

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

**In re: Keri Lyn Paquette
License No. 075.0134968**

Docket No. 2023-36

DEFAULT ORDER

Appearances:

Prosecuting Attorney: Rachel Heath, Esq.
Respondent: Did not appear

Hearing Officer: Michael S. Kupersmith, Esq.

Introduction

The Hearing Officer conducted a default hearing in the above-entitled matter on April 13, 2023, pursuant to 3 V.S.A. § 129(f). The hearing was conducted remotely as provided in the Emergency Rules for Remote Hearings adopted by the Office of Professional Regulation (OPR). The State requested a default order because the Respondent had not responded to the Specification of Charges filed in this case. The State was represented by Rachel Heath, Esq. The Respondent did not appear and was not represented by counsel.

Findings of Fact

1. The Respondent is licensed by the State of Vermont as a Licensed Nursing Assistant (LNA) and is therefore subject to the regulatory authority of the Board of Nursing. See 3 V.S.A. §§ 129 and 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.
2. A Specification of Charges was filed by the Prosecuting Attorney on or about March 2, 2023. On that date a copy of the Charges and Notice of Hearing was sent to the Respondent at the address which is on file with OPR by certified mail and first class mail.
3. By notice sent with the Charges, Respondent was advised that she was required to file an Answer within 20 days. See Administrative Rules of

Practice 3.3. As of the default hearing, the Respondent had failed to submit an Answer.

4. On March 31, 2023, the State filed a Motion for Default. On that date the motion as well as a notice of the default hearing was sent via certified mail and first class mail to the Respondent at the address on file with OPR. As of the default hearing, no response to the Motion for Default had been received by either the Docket Clerk or the Prosecuting Attorney. Furthermore, no communication has been received by either office since the filing of the Specification of Charges.
5. Upon consideration of the State's presentation, and taking judicial notice of the OPR file in this matter, the Hearing Officer finds the Respondent to be in default. Pursuant to the Administrative Rules of Practice 3.4, the allegations made in the Specification of Charges are treated as proven and the Board may take disciplinary action based on its findings. See also 3 V.S.A. §§ 809(d) and 814(c). A copy of the Specification of Charges is appended to this Order.
6. On March 4, 2009, Respondent pleaded guilty to Unlawful Mischief of \$250 or less, a misdemeanor, in Vermont Superior Court, Franklin Unit, in docket number 241-3-09 FrCr.
7. On April 12, 2010, Respondent pleaded guilty to Driving Under the Influence #1, a misdemeanor, in Vermont Superior Court, Franklin Unit, in docket number 28-1-10 FrCr.
8. On March 16, 2011, Respondent pleaded guilty to Vehicle Operation with License Suspended #1 for DUI, a misdemeanor, in Vermont Superior Court, Franklin Unit, in docket number 1517-12-10 FrCr.
9. On October 17, 2011, Respondent pleaded guilty to Carless and Negligent Vehicle Operation and Vehicle Operation with License Suspended, both misdemeanors, in Vermont Superior Court, Franklin Unit, in docket number 767-6-11 FrCr.
10. On March 13, 2012, Respondent pleaded guilty to Vehicle Operation with Suspended License #2 for DUI, a misdemeanor, in Vermont Superior Court, Franklin Unit, in docket number 1343-11-11 FrCr.

11. On July 9, 2013, Respondent pleaded guilty Vehicle Operation with License Suspended, a misdemeanor, in Vermont Superior Court, Franklin Unit, in docket number 605-5-13 FrCr.
12. On January 19, 2018, Respondent was charged with Vehicle Operation with License Suspended #1 for DUI, a misdemeanor, in Vermont Superior Court, Franklin Unit, in docket number 56-1-18 FrCr.
13. On November 16, 2018, Respondent applied to be a Licensed Nursing Assistant (LNA).
14. In the November 2018 Application, Respondent answered "No" to the following question, under the pains and penalty of perjury:

Have you EVER been convicted of a crime other than a minor traffic violation? (Driving While Intoxicated and Driving Under the Influence are not minor traffic violations.)
15. This answer was false.
16. In the November 2018 Application for licensure, Respondent answered "No" to the following question, under the pains and penalty of perjury: Are any criminal charges pending against you in any jurisdiction?
17. This answer was false.
18. On December 12, 2018, Respondent pleaded guilty for Vehicle Operation while License Suspended #1 for DUI, in Vermont Superior Court, Franklin Unit, in docket number 56-1-18 FrCr.

Conclusions of Law

Respondent has received adequate actual and/or constructive notice of the Charges in this matter as indicated by the Board's file and the Prosecutor's presentation. Because the Respondent has failed to file an Answer, the factual allegations contained in the Specification of Charge are taken as proven. Accordingly, the Board may conclude that the Respondent engaged in unprofessional conduct as alleged, to wit: made false and fraudulent statements in procuring a license as a Licensed Nursing Assistant.

