

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

In re: JAI' ANTHONY HOLLEY	}	
Authorized to practice Under Act 6 and Act 91	}	Docket No. 2022-220
	}	

Appearances:

Prosecutor: Ultan Doyle, Esq.

Respondent: Did not appear

Hearing Officer: George K. Belcher

DEFAULT ORDER

Findings of Fact

1. The Respondent was authorized to practice in the State of Vermont as a Certified Nursing Assistant ("CNA") by reason of emergency legislation passed in the State of Vermont. His primary license was issued as a CNA in Florida (CNA License number CNA373717). The Respondent worked in Vermont as a Licensed Nursing Assistant by virtue of the emergency legislation and his Florida license.
2. The Hearing Officer held a hearing in the above matter on December 7, 2022, pursuant to 3 VSA Sec. 129(f). The hearing was held electronically pursuant to the Notice of Hearing dated November 16, 2022. 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 November 16, 2022, by regular mail and by certified mail. None of the notices were delivered as of the date of the hearing and were returned as unable to forward or "insufficient address".
3. Specification of Charges were filed in this case on or about October 12, 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 October 12, 2022, by certified mail and by regular mail. The Certified mail notice was returned "unclaimed". The other notice was not returned to the OPR office.
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 false time sheets for work at TLC HomeCare for time in which he did not work. The Respondent received almost

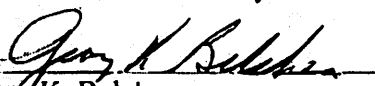
- \$20,000.00 in unjustified pay
8. As indicated by the Board's file and the Prosecution's presentation, because Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board may find, based up the 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: 26 VSA Sec. 1582(a)(3) [Engaging in conduct of a character likely to deceive, defraud, or harm the public].
 9. The State recommended that the Respondent's privilege to practice nursing assistant services 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 privilege to practice nursing assistant services in Vermont 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 ^{7th} 8th day of December 2022.

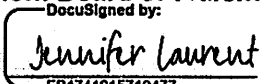

George K. Belcher
Hearing Officer of the Vermont Board of Nursing

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 12/12/2022. 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.
- / ☒ 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: 
EB1741916719477
Jennifer Laurent, APRN, Chair
Vermont Board of Nursing

Date: 12/12, 2022

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/12/2022

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.