

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

IN RE:	)	
Fawn Munro	)	Docket No. 2023-178
License No. 101.0135073	)	
License No. 026.0147925	)	

STIPULATED VOLUNTARY SURRENDER OF LICENSE AND ORDER

STIPULATION

NOW COME the State of Vermont, by and through Prosecuting Attorney Rachel Heath, and Respondent Fawn Munro, who hereby Stipulate and Agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses pursuant to 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 ("OPR").

Alleged Facts

2. Fawn Munro ("Respondent") of Alpena, Michigan is licensed by the State of Vermont as an Advanced Practice Registered Nurse ("APRN") under license number 101.0135073. This license was originally issued on December 8, 2021 and expires on March 31, 2025.
3. Respondent is also licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0147925. This license was originally issued on November 22, 2021 and expires on March 31, 2025.
4. On July 19, 2022, Respondent was charged by indictment with 8 counts of Felony Health Care Fraud in violation of 18 U.S.C. §§ 1347 and 2 in the U.S. District Court for the Eastern District of Michigan, in docket number 1:22-cr-20375.
5. According to the indictment, Respondent worked for a telemedicine company that provided her with pre-filled and unsigned prescriptions for durable medical equipment for Medicare beneficiaries. In exchange for her signature on these orders, she received approximately \$15 for each order.
6. Respondent signed these prescriptions, even though she lacked a practitioner-patient relationship with these beneficiaries and had never examined them.

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7. Respondent, and others, falsified and fabricated documents to support claims to Medicare for braces that were medically unnecessary and ineligible for Medicare reimbursement.
8. Between July 2018 and April 2019, Respondent and others submitted more than \$3.3 million in false and fraudulent claims to Medicare for durable medical equipment.
9. On February 6, 2023, Respondent renewed both her APRN and RN licenses.
10. In these applications, Respondent answered "No" to the following question under the pains and penalty of perjury:

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 authority, or other jurisdiction?

If "Yes," you must provide a detailed written explanation and a copy of any available information from the licensing authority.

11. In both renewals, Respondent signed the following attestation:

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.

Certification of Accuracy

I understand that submission of this application represents that I have understood each question, that I have been candid and

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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.

12. On September 29, 2023, the U.S. District Court for the Eastern District of Michigan accepted Respondent's guilty plea to count 1 of the indictment, Felony Health Care Fraud.
13. The matter is scheduled for sentencing on March 26, 2024.
14. The State filed a request for Summary Suspension in this matter on December 1, 2023. The State and Respondent stipulated to a voluntary indefinite suspension on December 8, 2023, which the Board entered as an order on December 11, 2023.

Violation One: 26 V.S.A. § 1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

15. The State re-alleges and incorporates Paragraphs 2 through 14 above.
16. As an APRN and RN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
17. Paragraphs 2 through 14 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when she submitted false and fraudulent claims to Medicare for durable medical equipment for her own financial gain.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. § 1582(a)(3).

Violation Two: 3 V.S.A. § 129a(a)(10) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.

19. The State re-alleges and incorporates Paragraphs 2 through 14 above.
20. Under Vermont law, conviction of a felony, whether or not related to the practice of the profession, constitutes unprofessional conduct.

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21. Paragraphs 2 through 14 above demonstrate that Respondent was convicted of Health Care Fraud, not only a felony but also related to the practice of the profession.
22. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(10).

Violation Three: 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.
23. The State re-alleges and incorporates Paragraphs 2 through 14 above.
24. Vermont law prohibits making a false statement or representation in procuring a license.
25. Paragraphs 2 through 14 above demonstrate that in February 2023 Respondent fraudulently or deceptively procured her RN and APRN licenses by providing false information in her application when she answered "No" to the question of whether she had any pending criminal charges.
26. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 26 V.S.A. § 1582(a)(1).

Understandings

27. Respondent admits that the facts above are true and desires to voluntarily surrender her license. The Parties reach a full and final Stipulation pursuant to these Understandings, the Acceptance of Voluntary Surrender and Order below.
28. 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.
29. Respondent specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if the Board does not accept this agreement.
30. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
31. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.

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32. 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.
33. Respondent voluntarily waives her right to a contested hearing before the Board and waives any right to appeal from this Stipulated Voluntary Surrender of License.
34. Respondent agrees that the Acceptance of Voluntary Surrender and Order set forth below may be entered.

ACCEPTANCE OF VOLUNTARY SURRENDER AND ORDER

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

- A. The Board hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of her RN and APRN licenses.
- B. Any future application for licensure shall be subject to the licensing requirements of that particular profession. If a future application for licensure in the State of Vermont is approved, that license shall be **CONDITIONED** pursuant to whatever terms are found to be reasonable at the time of Respondent's application for licensure, taking into account the facts above.
- C. 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).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 3/19/2024

By: _____

DocuSigned by:
Rachel Heath
FCA249D7D29242B...

Rachel Heath
State Prosecuting Attorney

RESPONDENT

Dated: 3/19/2024

By: _____

DocuSigned by:
Fawn Munro
EEFF21D4523B4FC...

Fawn Munro

STATE OF VERMONT



Prosecuting Attorney
Office of
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89 Main Street
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Montpelier, VT
05620-3402

APPROVED AND SO ORDERED:

Dated: 5/13/24

Date of Entry: 5/14/24

By: DocuSigned by:
Jennifer Laurent
EB1741915719477...
Board Chairperson

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IN RE:)
Fawn Munro) **Docket No. 2023-178**
License No. 101.0135073)
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SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Fawn Munro as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses pursuant to 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 ("OPR").

Statement of Facts

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26. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 26 V.S.A. § 1582(a)(1).

Relief Requested

WHEREFORE, Respondent's APRN and RN should be warned, reprimanded, suspended, revoked, limited, conditioned, or otherwise disciplined.

DATED at Vermont, this 30th day of January 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: */s/ Rachel Heath*
Rachel Heath
Prosecuting Attorney
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Rachel.heath@vermont.gov

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