

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

**IN RE: KATHRYN PETERSON
 LICENSE NOS. 026.0135444 & 025.0105165**

DOCKET NO. 2023-33

Appearances:

Prosecutor: George L. Hasselbeck, 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, Kathryn Peterson, was licensed in Vermont as a Registered Nurse, license number 026.0135444, and as a Licensed Practical Nurse, license number 025.0105165. Both licenses have expired.
2. I held a Default Hearing in the above matter on July 19, 2023 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. On June 27, 2023, the State moved for Respondent to be found in default because she has not responded to the Specification of Charges in this matter.
4. The State filed the Specification of Charges in this matter on April 17, 2023. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent on April 18, 2023 by regular mail, certified mail, and e-mail. The first class mailing was not returned as undeliverable. The e-mailed version of the Specification of Charges was not returned as undeliverable. The certified mailing was returned, as "unclaimed." I find that notice of the Specification of Charges was proper.
5. Ms. Bowen testified that she sent the Notice of Hearing for Default Judgment to the Respondent on June 27, 2023 by regular mail, certified mail, and e-mail. None of these were returned as undeliverable. I find that notice of the Default Hearing was proper.

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 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 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).
11. The State recommended the following sanction: That Respondent's licenses be suspended indefinitely, and that Respondent must petition for reinstatement. Within forty-five (45) days of requesting reinstatement, Respondent must, at her own cost:
 - a. Obtain an independent evaluation report by a pre-approved licensed professional specializing in drug and alcohol abuse ("Independent Evaluator") who has verified receipt of the Default Order. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients;
 - b. Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random urine analyses:
 - i. When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager to set-up the urine analysis process and receive instructions. Once registered with the pre-approved person or entity, Respondent will have 45 days to submit a minimum of three (3) random urine analyses. The process by which Respondent learns whether she is selected to provide a sample on any given day will be governed by the policy of the pre-approved person or entity conducting the testing at that time.
 - ii. The urine analyses must be collected in an observed setting; administered by a pre-approved person or entity; and analyzed by a pre-approved lab

qualified to analyze samples for forensic purposes, the results of which shall be negative.

iii. Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed positive; and

c. If recommended by an Independent Evaluator, enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations.

d. If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms are reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, urine analysis results, the Board of Nursing Order, and any other relevant factors at that time.

12. I find that this is an appropriate sanction, and will impose this virtually as recommended.

13. Accordingly, the Board of Nursing may find, based on the finding of Respondent's default, that Respondent's licenses may be sanctioned consistent with the above.

PROPOSED ORDER

Consistent with the above, and the recommendation of the State, the Board of Nursing hereby **ORDERS** that the Respondent's licenses, to the extent that any valid licenses exist, be **SUSPENDED INDEFINITELY** and that Respondent must petition for reinstatement of, or reapply for, such licenses. Within forty-five (45) days of requesting reinstatement, or of reapplication, Respondent must, at her own cost:

- a. Obtain an independent evaluation report by a pre-approved licensed professional specializing in drug and alcohol abuse ("Independent Evaluator") who has verified receipt of the Default Order. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients;
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 - ii. The urine analyses must be collected in an observed setting; administered by a pre-approved person or entity; and analyzed by a pre-approved lab qualified to analyze samples for forensic purposes, the results of which shall be negative.
 - iii. Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed positive; and
- c. If recommended by an Independent Evaluator, enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations.
- d. If reinstated, Respondent's licenses **SHALL BE CONDITIONED** pursuant to whatever terms are reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, urine analysis results, the Board of Nursing Order, and any other relevant factors at that time.

Such suspensions shall continue until Respondent successfully completes all requirements for licensure, including all educational requirements; and otherwise qualifies for licensure to the Board's satisfaction.

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 24th day of July 2023.



Wesley M. Lawrence
Hearing Officer, Vermont Board of Nursing

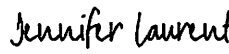
The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the Proposed Order and its basis, above, on _____.

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:

EB1741915719477...
Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: 8/14/23

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
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

June 27, 2023

Kathryn Peterson
50 Chestnut St.
Brattleboro, VT 05301-6479

Case: In Re Kathryn Peterson
License: 026.0135444
Docket No.: 2023-33

NOTICE OF HEARING FOR DEFAULT JUDGMENT

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

Date: July 19, 2023
Time: 9:00 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.

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: Wesley Lawrence, Esq., Hearing Officer
George Hasselback, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Kathryn Peterson, Respondent, First Class Mail, Certified Mail, Email



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

IN RE:	)	
Kathryn Peterson	)	Docket Nos. 2023-33
License No. 026.0135444	)	

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney George L. Hasselback, 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 Kathryn Peterson ("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 April 17, 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 April 18, 2023. *See* ARPOPR 3.2. Respondent's answer was due on or before May 7, 2023. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

STATE OF VERMONT



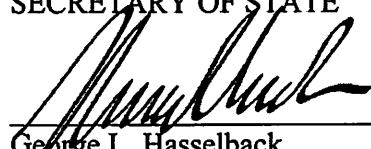
Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier.

