

in violation of 3 VSA Sec. 127(b)(2)(A) and 26 VSA Sec. 1584(a)(3).

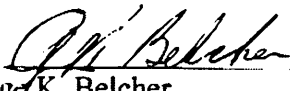
9. The State recommended that the Respondent be assessed a civil penalty of \$500.00.

Proposed Order

In accordance with the above Findings of Fact and Conclusions of Law, and consistent with the recommendation by the State, the Board does ORDER that the Respondent be assessed a civil penalty of Five-Hundred Dollars (\$500.00) and that such penalty be paid to the Office of Professional Regulation forthwith.

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 13th day of June, 2023.


George K. Belcher

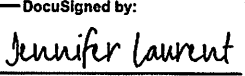
Hearing Officer of the Vermont Board of Nursing

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 June 12, 2023. 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.
- /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.

Vermont Board of Nursing or Director of the Office of Professional Regulation

DocuSigned by:
By: 
EB1741915719477...
Jennifer Laurent, APRN, Chair
Vermont Board of Nursing

Date: 6/13, 2023

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 6/13/2023

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.



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

Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary
Kevin A. Rushing, Director

May 11, 2023

Heidi Smith
333 N. Eagle St.
No. Adams, MA 01247

Case: In Re Heidi Smith
License:
Docket No.: 2023-35

NOTICE OF HEARING FOR DEFAULT JUDGMENT

The Judge has scheduled a hearing for default judgment to be held on:

Date: May 31, 2023
Time: 9:30 a.m.

You have received notice of the charges and have failed to answer them within 20 days as required by law. Pursuant to 3 V.S.A. Section 809(d), the tribunal is authorized to enter a default judgment, meaning the allegations will be assumed to be true, and an appropriate sanction may be issued.

This hearing will take place remotely. You can participate either online or by telephone. Please do not come to our office as it is currently closed.

To join online, go to the OPR public calendar (<https://sos.vermont.gov/opr-event-calendar>) and select the blue meeting link on the date of your hearing. Then select "Click here to join the meeting". Please see the attached Microsoft Teams Meetings Instructions for additional information about how to join your hearing remotely from the OPR public calendar.

If you wish to contest the charges you must contact the office **immediately** at (802) 828-2367 and show good cause for failing to answer the charges against you.

Sincerely,

/s/Julie Bowen
Docket Clerk

Enclosures: *States Request for Default & OPR Calendar Remote Hearing Participation Instructions*

cc: Michael Kupersmith, Esq., Hearing Officer
Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Heidi Smith, Respondent, First Class Mail, Certified Mail, Email



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

In re: Heidi Smith

Docket No. 2023-25

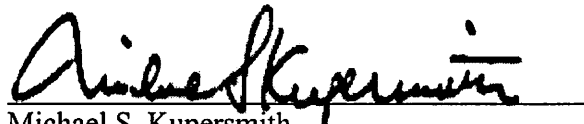
ENTRY ORDER

On or about February 6, 2023, the Prosecuting Attorney filed a Specification of Charges against the Respondent. On April 3, after Respondent failed to file an Answer, the State filed a Motion for Default. Hearing on the motion was scheduled for today.

The Respondent appeared (remotely) at today's hearing and requested that she be given time to file an Answer. The State did not object.

Accordingly, it is hereby ORDERED that the Respondent file an Answer in writing (original to the Docket Clerk; copy to the Prosecuting Attorney) on or before April 24, 2023. If an Answer is filed, a contested hearing will be scheduled in the normal course of business. If the Respondent fails to file a timely Answer, a Default Order may be issued without further notice to the Respondent.

Dated at Montpelier, April 13, 2023


Michael S. Kupersmith
Administrative Law Officer



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

Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary
Kevin Rushing, Director

April 3, 2023

Heidi Smith
93 Bracewell Ave.
No. Adams, MA 01247

Case: In Re Heidi Smith
License:
Docket No.: 2023-25

NOTICE OF HEARING FOR DEFAULT JUDGMENT

The Tribunal has scheduled a hearing for default judgment to be held on:

Date: April 13, 2023
Time: 9:30 a.m.

You have received notice of the charges and have failed to answer them within 20 days as required by law. Pursuant to 3 V.S.A. Section 809(d), the tribunal is authorized to enter a default judgment, meaning the allegations will be assumed to be true, and an appropriate sanction may be issued.

This hearing will take place remotely. You can participate either online or by telephone. Please do not come to our office as it is currently closed.

