

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

IN RE:)
Kevin Sheasgreen) **Docket No. 2023-82**
Application Tracking No. LI-647489)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Ultan Doyle, and Applicant Kevin Sheasgreen, who hereby Stipulate and Agree as follows:

Board Authority

1. The Vermont Board of Nursing (the "Board") has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 3 V.S.A. §129a; 26 V.S.A. Ch.28; the Vermont Board of Nursing Administrative Rules, and the Rules of the Office of Professional Regulation.

Basis for Denial

Basis for Denial One: 3 V.S.A. §129a(a)(10) 3 V.S.A. § 129a(b)(2) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (2) failure to conform to the essential standards of acceptable and prevailing practice.

2. At all relevant times, Applicant was employed as an APRN at Katahdin Health Center (the "Facility") in Patten, Maine.
3. On or about July 23, 2022, Respondent entered the Facility's electronic health record system as a provider, entered his own patient chart, and issued himself a prescription for cardiac medication.
4. Respondent prescribed himself the medication because he had run out of it on a weekend.
5. On July 28, 2022, the Facility terminated Respondent's employment.
6. On March 23, 2023, the Maine Board of Nursing approved a Consent Agreement for Warning (the "Consent Agreement").

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

7. The factual basis for the Consent Agreement included those facts set forth in paragraphs 2 through 5 above.
8. Under the terms of the Consent Agreement, the Maine Board of Nursing found that Respondent had engaged in unprofessional conduct by prescribing medication to himself and issued him a warning for this conduct.
9. Under Vermont law, when unprofessional conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action, whether the conduct occurred within or outside of the State of Vermont. *See* 3 V.S.A. 129a(a).
10. In Vermont, failure to conform to the essential standards of acceptable and prevailing practice constitutes unprofessional conduct.
11. Paragraphs 2 through 8 above demonstrate that Respondent failed to conform to the essential the essential standards of acceptable and prevailing practice by prescribing himself medication as an APRN.

Understandings

12. Applicant admits the facts set forth above are true and the Board may find that the Applicant engaged in unprofessional conduct.
13. Applicant admits that the order below is necessary to protect the public.
14. Applicant understands that the Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
15. Applicant specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced Applicant's rights to a fair and impartial hearing in future hearings if the Board does not accept this agreement.
16. Applicant has read and reviewed this entire document and agrees that this document contains the entire agreement between the parties.
17. Applicant is not under the influence of any drugs or alcohol at the time of signature of this Stipulation and Consent Order.
18. Applicant voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
19. Applicant voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
20. Applicant agrees that the Board may enter into the Order set forth below.

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ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board hereby grants Applicant licensure as an APRN.
- B. The Board hereby **WARNS** Applicant's license when it is issued.
- C. Notwithstanding any provision above, Applicant must continue to meet all requirements for maintaining a license, license renewal, and license reinstatement.
- D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- E. This Stipulation and Consent Order will remain part of Applicant's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 5/18/23

STATE OF VERMONT
SECRETARY OF STATE
By: Ultan Doyle
Ultan Doyle
Prosecuting Attorney

Dated: 5/18/2023

APPLICANT
By: Kevin Sheasgreen
Kevin Sheasgreen

APPROVED AND SO ORDERED:

Dated: 6/13/2023

VERMONT BOARD OF NURSING
DocuSigned by:
By: Jennifer Laurent
Board Chairperson

Date of Entry: 6/13/2023

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**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 Hanzus, Secretary of State
S. Lauren Hibbert, Deputy Secretary
Kevin A. Rushing, Director

May 17, 2023

Kevin Sheasgreen
246 Parkview Ave
Bangor, ME 04401-4063

Case: In Re Kevin Sheasgreen
Application: LI-647489
Docket No.: 2023-82

NOTICE OF PRELIMINARY DENIAL HEARING

We have received your notice of appeal of the decision to preliminarily deny your application for licensure as a Advanced Practice Registered Nurse. This case is scheduled for a hearing on:

Date: June 12, 2023
Time: 9:15 a.m.
Location: Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, Vermont 05620-3402

This hearing will be convened remotely consistent with 1 V.S.A. §§ 310-314. OPR recommends you participate remotely. If you cannot attend the hearing remotely, connection to the hearing will be available at the Office of Professional Regulation, 89 Main Street, 3rd floor, Montpelier, VT 05602.

