

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

**IN RE: ALEXANDRIA ARCHIE
 LICENSE NO. 075.0140089**

DOCKET NO. 2023-38

Appearances:

Prosecutor:	Ultan Doyle, 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, Alexandria Archie, was licensed in Vermont as a Licensed Nursing Assistant.
2. I held a Default Hearing in the above matter on May 17, 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. The State moved for Respondent to be found in default because she has not responded to the Specification of Charges in this matter.
4. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent a written Notice of Hearing for Default Judgment to the Respondent on May 1, 2023 by regular mail, certified mail (return receipt requested), and e-mail. None of these were returned as undeliverable, and the return receipt appended to the certified mailing was not returned. I find that notice of the Default Hearing was proper.
5. The State filed the Specification of Charges in this matter on March 3, 2023. Ms. Bowen sent the Specification of Charges to Respondent on that same date by regular mail, certified mail (return receipt requested), and e-mail. The return receipt appended to the certified mailing was signed by someone other than Respondent, and returned. 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.

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 committed three (3) violations as set forth at length in the Specification of Charges, specifically:
 - 26 V.S.A. §1582(a)(3) (engaging in conduct of a character likely to deceive, defraud, or harm the public);
 - 3 V.S.A. §129a(a)(7) (willfully making or filing false reports or records in the practice of the profession, willfully impeding or obstructing the proper making or filing of reports or records, or willfully failing to file the proper reports or records); 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).
11. The State recommended that the Respondent's license be suspended indefinitely, with reinstatement only to be considered: (1) upon completion of a course on ethics related to the nursing profession, no less than three hours in duration, that is preapproved by the Office of Professional Regulation, Case Manager for Nursing; and (2) the payment of a fine in the amount of five hundred dollars (\$500.00).
12. Accordingly, the Board of Nursing may find, based on the finding of Respondent's default, that Respondent has engaged in the unprofessional conduct alleged in the Specification of Charges, and 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 Respondent successfully completes a course on ethics related to the nursing profession, no less than three hours in duration, that is preapproved by the Office of Professional Regulation, Case Manager for Nursing; pays a fine in the amount of five hundred dollars (\$500.00) to the Vermont Office of Professional Regulation; and otherwise qualifies for licensure.

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 17th day of May 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 June 12, 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: 6/12/2023

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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BOARD OF NURSING**

IN RE:	)	
Alexandria Archie	)	Docket No. 2023-38
License No. 075.0140089	)	

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 Alexandria Archie (“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 3, 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 March 3, 2023. See ARPOPR 3.2. Respondent’s answer was due on or before March 23, 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 20th day of April, 2023.

STATE OF VERMONT
SECRETARY OF STATE

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

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IN RE:)
ALEXANDRIA ARCHIE) **Docket No. 2023-38**
License No. 075.0140089)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont, by and through State Prosecuting Attorney, Ultan Doyle, and makes the following charges against the Respondent, Alexandria Archie:

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.

Statement of Facts

2. Alexandria Archie (“Respondent”) of Biloxi, Mississippi is licensed by the State of Vermont as a Licensed Nursing Assistant (“LNA”) under license number 075.0140089. This license was originally issued on September 6, 2022, and expires on November 30, 2024.
3. On or about September 12, 2022, Respondent was hired as an LNA by TLC Nursing (“the Agency”), a travel nurse staffing agency, for an assignment at Maple Lane Nursing Home (“the Facility”) in Orleans, Vermont.
4. The assignment was for a minimum of 4 weeks and began on September 14, 2022.
5. In order to work for the Facility, Respondent was required to submit to the Agency proof that she had been vaccinated against COVID-19.
6. Respondent submitted to the Agency a vaccination card which showed that she received her first Pfizer COVID-19 vaccination on August 18, 2022.
7. On September 26, 2022, an employee of the Agency informed Respondent that she was required to submit proof of her second COVID-19 vaccination.

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8. On September 26, 2022, Respondent told the employee that she had already received her second COVID-19 vaccination.
9. Respondent submitted to the Agency a vaccination card which showed that she received her first Pfizer COVID-19 vaccination on July 21, 2022.
10. The July 21, 2022 date appeared to have been altered.
11. The vaccination card showed that she received her second Pfizer COVID-19 vaccination on August 20, 2022.
12. On September 27, 2022, Respondent submitted to the Agency another vaccination card which showed that she received her first Pfizer COVID-19 vaccination on August 18, 2022 and her second Pfizer COVID-19 vaccination on September 27, 2022.
13. The writing on the vaccination card that was submitted on September 27, 2022 was different from the other two vaccination cards that were submitted and Respondent's last name was spelt "Rachie."
14. On September 27, 2022, the Agency advised Respondent that her employment with the Agency was being terminated as a result of her submitting forged vaccination cards.

Violation One: 3 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

15. The State re-alleges and incorporates Paragraphs 2 through 14 above.
16. As an LNA, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
17. Paragraphs 2 through 14 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public by submitting to the Agency COVID-19 vaccination cards that she had falsified.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. §1582(a)(3).

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Violation Two: 3 V.S.A. §129a(a)(7) Willfully making or filing false reports or records in the practice of the profession, willfully impeding or obstructing the proper making or filing of reports or records, or willfully failing to file the proper reports or records.

19. The State re-alleges and incorporates Paragraphs 2 through 14 above.
20. As an LNA, Respondent is required to make and file accurate reports and records in the practice of the profession and must refrain from willfully making or filing false reports or records and from willfully impeding or obstructing the proper making or filing of reports or records.
21. Paragraphs 2 through 14 demonstrate that Respondent willfully made and filed false reports and records in the practice of the profession by submitting to the Agency COVID-19 vaccination cards that she had falsified.
22. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by willfully making and filing false reports in the practice of the profession and willfully impeding or obstructing the proper making or filing of reports or records in violation of 3 V.S.A. §129a(a)(7).

Violation Three: 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.

23. The State re-alleges and incorporates Paragraphs 2 through 14 above.
24. As an LNA, Respondent is required to exercise her own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
25. Paragraphs 2 through 14 demonstrate that Respondent failed to exercise independent professional judgment by submitting to the Agency COVID-19 vaccination cards that she had falsified.
26. 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)(15).

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Relief Requested

WHEREFORE, the LNA license of Respondent should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

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

STATE OF VERMONT
SECRETARY OF STATE

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