PROPOSED ORDER

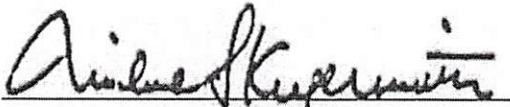
In accordance with the Findings of Fact and Conclusions of Law set forth above, and consistent with the recommendations of the Prosecuting Attorney, the Board **ORDERS**:

1. **Warning.** A Warning is hereby placed on Respondent's license.
2. **Indefinite Suspension.** Respondent's license is **Suspended Indefinitely**. Respondent must petition for reinstatement. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost:
 - a. Satisfactorily complete "Upholding the Standard: Professional Accountability in Nursing," offered by the National Council of State Boards of Nursing (NCSBN), or an equivalent course that has been pre-approved by the Nursing Case Manager. Respondent must provide any satisfactorily completed workbooks and certificates of completion to the Case Manager.

*Coursework may not be counted toward any continuing education requirement of licensure.
 - b. Respondent must write a detailed personal statement that provides a full accounting of why she believes she engaged in dishonest, deceptive and/or fraudulent conduct described in the default order, what steps she has taken to rehabilitate herself, why honesty and integrity are essential in the practice of nursing, and what steps and plan she has in place to ensure she will not engage in such conduct in the future. Respondent shall also submit documentation and letters of support with the petition.
3. If reinstated, Respondent's license **MAY BE CONDITIONED** pursuant to whatever terms the Board finds reasonable at the time of Respondent's reinstatement request, taking into account the personal statement, supporting documentation, the facts in the default order, and any other factors else the Board deems relevant. Such conditions may include supervised practice, employer reports, limited practice setting and a restriction against holding supervisory positions.

The Hearing Officer reports the above facts, conclusions of law, and finding of default to the Board with the recommendation that the Board approve them and enter the Order as above.

Dated this 13th day of April, 2023



Michael S. Kupersmith
Hearing Officer

The Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on _____. After considering the report, the Board takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- ☒ 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.
- ☐ Accepts the report, adopts the findings of fact and conclusions of law, rejects the recommended sanction, and schedules the matter for additional hearing on sanctions.

SO ORDERED,

DocuSigned by:

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Board of Nursing
By: Jennifer Laurent, Chair

Date of Entry: 5/11/23

Appeal Rights

This is a final administrative determination by the Board of Nursing. A party aggrieved by a final decision by the Board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, 89 Main Street, 3rd floor, Montpelier, VT 05620-3402, within 30 days of the date of 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 appeal shall be conducted based on the record created before the Board. In cases of alleged irregularities in procedure before the Board not shown on the record, proof of that issue may be taken by the Appellate Officer. 3 V.S.A. §§ 129(d) and 130a. A stay of this Order may also be requested.

**STATE OF VERMONT
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IN RE:	)	
Keri Lyn Paquette	)	Docket No. 2023-36
License No. 075.0134968	)	

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 Keri Lyn Paquette ("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 March 2, 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, and by email, on March 2, 2023. *See* ARPOPR 3.2. Respondent's answer was due on or before March 22, 2023. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

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Prosecuting Attorney
Office of
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89 Main Street
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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 30th day of March 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:)
KERI LYN PAQUETTE) **Docket No. 2023- 36**
License No. 075.0134968)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges
against Respondent Keri Lyn Paquette:

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. Keri Lyn Paquette ("Respondent") of St. Albans, Vermont is licensed by the State of Vermont as a Licensed Nursing Assistant ("LNA") under license number 075.0134968. This license was originally issued on December 13, 2018 and expired on November 30, 2022.
3. On March 4, 2009, Respondent pleaded guilty to Unlawful Mischief of \$250 or less, a misdemeanor, in Vermont Superior Court, Franklin Unit, in docket number 241-3-09 FrCr.
4. On April 12, 2010, Respondent pleaded guilty to Driving Under the Influence #1, a misdemeanor, in Vermont Superior Court, Franklin Unit, in docket number 28-1-10 FrCr.
5. On March 16, 2011, Respondent pleaded guilty to Vehicle Operation with License Suspended #1 for DUI, a misdemeanor, in Vermont Superior Court, Franklin Unit, in docket number 1517-12-10 FrCr.
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14. This answer was false.
15. On December 12, 2018, Respondent pleaded guilty for Vehicle Operation while License Suspended #1 for DUI, in Vermont Superior Court, Franklin Unit, in docket number 56-1-18 FrCr.

Violation One: 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.

16. The State re-alleges and incorporates Paragraphs 2 through 15 above.
17. Vermont law prohibits making a false statement or representation in procuring a license.
18. Paragraphs 2 through 15 above demonstrate that in 2018 Respondent provided false information in her application to be an LNA by failing to disclose her prior criminal convictions and pending criminal charge.

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19. 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, the license of Keri Lyn Paquette should be warned, reprimanded, suspended, revoked, limited, conditioned, or otherwise disciplined.

DATED at Vermont, this 2nd day of March 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Rachel Heath
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