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 step-by-step directions on how to find your meeting on the OPR public calendar. Please note that you should use the phone numbers and access codes provided in the OPR public calendar or in the email sent to you by the Docket Clerk. Do NOT use the phone numbers and meeting details provided in the attached Microsoft Teams Meetings Instructions.

Please find the enclosed Hearing and Discovery Schedule.

If you have any questions, please do not hesitate to contact the office at (802) 828-2367.

Sincerely,

/s/ Julie Bowen
Docket Clerk

Enclosure: *Hearing and Discovery Order, Remote Meeting Participation Instructions*

cc: George Belcher, Esq., Hearing Officer
Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Corrine Reynolds, Licensing Administrator

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

In Re: Kevin Sheasgreen
Docket No.: 2023-82

Profession: Nursing
Date of Petition for Review of Preliminary Denial: 5/17/2023

Discovery and Hearing Schedule/Preliminary Denial Case

On the above date the Office of Professional Regulation received Applicant's Petition for Review of Preliminary Denial of a License Application in the above referenced docket number. As a result, the following Discovery (exchange of information) Order and Hearing Schedule is hereby issued.

- | | |
|--|-----------------|
| 1. Applicant's written disclosure of witnesses, a summary of each witnesses' testimony, and copies of exhibits shall be disclosed: | 5/31/2023 |
| 2. State's written disclosure of witnesses, a summary of each witnesses' testimony, copies of exhibits shall be disclosed: | and
6/7/2023 |

Case is scheduled for a Hearing before the Board of Nursing:

Date: June 12, 2023 @ 9:15 a.m.

Place: DUE TO COVID-19 ALL HEARINGS WILL OCCUR REMOTELY
You can access your hearing remotely using the OPR public calendar (<https://sos.vermont.gov/opr-event-calendar>). Please see the attached Microsoft Teams Meetings Instructions for how to access your hearing from the OPR public calendar.

Exhibits (Supporting Documents)

To submit exhibits prior to the Hearing, parties must send the exhibits by mail or email to the Docket Clerk (sos.oprdocket@state.vermont.gov). Exhibits that have not been received by the Docket Clerk at least one day prior to the Hearing will need to be submitted electronically during the Hearing. Parties should confirm with the Docket Clerk that the exhibits mailed or emailed prior to the Hearing have been received.

Each exhibit should be a separate attachment and clearly labeled. State's exhibits shall be numbered. Respondent's exhibits shall be lettered. If you need assistance with this process, please contact the Docket Clerk.

Changes to This Schedule

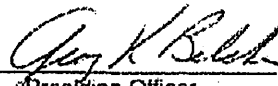
Parties may change the dates set forth in this schedule by mutual agreement. Written stipulations of the agreed upon date changes shall be filed with the Docket Clerk. Motions to Continue the Hearing Date or Motions to Request an Earlier Hearing must be filed in writing with the Docket Clerk. A Motion to Continue the Hearing Date that is filed less than 6 working days before the scheduled hearing date will be denied unless extraordinary grounds are documented in the motion. If a party wishes to have a prehearing conference with the Board's Presiding Officer or the assigned Administrative Law Officer, that request must be filed in writing with the Docket Clerk.

For the Board or Hearing Officer to efficiently and fairly hear this case, it is helpful for the anticipated witnesses to be identified [to the Board and to the other party] by name, address, qualifications (if any, such as "Registered Nurse"), and a brief summary of the testimony about which the witnesses are expected to testify. Failure to so disclose a witness and their expected testimony, or the intended exhibits, is likely to result in the exclusion of the witness or the exhibit. Under certain circumstances and with prior approval, a witness may testify by telephone. (See OPR Rule 3.19) In preliminary denial reviews the burden is upon the applicant to demonstrate entitlement to the license. (3 VSA Sec. 129(c))

If a party wishes a prehearing conference with the Board's Presiding Officer or additional discovery (depositions, etc.), that request must be made in writing and filed with the Docket Clerk at least one week prior to the scheduled hearing.

ALL filings must be served on the Docket Clerk and on the opposing party.

So ORDERED,

 Date: 5/17/23

Presiding Officer

May 17, 2023

Ms. Julie Bowen, Docket Clerk
Office of Professional Regulation
89 Main St, 3rd Floor
Montpelier, VT 05602-3402

Dear Ms. Bowen,

Mr. Doyle recommended that I contact you via e-mail, but I have also mailed overnight a copy of this letter.

Regarding Docket No. 2023-82, a Notice of Preliminary Denial, Application Tracking No. LI-647489, I would like to seek a review of this. I would ask your kind assistance in processing this petition as expeditiously as possible. I am starting work in Vermont as an APRN June 19th.