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 27th day of June, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: _____


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

STATE OF VERMONT



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

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

IN RE:)
Kathryn V. Peterson) **Docket No. 2023-33**
License Nos. 026.0135444,)
025.0105165)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against the licenses of Kathryn V. Peterson ("Respondent"):

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. Kathryn V. Peterson ("Respondent") of Brattleboro, Vermont is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0135444. The RN license was first issued on May 31, 2018 and expired on March 31, 2023. The Board summarily suspended Respondent's license on March 16, 2023.
3. Respondent is Licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0105165. The LPN license was first issued on July 3, 2014 and expired on January 31, 2020.
4. On November 8, 2021, the Board issued a Consent Order ("the Order"), the terms of which were agreed upon via stipulation by the State and the Respondent.
5. The Order imposed multiple conditions upon Respondent's professional licenses.
6. One such condition requires Respondent to undergo random drug and alcohol testing, and reads:

"Random Drug and Alcohol Testing. Respondent shall submit to random drug and alcohol testing through the designated entity. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic

STATE OF VERMONT



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

purposes. All specimens collected for tests shall be collected in an observed setting. All screens shall be negative.

Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any test shall cause that test result to be presumed positive. Any positive test result shall constitute a violation of this Order. Failure to check-in to determine whether Respondent is selected for testing on any given day, regardless of whether Respondent is actually selected that day, may be considered a violation of this Order.”

7. Between December 1, 2021 and January 25, 2023, Respondent missed thirteen (13) tests without excuse.
8. Between December 25, 2021 and February 7, 2023, Respondent missed one-hundred and nine (109) check ins without excuse.
9. Another condition of the Order requires Respondent to engage in substance abuse counseling and treatment, and to authorize the treating professional to provide OPR with monthly reports, reading, in part:

Completion of Substance Abuse Counseling, Treatment Plan, Treatment Reports and recovery groups. Respondent shall engage in individual substance abuse counseling with a pre-approved counselor (the “Treating Professional”) ...

...Respondent shall authorize the Treating Professional to submit monthly reports on forms issued by the Case Manager. Respondent shall authorize the Treating Professional to provide all information requested, either orally or in writing, at any time during the period this Consent Order is in effect. If Respondent is prescribed medication as part of her substance abuse counseling and treatment, Respondent’s monthly treating professional reports must also indicate Respondent’s current dosage and whether Respondent is appropriately taking the medication as prescribed...

10. To date, Respondent has not provided any proof to OPR that she has engaged the services of a treating professional as required by the terms of the Order, nor has OPR received any monthly reports from anyone purporting to be a treating professional of Respondent.

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.

11. The State re-alleges and incorporates Paragraphs 2 through 10 above.
12. As an LPN and an RN, Respondent is required to comply with the Board’s orders and/or any term or condition of a license restricted by the Board.

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13. Paragraphs 2 through 10 demonstrate that Respondent failed to comply with an order of the board and/or the terms and conditions of her professional licenses (that were restricted by the Board) in that she has missed over one-hundred daily check ins for drug/alcohol testing, missed multiple drug/alcohol tests, failed to provide any proof that she has sought substance abuse counselling services, and failed to provide any monthly reports from a substance abuse counselling professional.
14. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent failed to comply with an order of the Board and/or the terms and conditions of a professional license restricted by the Board in violation of 3 V.S.A. § 129a(a)(4).

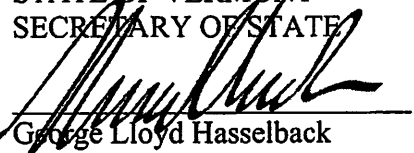
Relief Requested

WHEREFORE, the State of Vermont respectfully requests that Respondent's RN license, number **026.0135444**, be revoked, suspended, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 17 day of April, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By:


George Lloyd Hasselback
Prosecuting Attorney
(802)828-0350
george.hasselback@vermont.gov

STATE OF VERMONT



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sos.vermont.gov

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

April 18, 2023

Kathryn Peterson
50 Chestnut St
Brattleboro, VT 05301-6479

CASE: In Re Kathryn Peterson
Credential: License # 026.0135444 & 025.0105165
Docket No.: 2023-33

NOTICE OF SPECIFICATION OF CHARGES

The State Prosecuting Attorney has filed the enclosed *Specification of Charges* and has asked the Office of Professional Regulation to take disciplinary action against your license.

You or your attorney must file a written Answer to the charges **within 20 days** of the date of this notice. Enclosed is an Answer form as a suggested format for your response to the charges. Return your Answer to the Docket Clerk and Prosecuting Attorney at the addresses listed on the Answer form. Once your Answer has been received, a hearing will be scheduled.

If you fail to answer the charges **within 20 days**, disciplinary action may be taken against your license by default and without your input. The *Administrative Rules for the Office of Professional Regulation* are available online at <https://sos.vermont.gov/opr/>.

If you have an attorney who has filed a Notice of Appearance with this office, we will continue to send copies of all correspondence to both you and your attorney unless directed otherwise.

Sincerely,

/s/Julie Bowen
Docket Clerk

Enclosures: *Specification of Charges and Answer Form*

cc:

George Hasselback, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Kathryn Peterson, Respondent, First Class Mail, Certified Mail & Email



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

IN RE:)
Kathryn V. Peterson) **Docket No. 2023-33**
License Nos. 026.0135444,)
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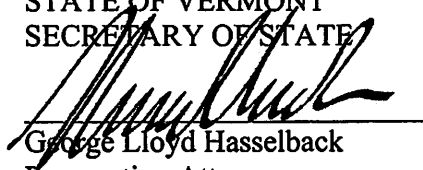
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DATED at Montpelier, Vermont this 17 day of April, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By:


George Lloyd Hasselback

Prosecuting Attorney

(802)828-0350

george.hasselback@vermont.gov

STATE OF VERMONT



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