Registered Nurses pursuant to 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. Mark Lacomb ("Respondent") of Rutland, Vermont is temporarily licensed by the State of Vermont as a Licensed Nursing Assistant ("LNA") under license number 075.0137980TEMP. This temporary license was originally issued on November 16, 2021 and expired on July 31, 2022. On July 11, 2022, the Board approved a stipulation by the parties in which Respondent agreed to an indefinite suspension of his license.
3. For approximately one year, until his termination on April 5, 2022, Respondent worked as a case manager for a program that works to develop community-based options of care for people requiring a nursing home level of support (the "Program").
4. All individuals who receive services from the Program were vulnerable adults as defined by 13 V.S.A. § 1375(8)(C).
5. As case manager, Respondent oversaw a case load of approximately 10 individuals.
6. Respondent also worked as an LNA for a nursing facility in Ludlow, Vermont (the "Facility") from approximately November 22, 2021 until his resignation on approximately March 29, 2022.
7. On May 10, 2022, Respondent was charged in Vermont Superior Court Rutland Criminal Division with six felony counts of Financial Exploitation of a Vulnerable Adult in violation of 13 V.S.A. § 1380 and one felony count of Uttering a Forged or Counterfeited Instrument in violation of 13 V.S.A. § 1802.

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8. The criminal charges were based on conduct that involved Respondent stealing money from vulnerable adults who received services from the Program.
9. On May 16, 2022, Respondent pleaded not guilty in Vermont Superior Court Rutland Criminal Division and was released on conditions of release, including a condition that he not work with or provide care for vulnerable adults.
10. On January 6, 2023, Respondent was charged in Vermont Superior Court Rutland Criminal Division by amended information with one additional misdemeanor count (Count 8) of Financial Exploitation of a Vulnerable Adult in violation of 13 V.S.A. § 1380.
11. On October 16, 2023, Respondent pleaded guilty to four counts (Count 1, 4, 6 and 8) of Financial Exploitation of a Vulnerable Adult, which had been amended to misdemeanors.
12. The Court sentenced Respondent to a prison sentence of 1 to 3 years, which was fully suspended, and placed Respondent on probation.
13. The conduct that gave rise to Count One – Financial Exploitation of a Vulnerable Adult – was as follows:
 - a. On or about March 1, 2022, Respondent took L.C., an individual he case managed, to a bank in Rutland, where L.C. received a check in the amount of \$8,907.62.
 - b. L.C. reported that Respondent asked her to endorse the back of the check and said he would send it to ARIS Solutions (“ARIS”), which was L.C.’s representative payee.
 - c. Instead, Respondent deposited the check in his own bank account.
 - d. Some time thereafter, M.A. checked her safe and discovered that \$2,100.00 was missing.
14. The conduct that gave rise to Count Four – Financial Exploitation of a Vulnerable Adult – was as follows:
 - a. On or about March 1, 2022, Respondent requested a check in the amount of \$922.19 from ARIS, the representative payee for D.H., a VCOH client.
 - b. Respondent said the check was to purchase “some furniture.”
 - c. Respondent went to D.H.’s home, had her endorse the check, and give it to him.
 - d. Respondent told D.H. he was going to use the check to pay the arrears purportedly owed on a storage unit owned by D.H.
 - e. Instead, Respondent deposited the check in his bank account.
15. The conduct that gave rise to Count Six – Financial Exploitation of a Vulnerable Adult – was as follows:
 - a. On or about March 12, 2022, M.A. (referenced above) received a check in the amount of \$519.27 from a former shared home provider as reimbursement for rent.

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- b. Respondent told M.A. he would deposit the check into her resident account at the Facility.
- c. Instead, Respondent deposited the check into his bank account.

- 16. The conduct that gave rise to Count 8 - Financial Exploitation of a Vulnerable Adult- was based on Respondent transferring into his bank account \$486.95 belonging to K.B., an individual who Respondent case managed.
- 17. Respondent did not report his convictions to OPR within 30 days.

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

- 18. The State re-alleges and incorporates Paragraphs 2 through 17 above.
- 19. As an LNA, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
- 20. Paragraphs 3 through 16 demonstrate that Respondent engaged in conduct of a character likely to harm the public when he deposited checks of several vulnerable adults into his own bank account.
- 21. 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).

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.

- 22. As an LNA, Respondent is prohibited from being convicted of a crime related to the practice of his profession.
- 23. Paragraphs 3 through 16 demonstrate that Respondent was convicted of crimes related to the practice of the profession in that they involve financially exploiting vulnerable adults while Respondent was supposedly providing care to them as an LNA.
- 24. 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 3 V.S.A. § 129a(a)(10).

