

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

**IN RE: OGBEINI BELLO
 LICENSE NO. 025.0135915**

DOCKET NO. 2023-34

Appearances:

Prosecutor: Rachel Heath, 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, Ogbeini Bello, was a Licensed Practical Nurse.
2. I held a Default Hearing in the above matter on June 21, 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 May 23, 2023, the State moved for Respondent to be found in default because there has been no response to the Specification of Charges in this matter.
4. The State filed the Specification of Charges in this matter on April 25, 2023. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent on April 26, 2023 by regular mail, certified mail, and e-mail. Neither the first class nor the e-mailed version of the Specification of Charges were returned as undeliverable. 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 May 23, 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 and 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)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession) as set forth at length in the Specification of Charges; specifically, that Respondent did not complete an appropriate nursing education program.
11. The State recommended that the Respondent's license be suspended indefinitely, with reinstatement only to be considered upon completion of all requirement for licensure, including all education requirements. I find that this is an appropriate sanction.
12. 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.

PROPOSED ORDER

Consistent with the above, and the recommendation of the State, the Board of Nursing hereby **ORDERS** that the Respondent's license be **SUSPENDED INDEFINITELY**.

Such suspension shall continue until such time as 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 21st day of June 2023.



Wesley M. Lawrence
Hearing Officer, Vermont Board of Nursing

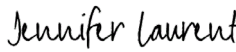
The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the Proposed Order and its basis, above, on July 10, 2023.

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: 7/12/2023

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.

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IN RE:	)	
Ogbeini Bello	)	Docket No. 2023-34
License No. 025.0135915	)	

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney Rachel Health, 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 Ogbeini Bello (“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 25, 2023. Respondent was notified of the charges by letter from the Docket Clerk of the Office of Professional Regulation— sent by certified mail, first class mail, and email— on April 26, 2023. *See* ARPOPR 3.2. Respondent’s answer was due on or before May 16, 2023. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

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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 23rd day of May 2023.

STATE OF VERMONT
SECRETARY OF STATE

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

STATE OF VERMONT



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IN RE:)
OGBEINI ADESUWA BELLO) **Docket No. 2023-34**
License No. 025.0135915)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby requests the following charges against Respondent Ogbeini Bello 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 (“OPR”).

Statement of Facts

2. Ogbeini Bello (“Respondent”) of West Orange, New Jersey is licensed by the State of Vermont as a Licensed Practical Nurse (“LPN”) under license number 025.0135915. This license was originally issued on October 19, 2021 and expires on January 31, 2024.
3. Respondent also holds an inactive LPN license in New York, which was issued on October 13, 2020 and expires on September 30, 2023.
4. On October 18, 2021, Respondent applied for her Vermont LPN license on the basis of endorsement.
5. The nursing application includes a qualifications section that requires applicants to detail their education and experience.
6. In her October 2021 application, in the “Educational Details” section, Respondent stated that she had a practical nursing diploma from Quisqueya Health Care Academy, which she graduated from in December 2019.

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7. After Respondent received her Vermont LPN license, in June of 2022, OPR received information through the National Council of the State Boards of Nursing (NCSBN) from the FBI about investigating a fraudulent scheme.
8. In this letter, the FBI detailed that Quisqueya Health Care Academy, among other schools, had been issuing illegitimate nursing diplomas and transcripts.
9. The owner of several of these school, including Quisqueya Heath Care Academy, J.N. had signed an affidavit identifying individuals who had obtained illegitimate degrees from these school.
10. This affidavit explained that to obtain a diploma in practical nursing from Quisqueya Health Care Academy, students were required to complete 1,350 hours of instruction, including 788 hours of clinical experience.
11. The affidavit further explained that from around October 2016 to June 2022, Quisqueya Health Care Academy issued transcripts and diplomas to individuals who did not complete the required program hours and clinical training necessary to obtain a practical nursing diploma and transcript from that school.
12. Respondent is one of the individuals identified in the affidavit as having obtained her transcript and diploma without having completed the required program hours and clinical training that the Quisqueya Health Care Academy required.
13. The State filed a Request for Summary Suspension in this matter on March 1, 2023. The Board entered an order of Voluntary Indefinite Suspension on March 13, 2023.

Violation One: 3 V.S.A. § 129a(a)(3) Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession.

14. The State re-alleges and incorporates Paragraphs 2 through 13 above.
15. As an LPN, Respondent is required to comply with provisions of federal or State statutes or rules governing the practice of the profession.
16. Rule 5.6(a) of the Vermont Board of Nursing Administrative Rules requires that an applicant who seeks licensure by endorsement must be licensed in a United States jurisdiction on the basis of a U.S. nursing education program.
17. Paragraphs 2 through 13 demonstrate that Respondent is not licensed in a United States jurisdiction on the basis of a U.S. nursing education program because she did not complete a U.S. nursing education program.
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. § 129a(a)(3).

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Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board warn, reprimand, suspend, revoke, limit, condition, or otherwise discipline Ogbeini Bello's Licensed Practical Nurse license.

DATED at Vermont, this 25th day of April 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Rachel Heath
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