

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

IN RE:)
SHELBY CHICOINE) **Docket No. 2023-120**
License No. 026.0112651)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Ultan Doyle, and Respondent Shelby Chicoine, who stipulate and agree as follows:

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(a); 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.

Stipulated Facts

2. Shelby Chicoine ("Respondent") of Northfield, Vermont is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0112651. This license was originally issued on June 24, 2015, and expires on March 31, 2025.
3. On May 4, 2022, after a guilty plea, Respondent was convicted of one count of Negligent Operation of a Vehicle in Vermont Superior Court Washington Criminal Division.
4. On December 29, 2022, Respondent was charged in Vermont Superior Court Washington Criminal Division with one count of Driving Under the Influence, one count of Negligent Operation of a Vehicle, one count of Resisting Arrest, and one count of Disorderly Conduct.
5. On February 21, 2023, Respondent completed a license renewal application form in order to have her RN license renewed.
6. In the license renewal application form, Respondent was asked the following question:

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Office of
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89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Since your license was last renewed (or since it was issued if within the last two years): Are you currently under INVESTIGATION or PENDING CHARGES in Vermont or ANY other state, federal, or other jurisdiction?

7. Respondent answered "No" to this question.
8. This answer was false because at the time, Respondent had pending criminal charges that had been filed on December 29, 2022.
9. In her license renewal application form, Respondent was also asked the following question:

Since your license was last renewed (or since it was issued if within the last two years): Have you EVER been convicted of a criminal misdemeanor or felony in Vermont or ANY other state, federal authority, or other jurisdiction?

10. Respondent answered "No" to this question.
11. This answer was false because Respondent was convicted of Negligent Operation of a Vehicle on May 4, 2022.
12. The license renewal application form contained an "Attestation" section with the following language:

Caution to Applicant

A false statement on this application may constitute unprofessional conduct and may be a basis for denial of a license application or discipline of a license, to include revocation. 3 V.S.A. § 129a. A person who declares, certifies, or verifies in a signed writing that a statement is true and is made under the pains and penalties of perjury, and who willfully makes a false statement in the declaration, certification, or verification, shall be guilty of perjury, a crime punishable by imprisonment not more than 15 years or a fine of not more than \$10,000.00, or both. 13 V.S.A. § 2901 & 2904(b).

Certification of Identity

In the case of an application for individual licensure, I am the person in whose name this application is completed; or in the case of a corporate applicant, I am an authorized officer of the applicant corporation, having executive authority to complete this application and personal knowledge of and accountability for the representations herein.

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Certification of Accuracy

I understand that submission of this application represents that I have understood each question, that I have been candid and disclosed all relevant information, and that I have answered each question from sound personal knowledge, not a hunch, guess, or supposition. I understand that any failure to provide accurate information could result in a preliminary denial of my application or as a basis for unprofessional conduct charges against my license.

Certification of Truthfulness

I hereby certify, under the pains and penalties of perjury, that the answers, entries, and representations herein are true and accurate.

Violation One: 26 V.S.A. §1582(a)(1) Making or causing to be made a false, fraudulent, or forged statement or representation in procuring or attempting to procure registration or renew a license.

13. Paragraphs 2 through 12 above are incorporated herein.
14. As an RN, Respondent is required to refrain from making false statements in renewing a license.
15. Paragraphs 2 through 12 demonstrate that Respondent made a false statement in connection with the renewal of her RN license when she answered "No" to the questions as to whether she had any pending charges or criminal convictions since her last renewal application.
16. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by making or causing to be made a false, fraudulent, or forged statement or representation in procuring or attempting to procure registration or renew a license in violation of 26 V.S.A. §1582(a)(1).

Understandings

1. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
2. Respondent understands that the Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
3. Respondent specifically waives any claims that any disclosures made to the Board during the review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board and proceeds to a hearing on the merits before the same Board.

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4. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
5. Respondent is not under the influence of any drugs or alcohol at the time Respondent signs this Stipulation and Consent Order.
6. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
7. Respondent voluntarily waives Respondent's right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
8. Respondent understands that she is responsible for all compliance costs associated with this Stipulation and Consent Order.
9. Respondent agrees that the Board may enter the Order set forth below.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **WARNS** Respondent's license.
- B. The Board of Nursing **ASSESSES AN ADMINISTRATIVE PENALTY OF FIVE HUNDRED DOLLARS (\$500.00)** against Respondent. Respondent shall remit payment within six (6) months of the date of entry of this Order. This penalty is to be paid within 180 days of the date of entry of this Order.
- C. Notwithstanding any provision above, Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
- D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).

AGREED TO:

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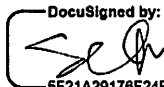
STATE OF VERMONT
SECRETARY OF STATE

Dated: 1/11/2024

By: 
Ultan Doyle
Prosecuting Attorney

SHELBY CHICOINE
RESPONDENT

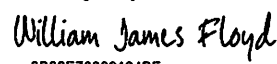
Dated: 1/11/2024

By: 
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Shelby Chicoine

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 2/13/24

By: 
DocuSigned by:
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Board Chair

Date of Entry: 2/14/24

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IN RE:)
SHELBY CHICOINE) **Docket No. 2023-120**
License No. 026.0112651)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont, by and through State Prosecuting Attorney, Ultan Doyle, and makes the following charges against the Respondent, Shelby Chicoine:

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(a); 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.

Statement of Facts

2. Shelby Chicoine (“Respondent”) of Northfield, Vermont is licensed by the State of Vermont as a Registered Nurse (“RN”) under license number 026.0112651. This license was originally issued on June 24, 2015, and expires on March 31, 2025.
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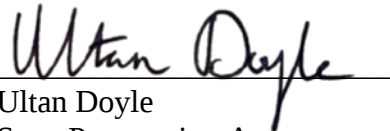
13. The State re-alleges and incorporates Paragraphs 2 through 12 above.
14. As an RN, Respondent is required to refrain from making false statements in renewing a license.
15. Paragraphs 2 through 12 demonstrate that Respondent made a false statement in connection with the renewal of her RN license when she answered “No” to the questions as to whether she had any pending charges or criminal convictions since her last renewal application.
16. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by making or causing to be made a false, fraudulent, or forged statement or representation in procuring or attempting to procure registration or renew a license in violation of 26 V.S.A. §1582(a)(1).

Relief Requested

WHEREFORE, the RN license of Respondent should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 30th day of August, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: 
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