Violation Three: 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.

- 25. The State re-alleges and incorporates Paragraphs 2 through 17 above.

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26. As an LNA, Respondent is required to report convictions to OPR within 30 days.
27. Paragraph 17 demonstrates that Respondent failed to report his convictions entered on October 16, 2023 to OPR within 30 days.
28. 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 3 V.S.A. § 129a(a)(11).

Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board revoke, suspend, condition, or otherwise discipline Respondent's Licensed Nurse Assistant License.

DATED at Vermont, this 17th day of January, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: Ultan Doyle
Ultan Doyle
Prosecuting Attorney
(802) 828-1217
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STATE OF VERMONT



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**State of Vermont
Office of the Secretary of State**

**Office of Professional Regulation
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Montpelier, VT 05620-3402
sos.vermont.gov**

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

July 12, 2022

**Mark LaComb
39 Williams Street
Rutland, VT 05701**

**CASE: In Re Mark LaComb
Docket No.: 2022-174**

Dear Mr. LaComb:

Enclosed please find a copy of the approved *Stipulation and Consent Order*

For questions about complying with this Order, please contact the Case Manager at 802-828-2875

Sincerely,

DocuSigned by:

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**S. Lauren Hibbert
Director**

Enc: *Stipulation and Consent Order*

**cc: Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Mark LaComb, Respondent, First Class Mail, Certified Mail, Email**

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

IN RE:)
Mark Lcomb) Docket No. 2022-174
License No. 075.0137980TEMP)

VOLUNTARY INDEFINITE SUSPENSION STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Ultan Doyle, and Respondent Mark Lcomb, who hereby Stipulate and Agree as follows:

1. To moot summary suspension proceedings under 3 V.S.A. § 814(c) in the matter captioned above, the State and Respondent request that license no. 075.0137980TEMP be voluntarily suspended, for an indefinite period, pending adjudication of the above-captioned matter on the merits.
2. This Stipulation is neither an admission of responsibility by the Respondent nor a concession by the State of Vermont that its Request for Summary Suspension is not well-founded.
3. Proceedings on the merits should be promptly instituted and determined.
4. Respondent understands that this agreement is a matter of public record and that this suspension pending adjudication on the merits may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a)(6).

ORDER

The Board of Nursing hereby suspends license no. 075.0137980TEMP pending adjudication on the merits of the matter captioned above.

STATE OF VERMONT
SECRETARY OF STATE

Dated: 7/1/2022

By: Ultan Doyle
Ultan Doyle
Prosecuting Attorney
ultan.doyle@vermont.gov

RESPONDENT

Dated: 7/1/22

By: Mark Lcomb
Mark Lcomb

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation

89 Main Street
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APPROVED AND SO ORDERED:

Dated: 7/11/2022

Date of Entry: 7/11/2022

**VERMONT BOARD OF
NURSING**

DocuSigned by:

By:

Jennifer Laurent
Board Chairperson

STATE OF VERMONT



**Prosecuting Attorney
Office of
Professional Regulation**

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

IN RE:)
Mark Lacombe) **Docket No. 2022-174**
License No. 075.0137980TEMP)

REQUEST FOR SUMMARY SUSPENSION

NOW COMES the State of Vermont and hereby requests summary suspension of the license of Respondent Mark Lacombe as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Registered Nurses pursuant to 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").
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a registered nurse when the Board finds the public health, safety, or welfare imperatively requires emergency action.

Statement of Facts

3. Mark Lacombe ("Respondent") of Rutland, Vermont is temporarily licensed by the State of Vermont as a Licensed Nursing Assistant ("LNA") under license number 075.0137980TEMP. This temporary license was originally issued on November 16, 2021 and expires on July 31, 2022.
4. For approximately one year, until his termination on April 5, 2022, Respondent worked as a case manager for Vermont Comforts of Home (VCOH), a program that works to develop community-based options of care for people requiring a nursing home level of support.
5. All individuals who receive services from VCOH are vulnerable adults as defined by 13 V.S.A. § 1375(8)(C).
6. As case manager, Respondent oversaw a case load of approximately 10 individuals.
7. Respondent also worked as an LNA for Gill Odd Fellows Home of Vermont ("Gill Odd Fellows"), a nursing facility in Ludlow, Vermont from approximately November 22, 2021 until his resignation on approximately March 29, 2022.

