

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

**IN RE: MONICA L. JONES
LICENSE NO. LP53877 (MULTISTATE)**

DOCKET NOS. 2023-29 AND 2023-30

AMENDED ORDER

The Board of Nursing's *Order on Motion for Default*, entered May 14, 2024, is incorporated by reference and remains in full force and effect with the following amendment: In that *Order*, the Board imposed an administrative penalty of \$2,500.00. The deadline, for Respondent Monica L. Jones, to pay the administrative penalty of \$2,500.00 shall be thirty (30) days from the date of entry of this Amended Order.

DATED at Montpelier, Vermont this 21st day of May 2024.



Wesley M. Lawrence, Hearing Officer,
Vermont Board of Nursing

The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the Proposed Amended Order and its basis, above, on June 10, 2024.

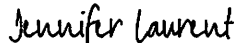
After considering the Proposed Order and its basis, above, the Board of Nursing takes the following action:

- ☐ Rejects the Hearing Officer's recommendation, and schedules the matter for hearing.
- ☐ Schedules the matter for additional evidence.
- ☒ Accepts the Hearing Officer's recommendation 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:



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Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: 6/10/24

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. 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, Floor 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
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE: MONICA L. JONES DOCKET NOS. 2023-29 AND 2023-30
LICENSE NO. LP53877 (MULTISTATE)

Appearances:

Prosecutor: George L. Hasselback, Esq.
Respondent: Did not appear

Hearing Officer: Wesley M. Lawrence

ORDER ON MOTION FOR DEFAULT

Based on the evidence before me, I find as follows:

1. At all relevant times, Respondent, Monica L. Jones, held an unencumbered Maryland State Multistate Registered Nurse License, Number LP53877.
2. I held a Default Hearing in the above matter on April 15, 2024 pursuant to 3 V.S.A. §129(f) and 3 V.S.A. §809(d). This public hearing was held electronically via Microsoft Teams pursuant to a Notice of Hearing.
3. The State filed the Specification of Charges in this matter on February 21, 2023. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent on February 23, 2023 by regular mail and certified mail. Respondent failed to list an e-mail address with OPR, as required. Respondent returned the Certified Mail “green card” without a signature, but the phrase “COVID-19” was written on it where a signature should go. This was returned to Ms. Bowen’s office on March 3, 2023. The regular-mailed copy of the Specification of Charges was not returned as undeliverable. I find that notice of the Specification of Charges was proper.
4. On April 11, 2024, the State moved for Respondent to be found in default because she has not responded to the Specification of Charges in this matter.
5. Ms. Bowen testified that she sent the Notice of Hearing for Default Judgment to the Respondent on April 11, 2023 by regular mail and certified mail. Given the time that this matter has been pending, though the notice of the default hearing is short, I find that notice was proper only under the unique circumstances of this case.
6. Respondent has not filed an answer, has not acknowledged in any way the Specification of Charges, and did not appear for the Default Hearing in this longstanding matter.

7. Under the Administrative Rules of the Office of Professional Regulation, Rule 3.4, a default may be entered when an answer is not filed within the required time period.
8. I find Respondent to be in default based on Ms. Bowen's testimony, the State's Motion for Default, Specification of Charges, presentation of evidence, and by taking official notice of the Office of Professional Regulation file. The allegations contained in the Specification of Charges are therefore treated as the facts upon which the Board of Nursing may issue an order of professional discipline. See OPR Rule 3.4, 3 V.S.A. §809(d), and 3 V.S.A. §814(c).
9. I shall treat the factual allegations in the Specification of Charges as proven. See O.P.R. Rule 3.4.
10. I find that Respondent violated 26 V.S.A. §1582 (a)(3)¹ (engaging in conduct of a character likely to deceive, defraud, or harm the public) and 3 V.S.A. §129a(a)(15) (failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession) as set forth at length in the Specification of Charges.
11. Respondent, with a Maryland Multistate RN license, does not have a Vermont-issued license that can be sanctioned.
12. Accordingly, the State recommended that the Respondent be ordered to cease and desist from practicing as a Registered Nurse in Vermont and pay an administrative penalty of \$2,500.00. I find these are appropriate sanctions.
13. Accordingly, the Board of Nursing may find, based on the finding of Respondent's default, that Respondent's license may be sanctioned consistent with the above.

¹ The *Specification of Charges* references 26 V.S.A. §1582(a)(1), however the factual allegations more properly support a violation of 26 V.S.A. §1582 (a)(3). This is immaterial to the sanctions applied in this matter, as the violation of 3 V.S.A. §129a(a)(15), standing alone, would support the same sanctions.

PROPOSED ORDER

Consistent with the above, and the recommendation of the State, the Board of Nursing hereby **ORDERS** that the Respondent is prohibited indefinitely from, and must cease and desist from, practicing and/or performing any services of a Registered Nurse in the State of Vermont. Furthermore, Respondent is assessed an administrative penalty of \$2,500.00. If Respondent seeks licensure in the future, if granted, the Board may impose conditions on that license, as deemed appropriate at that time.

The appropriate licensing body in the State of Maryland should be provided a copy of this Order to take whatever action deemed appropriate.