Mr. Doyle has let me know he anticipates carrying through to my Vermont APRN license a warning against my Maine APRN license via a stipulation that would also grant me licensure if this was agreeable to me. As indeed it is, I would be very gratified if you would acknowledge and advance this petition to his office.

Please don't hesitate to contact me if you have any questions. I will be traveling (mostly in Burlington in fact) the next through the 26th, so my cell or e-mail will be the best way to contact me.

Sincerely yours,



Kevin Sheasgreen

246 Parkview Avenue
Bangor, Maine 04401
H: (207) 307-7452
C: (781) 252-9118
kevinjsheasgreen@hotmail.com

**STATE OF VERMONT
SECRETARY OF STATE
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BOARD OF NURSING**

IN RE:)
Kevin Sheasgreen) Docket No. 2023-82
Application Tracking No. LI-647489)

NOTICE OF PRELIMINARY DENIAL

An Application for licensure as an Advanced Practice Registered Nurse ("APRN"), submitted by Kevin Sheasgreen ("Applicant"), was received by the Office of Professional Regulation ("OPR") on September 23, 2022 (the "Application"). The Application was complete on May 1, 2023. The Application has been **preliminarily denied** by the State of Vermont for the following reasons:

Board Authority

1. The Vermont Board of Nursing (the "Board") has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 3 V.S.A. §129a; 26 V.S.A. Ch.28; the Vermont Board of Nursing Administrative Rules, and the Rules of the Office of Professional Regulation.

Basis for Denial

Basis for Denial One: 3 V.S.A. §129a(a)(10) 3 V.S.A. § 129a(b)(2) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (2) failure to conform to the essential standards of acceptable and prevailing practice.

2. At all relevant times, Applicant was employed as an APRN at Katahdin Health Center (the "Facility") in Patten, Maine.
3. On or about July 23, 2022, Respondent entered the Facility's electronic health record system as a provider, entered his own patient chart, and issued himself a prescription for cardiac medication.
4. Respondent prescribed himself the medication because he had run out of it on a weekend.
5. On July 28, 2022, the Facility terminated Respondent's employment.
6. On March 23, 2023, the Maine Board of Nursing approved a Consent Agreement for Warning (the "Consent Agreement").

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7. The factual basis for the Consent Agreement included those facts set forth in paragraphs 2 through 5 above.
8. Under the terms of the Consent Agreement, the Maine Board of Nursing found that Respondent had engaged in unprofessional conduct by prescribing medication to himself and issued him a warning for this conduct.
9. Under Vermont law, when unprofessional conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action, whether the conduct occurred within or outside of the State of Vermont. *See* 3 V.S.A. 129a(a).
10. In Vermont, failure to conform to the essential standards of acceptable and prevailing practice constitutes unprofessional conduct.
11. Paragraphs 2 through 8 above demonstrate that Respondent failed to conform to the essential the essential standards of acceptable and prevailing practice by prescribing himself medication as an APRN.

As a result of the foregoing reasons, the Application for licensure is **PRELIMINARILY DENIED**. If you would like this decision to be reviewed, please refer to the petition for review instructions at the bottom of this notice.

DATED this 15th day of May, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By:


Ultan Doyle
Prosecuting Attorney
ultan.doyle@vermont.gov

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

To seek review of this preliminary decision to deny your license application, you must file with the Docket Clerk a written petition requesting review within 30 days of the date of this notification. In order to expedite the review process, your petition shall include a statement of issues, that is, why the preliminary denial should be reversed and that the license should be granted.

Please send the petition via first-class mail, postage prepaid to the address below:

Julie Bowen, Docket Clerk
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05602-3402

Upon receipt of a timely petition for review, a hearing will be scheduled. The State will be represented by the state prosecutor. At the hearing, you will have the burden of proving that the preliminary decision to deny the license should be reversed and that your license should be granted. 3 V.S.A. §129(e). You may have an attorney represent you, and you may bring witnesses and documents to the hearing. After the hearing, the tribunal may uphold the denial, in whole, or in part, may reverse the decision and issue an unrestricted license, or may issue a license with disciplinary sanctions attached. 3 V.S.A. §129(a)(3).

If you do not petition for review, the preliminary denial of the license will become final in 30 days. As a final disciplinary decision, the denial will be reported to all required national data banks and shall be public pursuant to 3 V.S.A. §131.

Once the decision is final, it may be appealed pursuant to 3 V.S.A. §130a.

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