

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

In re: SIMONE ALLISON	}
License No. 025.0136330	} Docket No. 2022-235
	}

FINDINGS AND ORDER

Participating Board Members:

Jennifer Laurent, APRN
Kelly Sinclair, LNA
William Floyd, RN
Jennifer Lyon, RN
Deborah Belcher, Public Member
Luana Tredwell, LPN
Daniel Coane, Public Member
Ginger Gillete-Kent, APRN
Krystal Bernier, LPN

Appearances:

Prosecuting the case: George Hasselback, Esq., who participated electronically
Respondent: did not appeal or participate

Presiding Officer:

George K. Belcher

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Board of Nursing on Specification of Charges dated January 3, 2023. The hearing was held electronically on July 10, 2023, with the Attorney and the Board members all participating by telephone or via electronic means pursuant to the Office of Professional Regulation Rules.

Findings of Fact

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

1. Respondent was licensed as a Licensed Practical Nurse (LPN) 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.
2. The prosecutor has filed a Specification of Charges. All of the charges were admitted by

the Respondent in her answer. A copy of the Specification of Charges is attached to this Decision and Order. The alleged facts set forth in the Specification of Charges are deemed admitted and proven.

3. There were no objections to notice.
4. The State requested that the Board indefinitely suspend the license of the Respondent subject to the standard drug and alcohol conditions.

Conclusions of Law

1. The pleadings and evidence presented shows facts which justify a finding of unprofessional conduct by the Respondent and specifically violations of: first, 26 VSA Sec. 1582(a)(3) [Engaging in conduct of a character likely to deceive, defraud or harm the public]; second, 3 VSA Sec. 129a(b)(2) [Failure to conform to the essential standards of acceptable and prevailing practice]; third, 3 VSA Sec. 129a(b)(1) [Performance of unsafe or unacceptable patient or client care]; and fourth, 3 VSA Sec. 129a(a)(15) [Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession].
2. The license of the Respondent is currently under suspension by a previous summary suspension and expired on January 28, 2023.
3. Pursuant to the findings and conclusions above, the Board does order as follows.

Order

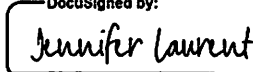
1. The Respondent's license is Indefinitely Suspended and this continues until the Respondent petitions for reinstatement and the Board reinstates her license.
2. Prior to seeking reinstatement, the Respondent shall petition for reinstatement. Within forty-five (45) days of requesting reinstatement, Respondent must, at her own cost:
 - (a) Obtain an independent evaluation report by a pre-approved licensed professional specializing in drug and alcohol abuse ("Independent Evaluator") who has verified receipt of this Order. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients, as well as any recommendations that would ensure that the Respondent is safe to practice. The evaluation must be submitted to the Enforcement Unit Case Manager;
 - (b) Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random drug and alcohol screens:
 - (i) When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager at the Office of Professional Regulation to set-up the drug and alcohol screen process and receive instructions. Once registered with the pre-approved person or entity, Respondent will have 45 days to submit to a minimum of three (3) random drug and alcohol screens. The process by which Respondent learns whether the Respondent is selected to provide a sample on any given day will be governed by the policy of the pre-approved person or entity conducting the testing at that time;
 - (ii) The drug and alcohol screens must be collected in an observed setting, administered by a pre-approved person or entity, and analyzed by a pre-

- approved lab qualified to analyze samples for forensic purposes, the result of which shall be negative;
- (iii) Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a drug or alcohol screen in any way shall cause that screen to be presumed positive; and
- (c) If recommended by an Independent Evaluator, the respondent must enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations. If treatment is recommended, Respondent must submit a treating professional agreement to the Enforcement Unit Case Manager before a reinstatement request will be considered.

If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms are reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, the drug and alcohol screen results, the facts contained in this Order, and any other relevant factors at that time.

SO ORDERED.

Vermont Board of Nursing

By: 
DocuSigned by:
Jennifer Laurent, APRN
Chair of the Board

Date: _____, 2023

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 7/17/23

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.