I hereby forward the above Proposed Order to the Board of Nursing with the recommendation that the Board approve it.

DATED at Montpelier, Vermont this 16th day of April 2024.



Wesley M. Lawrence
Hearing Officer, Vermont Board of Nursing

The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the Proposed Order and its basis, above, on May 13, 2024.

After considering the Proposed Order and its basis, above, the Board of Nursing takes the following action:

- ☐ Rejects the Hearing Officer's recommendation, and schedules the matter for hearing.
- ☐ Schedules the matter for additional evidence.
- ☒ Accepts the Hearing Officer's recommendation and orders the recommended discipline as set forth in the Proposed Order above.

The Respondent's license is Indefinitely Suspended and this continues until the Respondent petitions for reinstatement and the Board reinstates their license.

SO ORDERED,

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

DocuSigned by:

EB1741935719477
Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: 5/14/24

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. 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, Floor 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
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:	)	
Monica Jones	)	Docket Nos. 2023-29
License No. LP53877 Multistate	)	2023-30

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney George Hassleback, 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 Monica Jones ("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 21, 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 21, 2023. *See* ARPOPR 3.2. Respondent's answer was due on or before March 13, 2023. *See* ARPOPR 3.4.

STATE OF VERMONT



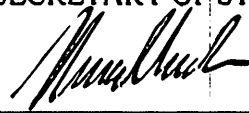
Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier,

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 11th day of April 2024

STATE OF VERMONT
SECRETARY OF STATE

By: _____



George L. Hasselback
Prosecuting Attorney
George.hasselback@vermont.gov

STATE OF VERMONT



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

IN RE:)
Monica L. Jones) **Docket No. 2023- 29**
License No.) **2023- 30**

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Monica L. Jones:

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 ("OPR").

Statement of Facts

2. Monica Jones ("Respondent") of Laurel, Maryland holds an unencumbered Maryland State Multistate RN License #LP53877. This license was issued on 04/11/2018 and is due to expire on 07/28/2023.
3. During all times relevant to this matter, Respondent was employed by TLC Nursing Associates, Inc. ("the Employer") as an RN assigned to and compensated for an "on call" status.
4. On or about 8/10/2022, the Respondent called in sick for one of her shifts.
5. Subsequently, and on or about the same date, the Employer requested some documentation from the Respondent that would verify that she was, in fact, sick the day that she called off of her shift.
6. The Respondent provided a document to the Employer purporting to be a report from Champlain Medical Urgent Care ("the Clinic") that stated:

This is to certify that Monica Jones D.O.B. 07/20/1977 was seen on 08/10/2022 for COVID-19 related symptoms and was tested for COVID-19 using a BD Veritor Rapid Antigen Test Kit. The result of this test was negative.

STATE OF VERMONT



Prosecuting Attorney
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89 Main Street
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We are strongly recommending that Monica Jones rest and avoid going in to work for at least 5 days due to the symptoms presented here today.

We have scheduled Monica Jones for a follow-up appointment here on August 15, 2022 at 2:00 pm.

7. This document was purportedly signed by Beth Schiller, ANP and appeared to be on letterhead from the Clinic.
8. The Employer suspected that this document had been manufactured by the Respondent and contacted the Clinic to verify the veracity of the document.
9. The Clinic reported to the Employer that Respondent had not, in fact, ever visited the Clinic and that Respondent had forged the signature of Beth Schiller on the document.
10. Respondent was terminated due to these actions.

Violation One: 26 V.S.A. § 1582(a)(1) engaging in conduct of a character likely to deceive, defraud, or harm the public.

11. The State re-alleges and incorporates Paragraphs 2 through 10 above.
12. Vermont law requires RNs to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
13. Paragraphs 2 through 10 above demonstrate that Respondent failed to refrain from conduct of a character likely to deceive, defraud, or harm the public when she called in sick, and when asked to supply a doctor's note substantiating her sickness, she manufactured a doctor's note by faking letterhead that appeared to be from an urgent care clinic, writing a fictional account of a non-existent doctor's visit, and forging the signature of an ANP on the manufactured letter.
14. 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. § 1582(a)(1).

Violation Two: 3 V.S.A. § 129a(a)(15) failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

15. The State re-alleges and incorporates Paragraphs 2 through 10 above.
16. Vermont law requires RNs to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

STATE OF VERMONT



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17. Paragraphs 2 through 10 above demonstrate that Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession when she called in sick, and when asked to supply a doctor's note substantiating her sickness, she manufactured a doctor's note by faking letterhead that appeared to be from an urgent care clinic, writing a fictional account of a non-existent doctor's visit, and forging the signature of an ANP on the manufactured letter.
18. 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. § 1582(a)(15).

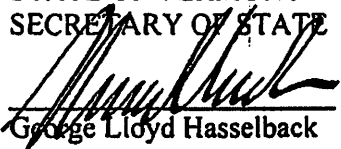
Relief Requested

WHEREFORE, Respondent's license should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Vermont, this 21st day of February, 2023

STATE OF VERMONT
SECRETARY OF STATE

By:


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STATE OF VERMONT



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