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8. On May 10, 2022, Respondent was charged in Vermont Superior Court Rutland Criminal Division with six felony counts of Financial Exploitation of a Vulnerable Adult in violation of 13 V.S.A. § 1380 and one felony count of Uttering a Forged or Counterfeited Instrument in violation of 13 V.S.A. § 1802.
9. The criminal charges were based on conduct that involved Respondent stealing money from vulnerable adults who received services from (VCOH).
10. The conduct that gave rise to Count One – Financial Exploitation of a Vulnerable Adult – was as follows:
 - a. On or about March 1, 2022, Respondent took L.C., an individual he case managed, to a bank in Rutland, where L.C. received a check in the amount of \$8,907.62.
 - b. L.C. reported that Respondent asked her to endorse the back of the check and said he would send it to ARIS Solutions (“ARIS”), which was L.C.’s representative payee.
 - c. Instead, Respondent deposited the check in his own bank account.
11. The conduct that gave rise to Count Two – Financial Exploitation of a Vulnerable Adult – was as follows:
 - a. Between approximately May 1, 2021 and April 4, 2022, Respondent used the debit card of D.B., an individual he case managed, to make approximately \$800.00 in unauthorized purchases from Respondent’s Amazon.com account.
12. The conduct that gave rise to Count Three – Financial Exploitation of a Vulnerable Adult – was as follows:
 - a. On or about March 9, 2002, helped M.A., an individual he case managed, move from a home in the VCOH program to Gill Odd Fellows home.
 - b. While M.A. was living in the VCOH home, Respondent had purchased her a small locked safe.
 - c. Only Respondent and M.A. knew the combination.
 - d. Respondent knew M.A. kept cash in the safe.
 - e. When M.A. moved to Gill Odd Fellows, Respondent worked the evening shift there, had access to her room, knew where she kept the safe in her room, and knew when she would be out of the room to eat dinner.
 - f. Some time thereafter, M.A. checked her safe and discovered that \$2,100.00 was missing.
13. The conduct that gave rise to Count Four – Financial Exploitation of a Vulnerable Adult – was as follows:
 - a. On or about March 1, 2022, Respondent requested a check in the amount of \$922.19 from ARIS, the representative payee for D.H., a VCOH client.
 - b. Respondent said the check was to purchase “some furniture.”
 - c. Respondent went to D.H.’s home, had her endorse the check, and give it to him.

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- d. Respondent told D.H. he was going to use the check to pay the arrears purportedly owed on a storage unit owned by D.H.
 - e. Instead, Respondent deposited the check in his bank account.
- 14. The conduct that gave rise to Count Five – Financial Exploitation of a Vulnerable Adult – was as follows:
 - a. On or about February 14, 2022, Gill Odd Fellows issued a reimbursement check in the amount of \$754.62 to H.D., a resident who was transitioning to a home overseen by VCOH and who was being case managed by Respondent.
 - b. The Gill Odd Fellows Director of Nursing gave the check to H.D. and Respondent as H.D. was leaving the facility.
 - c. Respondent ended up depositing the check in his own bank account.
- 15. The conduct that gave rise to Count Six – Financial Exploitation of a Vulnerable Adult – was as follows:
 - a. On or about March 12, 2022, M.A. (referenced above) received a check in the amount of \$519.27 from a former shared home provider as reimbursement for rent.
 - b. Respondent told M.A. he would deposit the check into her Gill Odd Fellows resident account.
 - c. Instead, Respondent deposited the check into his bank account.
- 16. The conduct that gave rise to Count Seven – Uttering a Forged or Counterfeited Instrument – was as follows:
 - a. Respondent forged M.A.'s signature on the back of the check for \$519.27 prior to depositing it in his account.
- 17. On May 16, 2022, Respondent pleaded not guilty in Vermont Superior Court Rutland Criminal Division and was released on conditions of release, including a condition that he not work with or provide care for vulnerable adults.

Violation One: 26 V.S.A. § 1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.
- 18. The State re-alleges and incorporates Paragraphs 3 through 17 above.
- 19. As an LNA, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
- 20. Paragraphs 3 through 17 demonstrate that Respondent engaged in conduct of a character likely to harm the public when he deposited checks of several vulnerable adults into his own bank account and forged the signature of a vulnerable adult on a check issued to her, prior to depositing the check in his own bank account.

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21. 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).

Relief Requested

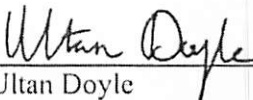
22. Members of the public, patients, and potential patients have no way of learning of Respondent's conduct set forth above and will remain unprotected during the pendency of these proceedings. The facts as set forth above establish that in order to protect the public health, safety, and/or welfare of the people of the State of Vermont, emergency action is imperative.

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), Respondent's LNA license be summarily suspended, pending hearing on the merits.

DATED at Vermont, this 29th day of June, 2022.

STATE OF VERMONT
SECRETARY OF STATE

By:



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STATE OF VERMONT



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