



**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

John Yaffee
18 School St
No. Springfield, VT 05150

Case: In Re John Yaffee
Credential: License # 026.0023856
Docket No.: 2022-71,72,73

Dear Mr. Yaffee:

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

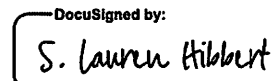
If you are aggrieved by this decision, you may begin the appeal process by filing a Notice of Appeal with the Office of Professional Regulation. **The notice must be received no later than 30 days from the decision's date of entry (see last page of order).** Send the appeal to:

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
Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
John Yaffee, Respondent, First Class Mail, Certified Mail, Email

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

**In re: JOHN YAFFEE
License No. 026.0023856**

Docket No. 2022-71, 72, & 73

Appearances:

**Prosecutor: Ultan Doyle, Esq.
Respondent: did not appear**

Hearing Officer: George K. Belcher

DEFAULT ORDER

Findings of Fact

1. The Respondent is licensed in Vermont as a Registered Nurse.
2. The Hearing Officer held a hearing in the above matter on July 14, 2022, pursuant to 3 VSA Sec. 129(f). The hearing was held electronically pursuant to the Notice of Hearing dated June 20, 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 June 20, 2022, by regular mail, email, and by certified mail. The notice was received and signed for and returned to OPR on June 27, 2022. Ordinary mail and email notices of the Notice of Hearing were not returned.
3. Specification of Charges were filed in this case on or about April 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 April 29, 2022, by certified mail, email, and by regular mail. The certified mail notice was received by someone who signed for it. The receipt was returned to OPR on May 16, 2022. Although the Respondent communicated to the Prosecutor regarding a possible voluntary surrender of his license, this was not finalized because the Respondent asked for a private, non-recorded discipline with non-public findings. This was not possible, and the Prosecutor proceeded with the default after notifying the Respondent.
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 communicated to a patient at a psychiatric facility, sexually suggestive communications during November of 2021. In November

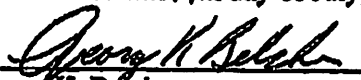
- of 2021 the Respondent also communicated with the patient on Facebook. When confronted about the Facebook message in December of 2021 by the Director of Nursing, the Respondent at first denied the communication, but he later admitted it.
8. As indicated by the Board's file and the Prosecution's presentation, 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(a)(5) [Practicing the profession when medically or psychologically unfit to do so]; 26 VSA Sec. 1582(a)(3) [Engaging in conduct of a character likely to harm the public]; 3 VSA Sec. 129a(a)(26) [Sexually harassing or exploiting a patient]; and 3 VSA Sec. 129a(a)(15) [Failing to exercise independent professional judgment].
 9. The State recommended that the Respondent's license be revoked.

Proposed Order

1. The License of the Respondent is **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 17th day of July, 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.
- / ☒ 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
Jennifer Laurent, APRN, Chair
Vermont Board of Nursing

Date: 8/8/2022, 2022

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

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.