



**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**

September 13, 2022

Lawrence Young
47 River Road
Essex Jct., VT 05452-3807

Case: In Re Lawrence Young
Credential: License # 075.0017109
Docket No.: 2022-75

Dear Mr. Young:

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:

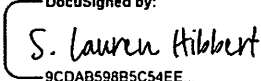
Office of Professional Regulation
Attn: S. Lauren Hibbert, Director
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402

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:


9CDAB598B5C54EE
S. Lauren Hibbert
Director

Enclosure: *Default Order*

cc: Michael Kupersmith, Hearing Officer
Jennifer Colin, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Lawrence Young, Respondent, First Class Mail, Certified Mail & Email

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

**In re: Lawrence Young
License No. 075.0017109**

Docket No. 2022-75

DEFAULT ORDER

Appearances:

Prosecuting Attorney: Jennifer B. Colin, Esq.

Respondent: Did not appear

Hearing Officer: Michael S. Kupersmith, Esq.

Introduction

The Hearing Officer conducted a default hearing in the above-entitled matter on September 6, 2022 pursuant to 3 V.S.A. § 129(f). The hearing was conducted remotely as provided in the Emergency Rules for Remote Hearings adopted by the Office of Professional Regulation (OPR). The State requested a default order because the Respondent had not responded to the Specification of Charges filed in this case. The State was represented by Jennifer B. Colin, Esq. The Respondent did not appear and was not represented by counsel.

Findings of Fact

1. The Respondent is licensed by the State of Vermont as a Licensed Nursing Assistant (LNA) and is therefore subject to the regulatory authority of the Board of Nursing. See 3 V.S.A. §§ 129 and 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. A Specification of Charges was filed by the Prosecuting Attorney on or about May 16, 2022. On that date a copy of the Charges and Notice of Hearing was sent to the Respondent at the address which is on file with OPR, by certified mail and first class mail. Respondent's Answer was due on June 5, 2022.
3. By notice sent with the Charges, Respondent was advised that he was required to file an Answer within 20 days. See Administrative Rules of Practice 3.3. As of the default hearing, the Respondent had failed to submit an Answer.

4. On August 12, 2022, the State filed a Motion for Default. On that date the motion as well as a notice of the default hearing were sent via certified mail and first class mail to the Respondent at the address on file with OPR. As of the default hearing, no response to the Motion for Default had been received by either the Docket Clerk or the Prosecuting Attorney. Furthermore, no communication has been received by either office since the filing of the Specification of Charges.
5. Upon consideration of the State's presentation, and taking judicial notice of the OPR file in this matter, the Hearing Officer finds the Respondent to be in default. Pursuant to the Administrative Rules of Practice 3.4, the allegations made in the Specification of Charges are treated as proven and the Board may take disciplinary action based on its findings. See also 3 V.S.A. §§ 809(d) and 814(c). A copy of the Specification of Charges is appended to this Order.
6. It is specifically found that in 2021 the Respondent voluntarily agreed to participate in the Board of Nursing Alternative Practice Remediation Program (PRP). Respondent entered into a PRP contract which required him to enroll in and successfully complete three (3) courses. Respondent was further required to submit to the program by June 14, 2021 evidence of successful completion of the courses as well completed course assignment books that are acceptable to the program. Respondent failed to complete the work required by the contract by June 21, 2021. It remained incomplete at the time of the default hearing.
7. It is the recommendation of the Prosecuting Attorney that the Respondent's license be indefinitely suspended until such time as he petitions for reinstatement. His application for reinstatement must include evidence that he has successfully completed the three courses required by the 2021 PRP contract. He must also submit completed course assignment books which are acceptable to the PRP. At such time, the Board may, in addition, impose additional conditions on the reinstatement of Respondent's license.

Conclusions of Law

Respondent has received adequate actual and/or constructive notice of the Charges in this matter as indicated by the Board's file and the Prosecutor's presentation. Because the Respondent has failed to file an Answer, the factual allegations contained in the Specification of Charge are taken as proven. Accordingly, the Board may conclude that the Respondent engaged in unprofessional conduct as alleged, to wit: failing to comply with an order of the Board. Pursuant to Rule 11.7(a) of the Administrative Rules of the Board of Nursing, the PRP contract is an order of the Board with which the licensee must comply.

PROPOSED ORDER

In accordance with the Findings of Fact and Conclusions of Law set forth above, and consistent with the recommendations of the Prosecuting Attorney, the Board orders that the Respondent's license be **INDEFINITELY SUSPENDED**. The Respondent may petition to have the Board reinstate his license at such time as Respondent demonstrates compliance with the 2021 PRP contract, including: (1) completion of the three courses set forth in the contract; and (2) submits acceptable, completed course assignment books. The Board reserves the right to impose additional conditions on the reinstatement of Respondent's license.