To join online, go to the OPR public calendar (<https://sos.vermont.gov/opr-event-calendar>) and select the blue meeting link on the date of your hearing. Then select "Click here to join the meeting". Please see the attached Microsoft Teams Meetings Instructions for additional information about how to join your hearing remotely from the OPR public calendar.

If you wish to contest the charges you must contact the office **immediately** at (802) 828-2367 and show good cause for failing to answer the charges against you.

Sincerely,

/s/Julie Bowen
Docket Clerk

Enclosures: *States Request for Default & OPR Calendar Remote Hearing Participation Instructions*

cc: Michael Kupersmith, Esq., Hearing Officer
Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Heidi Smith, Respondent, First Class Mail, Certified Mail, Email



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

IN RE:)
Heidi Smith) **Docket No. 2023-25**

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Deputy Chief Prosecuting Attorney Ultan Doyle, and pursuant to Rule 3.3 of the Administrative Rules of Practice for the Office of Professional Regulation (“ARPOPR”), hereby moves that the Board of Nursing (the “Board”) find Respondent Heidi Smith (“Respondent”) in default for the reasons stated in the following Memorandum of Law.

MEMORANDUM OF LAW

Rule 3.3 of ARPOPR requires a respondent to file an answer to a specification of charges “within 20 days of the date on which the notice of charges was mailed by the Director.” Under the Rules, if a respondent fails to file a timely answer, a default hearing shall be conducted. ARPOPR 3.4. At the default hearing, “the allegations of the charges will be treated as proven and disciplinary action will be taken.” *Id.*

In this matter, Respondent has failed to file a response to the charges and is, therefore, in default. The State filed the Specification of Charges against Respondent on February 6, 2023. Respondent was notified of the charges by letter from the Docket Clerk of the Office of Professional Regulation, sent by both certified and first class mail, on February 6, 2023. *See* ARPOPR 3.2. Respondent’s answer was due on or before February 26, 2023. *See* ARPOPR 3.4.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

On March 6, 2023, the Docket Clerk sent Respondent a notification of the Specification of Charges to a different address that was later obtained by an OPR investigator. As of this date, Respondent has failed to submit an answer.

WHEREFORE, in accordance with ARPOPR 3.3, et seq., the State respectfully requests that the Board schedule a default hearing and find Respondent in default.

DATED at Montpelier, Vermont this 3rd day of April, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: Ultan Doyle
Ultan Doyle
Deputy Chief Prosecuting Attorney
Ultan.Doyle@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

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

In re: Heidi Smith

) **Docket No. 2023-25**

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against Heidi Smith:

Board Authority

1. 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 ("OPR Rules").

Statement of Facts

2. Heidi Smith ("Respondent") of Stamford, Vermont, is not licensed by the State of Vermont in any profession.
3. From approximately December 21, 2021 until February 7, 2022, Respondent worked at Southern Vermont Nursing and Rehabilitation (the "Facility") as a Licensed Practical Nurse without a license.
4. When interviewed by an OPR investigator, Respondent told him that she was under the impression that she could work at the Facility as a "graduate nurse" until she obtained her nursing license.
5. Respondent said that she was scheduled to take the National Council Licensure Examination on March 25, 2022.

Violation One: 3 V.S.A. § 127(b)(2)(A) The Attorney General or an attorney assigned by the Office of Professional Regulation may elect to bring an action seeking only a civil penalty of not more than \$2,500.00 for practicing or permitting the practice of a regulated profession without authority before the board having regulatory authority over the profession or before an administrative law officer.

6. The State re-alleges and incorporates Paragraphs 2 through 5 above.
7. 26 V.S.A. § 1584(a)(3) requires that practicing nursing is prohibited unless a nurse is duly registered and currently licensed with the State of Vermont.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

8. Paragraphs 2 through 5 demonstrate that Respondent practiced as a Licensed Practical Nurse without a license.
9. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for a civil penalty because Respondent permitted the practice of a regulated profession without authority in violation of 3 V.S.A. § 127(b)(2)(A).

Relief Requested

The State of Vermont respectfully requests that Respondent be assessed a monetary civil penalty pursuant to 3 V.S.A. § 127(b)(2)(A).

DATED at Vermont this 6th day of February, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: Ultan Doyle
Ultan Doyle
State Prosecuting Attorney
Office of Professional Regulation
802.828.1217
ultan.doyle@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402