

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

In re: KEVIN SCHULTZ	}
License No. 026.0127285	} Docket No. 2022-185
	}

Participating Board Members:

Luana Tredwell, LPN
Krystal Bernier, LPN, Acting Chair
Daniel Coane, Public Member
Ginger Gillette-Kent, APRN
Thomas Harvey, RN
Kelly Sinclair, LNA
William (Jan1ie) Floyd, RN
Matthew Choate, RN

Appearances:

Prosecutor: Jennifer B. Colin, Esq.
Respondent: Did not participate in the hearing

Presiding Officer: George K. Belcher

Exhibits:

State Exhibit 1: Order of the Florida Nursing Board filed June 23, 2022

**Summary Suspension Order
FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Board of Nursing on a Request for a Summary Suspension. The hearing was held electronically on August 8, 2022, with the Attorney for the State and the Board members all participating by telephone or via electronic means pursuant to the Office of Professional Regulation Rules for Remote Hearings.

Findings of Fact

Based on the evidence presented at the hearing and the arguments of counsel, the Vermont Nursing Board finds as follows:

1. Respondent is licensed as a Registered Nurse (RN) in the State of Vermont. The Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. 3 V.S.A. § 814(c) permits the Board to summarily suspend a license if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order.
2. The prosecutor has filed a "Request for Summary Suspension." A copy of the Request is attached to this Decision and Order. The request was filed on July 25, 2022 and was sent, along with a Notice of Hearing, to the Respondent by regular mail, certified mail and email. None of the notices were returned as of the date of the hearing.
3. The Respondent's Florida nursing license was suspended by the Florida Board of Nursing because he failed to comply with a rehabilitation plan and order and because a treatment professional was unable to certify that the Respondent could practice safely due to alcohol addiction disorder as more fully specified in Exhibit 1. On February 12, 2021 the Respondent was ordered to undergo an evaluation and he failed to comply with that order.

Conclusions of Law

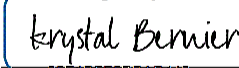
1. The evidence established that the Respondent violated: 3 VSA Sec. 129a(a)(3) [Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession.]
2. The evidence presented show facts which imperatively require emergency action for the public health, safety, and welfare. Specifically, summary suspension is necessary to prevent patient harm, and to protect the public.
3. The Findings of Fact and Conclusions of Law in this Summary Suspension hearing are for purposes of deciding whether *at this time* there is an imperative need to take emergency action. 3 V.S.A. § 814(c). The Findings of Fact and Conclusions of Law herein are for purposes of this Order only.
4. The Prosecutor's Request for a Summary Suspension is supported by the evidence presented. For purposes of this Summary Suspension Hearing, the Findings of Fact above do support Summary Suspension of Respondent's license. There is an imperative need to take emergency action. 3 V.S.A. § 814(c).
5. Vermont law requires that unprofessional charges be filed promptly with Respondent being afforded a prompt hearing. At any merits hearing in this matter, the prosecutor will bear the burden of proving unprofessional conduct. The Findings and Conclusions in this matter will not absolve the prosecution or Respondent from producing or challenging relevant evidence at a merits hearing. The Findings of Fact and Conclusions of Law at a contested hearing will be based exclusively on the evidence admitted at that hearing.

Order

The Request for Summary Suspension is **Granted**. Respondent's license is **Summarily Suspended** and shall not be subject renewal or reinstatement during the period of Summary Suspension without Board approval pending proceedings. These proceedings shall be promptly instituted and determined. 3 V.S.A. § 814(c).

SO ORDERED.

Vermont Board of Nursing

By: 
Krystal Bernier, LPN
Acting Chair

Date: 8/10/2022 2022

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 8 / 10 / 2022

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing or Director of the Office of Professional Regulation. A pruiy 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.