The Hearing Officer reports the above facts, conclusions of law, and finding of default to the Board with the recommendation that the Board approve them and enter the Order as above.

Dated this 8th day of September, 2022

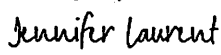


Michael S. Kupersmith
Hearing Officer

The Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on September 12, 2022. After considering the report, the Board takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- / x / 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,

DocuSigned by:

EB1741915719477
Board of Nursing
By: Jennifer Laurent, Chair

Date of Entry: 9/13/22

APPEAL RIGHTS

This is a final administrative determination by the Board of Nursing. A party aggrieved by a final decision by the Board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, 89 Main Street, 3rd floor, Montpelier, VT 05620-3402, within 30 days of the date of 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 appeal shall be conducted based on the record created before the Board. In cases of alleged irregularities in procedure before the Board not shown on the record, proof of that issue may be taken by the Appellate Officer. 3 V.S.A. §§ 129(d) and 130a. A stay of this Order may also be requested.

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

IN RE:	)	
Lawrence N. Young	)	Docket No. 2022-75
License No. 075.0017109	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against Respondent Lawrence N. Young:

Board Authority

1. The Vermont State Board of Nursing (the “Board”) has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129; 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. Lawrence N. Young (“Respondent”) of Essex Junction, Vermont is licensed by the State of Vermont as a Licensed Nursing Assistant (“LNA”) under license number 075.0017109. This license was originally issued on September 26, 2007 and expires on November 30, 2022.
3. In 2021, Respondent voluntarily agreed to participate in the Vermont Board of Nursing Alternative Program, Practice Remediation (“PRP”) to remediate a complaint alleging unprofessional conduct.
4. The Alternative Program protects the safety and welfare of Vermonters by permitting eligible individuals who have had professional practice deficiencies to voluntarily engage in practice remediation without being subject to formal discipline by OPR.
5. To qualify for PRP, a licensee must agree to participate in the program and agree that a practice deficiency has occurred.
6. A licensee may not be eligible for PRP for various reasons, including previous discipline, if the licensee has attempted to conceal an error or falsify records, or if the licensee has consciously taken or disregarded a substantial risk of harm.

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7. Respondent signed the Vermont Board of Nursing Practice Remediation Program Contract ("PRP Contract") in April 2021.
8. In the PRP Contract, Respondent admitted a practice deficiency relating to failing to provide or arrange for incontinence care for a patient.
9. Disciplinary action against Respondent for the practice deficiency was not initiated based upon Respondent's voluntary participation in and completion of PRP.
10. The PRP Contract stated the Contract would be in effect until its terms were fulfilled and Respondent was discharged from the Program.
11. The PRP Contract required Respondent to, within 60 days, enroll in and successfully complete three courses: Client/Patient Rights (Relias Academy) and Righting a Wrong: Ethics & Professionalism in Nursing (NCSBN Learning Extension).
12. The Contract required Respondent to submit to the Program "evidence of successful completion of the courses," which the Contract defined as: "(a) Certificates of successful completion for both courses; (b) Completed course assignment book that is acceptable to the Program, for Righting a Wrong only. Within the assignment book, Participant must address what he will do in the future when a patient needs care but does not seem to be receptive to care by Participant. Participant must address who he will notify, when, and what he will do if the person he notified does not follow up to provide the patient care in a timely manner."
13. The Case Manager sent the completed and signed contract to Respondent on April 15, 2021 with instructions.
14. Respondent failed to complete the work required by the PRP Contract on or before June 14, 2021. The Case Manager emailed Respondent a reminder on June 21, 2021.
15. ARBN 11.7 provides that an Alternative Program Contract constitutes an Order of the Board of Nursing and states: "An individual who fails to comply with the Program contract may be terminated from the Program and may be referred for formal disciplinary proceedings for violating a Board Order."

Violation One: 3 V.S.A. §129a(a)(4) Failing to comply with an order of the board or violating any term or condition of a license restricted by the Board (incorporating ARBN 11.7(a): "Individuals accepted into the Alternative Program shall enter into a written contract with the Program....The contract is an Order of the Board with which the individual must comply.") .

16. The State re-alleges and incorporates Paragraphs 2 through 15 above.

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17. As an LNA, Respondent is required by law to comply with the terms and conditions of Board orders
18. Paragraphs 2 through 15 above demonstrate that Respondent failed to comply with a Board Order by violating his PRP Contract when he failed to complete the coursework and assignments required within the timeframe set forth in the Contract.
19. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(4).

Relief Requested

WHEREFORE, the license of Lawrence N. Young should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 13th day of May, 2022.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Jennifer B. Colin
Jennifer B. Colin
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Jennifer.Colin@vermont.gov

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