

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

In re: BRADFORD ROCKWELL	}	
License No. 075.0007274	}	Docket No. 2024-100
	}	

FINDINGS AND ORDER

Participating Board Members:

William Jamie Floyd, RN, Acting Chair
Jennifer Lyon, RN
Deborah Belcher, Public Member
Melissa Loisel, LNA
Jill Neary, LPN
Marsha Arend, RN
Douglas Sutton, RN, *ad hoc* member

Appearances:

Prosecuting the case: Rachel Heath, Esq., who participated electronically.
Respondent: participated electronically and represented himself

Presiding Officer:

George K. Belcher

Exhibits:

State Exhibit 1: Criminal Information Docket 522-4-01 and affidavit and supplemental affidavit
State Exhibit 2: New Hampshire Criminal Case Docket No. 213-18Cr-414; sentencing order and affidavit
State Exhibit 3: Vermont Criminal Case SA Case #23-7452 Information and Affidavit
State Exhibit 5: Stipulation and Consent Order; OPR Case # NA44-0109/2009-4
Respondent Exhibit E: Letter dated 3/24/24 from Samantha DiNatale

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Board of Nursing on Amended Specification of Charges dated 28 January, 25. The hearing was held electronically on February 10, 2025, with the Attorneys, the Respondent, the witness and the Board members all participating by telephone or via electronic means pursuant to the Office of Professional Regulation Rules.

Findings of Fact

Based on the evidence presented at the hearing, the pleadings, and the arguments of

counsel, the Vermont Nursing Board finds as follows:

1. Respondent was licensed as a Licensed Nursing Assistant (LNA) in the State of Vermont. The Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 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. The prosecutor has filed a Specification of Charges. The majority of the charges were admitted by the Respondent in his answer dated July 15, 2024. A copy of the Specification of Charges is attached to this Decision and Order.
3. The Respondent was convicted of DUI on May 14, 2001, concerning driving while under the influence of marijuana. (Exhibit 1)
4. On May 14, 2009, the Respondent was Reprimanded by the Vermont Board of Nursing for failure to disclose the 2001 conviction in his 2004 and 2006 applications for license renewal.
5. On February 6, 2007, the Respondent pled guilty to excessive speeding.
6. There is no record that the Respondent informed OPR about the 2007 speeding conviction. The Respondent stated in his answer that he “forgot” about the obligation to report the conviction.
7. On November 14, 2018, the Respondent was charged with DUI and possession of drugs in New Hampshire Superior Court. (Exhibit 2) According to the affidavit the Respondent was under the influence of heroin while driving and he had possession of heroin. The Respondent was stopped while driving his car after having left a filling station with the gas pump nozzle and eight feet of hose dragging behind his car.
8. On November 23, 2018, the Respondent renewed his LNA license and failed to disclose the 2018 charges which were then pending. Likewise, the Respondent failed to report his New Hampshire conviction when he was ultimately convicted of DUI in New Hampshire as a result of the charges set forth in Exhibit 2. He failed to report the conviction on his LNA renewal application in 2020.
9. On April 17, 2024, the Respondent pled guilty to DUI resulting from a car crash on 3/1/23. During the incident on 3/1/23 the Respondent’s vehicle was in the median of I-91 Northbound with the engine running and the Respondent unconscious and not breathing. He was revived by three doses of naloxone. Blood samples were taken from the Respondent on that date and the samples showed that he was under the influence of marijuana and fentanyl at the time of the crash.
10. The Respondent did not report the conviction to OPR within 30 days of the conviction as required.
11. The Respondent participated in the hearing and there were no objections to notice.
12. The parties were unable to agree upon a sanction and the matter was presented to the Board for a determination of the appropriate sanction.
13. The Respondent requested that his license be reprimanded and/or that he pay a fine so that he could keep his LNA license.

Conclusions of Law

1. The pleadings and evidence presented shows facts which justify a finding of unprofessional conduct by the Respondent and specifically violations of : first, 26 VSA

Sec. 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 renewal of a license]; second, 3 VSA Sec. 129a(a)(11) [Failing to report to the Office of Professional Regulation conviction of any felony or misdemeanor offence in a Vermont court, a federal court, or a court outside of Vermont within 30 days]; The Board finds these statutes were violated.

2. Pursuant to the findings and conclusions above, the Board does order as follows.

Order

1. The Respondent's license is INDEFINITELY SUSPENDED until the Respondent petitions for reinstatement and the Board has reinstated his license.
2. Prior to seeking reinstatement, the Respondent shall petition for reinstatement. Within forty-five (45) days of requesting reinstatement, the Respondent must, at his 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 this 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, as well as any recommendations that would ensure that the Respondent is safe to practice. The evaluation must be submitted to the Enforcement Unit Case Manager;
 - (b) Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random drug and alcohol screens:
 - (i) When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager at the Office of Professional Regulation to set-up the drug and alcohol screen process and receive instructions. Once registered with the pre-approved person or entity, Respondent will have 45 days to submit to a minimum of three (3) random drug and alcohol screens. The process by which Respondent learns whether the Respondent 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 drug and alcohol screens 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 result of which shall be negative;
 - (iii) Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a drug or alcohol screen in any way shall cause that screen to be presumed positive; and
 - (c) If recommended by an Independent Evaluator, the respondent must enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations. If treatment is recommended, Respondent must submit a treating professional agreement to the Enforcement Unit Case Manager before a reinstatement request will be considered.

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, the drug and alcohol screen results, the facts contained in this Order, and any other relevant factors at that time.

SO ORDERED.

Vermont Board of Nursing

By: ^{Signed by:} William James Floyd
^{1982E/830012ABE}
William "Jamie" Floyd
Acting Chair

Date: 2/13/2025

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/13/25

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing or Director of the Office of Professional Regulation. 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, Fl. 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.