

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

**IN RE: TASHA BUSHELL
 LICENSE NO. 075.0137592**

DOCKET NO. 2024-108

Appearances:

Prosecutor:	George Hasselback, 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, Tasha Bushell, was licensed in Vermont as a Licensed Nursing Assistant.
2. I held a Default Hearing in the above matter on November 5, 2024 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 October 8, 2024, the State moved for Respondent to be found in default because she has not responded to the Specification of Charges in this matter.
4. The State filed the Specification of Charges in this matter on July 18, 2024. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent on July 18, 2024 by regular mail, certified mail and e-mail. None of the mailings of the Specification of Charges were returned as undeliverable; the Certified Mail return receipt was returned on September 3, 2024 as unclaimed. I find that notice of the Specification of Charges was proper.
5. Having failed to timely respond to the *Specification of Charges*, the State moved for default judgment against Respondent, on October 8, 2024.
6. Ms. Bowen testified that she sent the Notice of Hearing for Default Judgment to the Respondent on October 9, 2024 by regular mail, certified mail and e-mail. None of these

were returned as undeliverable. The Certified Mail return receipt was returned on October 24, 2024, signed by Respondent. I find that notice of the Default Hearing was proper.

7. 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.
8. 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.
9. 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).
10. I shall treat the factual allegations in the Specification of Charges as proven. *See* O.P.R. Rule 3.4.
11. I find that Respondent violated 26 V.S.A. §1582(a)(12) (misappropriating patient property) as set forth at length in the Specification of Charges; specifically, that Respondent misappropriated patient money without permission from the residents or the Facility for which she had worked.
12. The State recommended that the Respondent's license be suspended indefinitely. I find this is an appropriate sanction.
13. 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 **INDEFINITELY SUSPENDED**.

Such indefinite suspension shall continue until Respondent successfully petitions the Board of Nursing for reinstatement. If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms the Board of Nursing finds reasonable at the time of Respondent's reinstatement.

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 5th day of November, 2024.



Wesley M. Lawrence
Hearing Officer, Vermont Board of Nursing

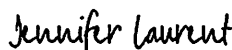
The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the Proposed Order and its basis, above, on December 9, 2024.

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.

Signed by:

EB1741915719477...
Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: 12/10/24

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.



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

October 9, 2024

Tasha Bushell
27 North Elm St.
St. Albans, VT 05478

Case: In Re Tasha Bushell
License: License # 075.0137592
Docket No.: 2024-108

NOTICE OF HEARING FOR DEFAULT JUDGMENT

The Tribunal has scheduled a hearing for default judgment to be held on:

Date: November 5, 2024
Time: 9:00 a.m.

You have received notice of the charges and have failed to answer them within 20 days as required by law. Pursuant to 3 V.S.A. Section 809(d), the tribunal is authorized to enter a default judgment, meaning the allegations will be assumed to be true, and an appropriate sanction may be issued.

This hearing will take place remotely. You can participate either online or by telephone.

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 additional information about how to join your hearing remotely from the OPR public calendar.

If you wish to contest the charges you must contact the office **immediately** at (802) 828-2367 and show good cause for failing to answer the charges against you.

Sincerely,

/s/Julie Bowen
Docket Clerk

Enclosures: *States Request for Default & OPR Calendar Remote Hearing Participation Instructions*

cc: Wesley Lawrence, Esq., Hearing Officer
George Hasselback, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Tasha Bushell, Respondent, First Class Mail, Certified Mail, Email



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

IN RE:	)	
Tasha Bushell	)	Docket No. 2024-108
License No. 075.0137592	)	

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney George L. Hasselback, 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 Tasha Bushell (“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 July 18, 2024. 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 July 18, 2024. *See* ARPOPR 3.2. Respondent’s answer was due on or before August 7, 2024. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

STATE OF VERMONT



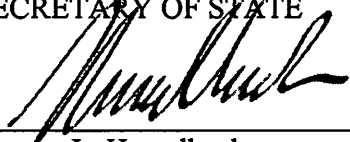
Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier,

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 8th day of October, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: _____


George L. Hasselback
Prosecuting Attorney
George.hasselback@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier,



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

July 18, 2024

Tasha Bushell
27 North Elm St.
St. Albans, VT 05478

Case: RE: Tasha Bushell
Credential: License # 075.0137592
Docket No: 2024-108

NOTICE OF SPECIFICATION OF CHARGES

The State Prosecuting Attorney has filed the enclosed *Specification of Charges* and has asked the Office of Professional Regulation to take disciplinary action against your license.

You or your attorney must file a written Answer to the charges **within 20 days** of the date of this notice. Enclosed is an Answer form as a suggested format for your response to the charges. Return your Answer to the Docket Clerk and Prosecuting Attorney at the addresses listed on the Answer form. Once your Answer has been received, a hearing will be scheduled.

If you fail to answer the charges **within 20 days**, disciplinary action may be taken against your license by default and without your input. The *Administrative Rules for the Office of Professional Regulation* are available online at <https://sos.vermont.gov/opr/>.

If you have an attorney who has filed a Notice of Appearance with this office, we will continue to send copies of all correspondence to both you and your attorney unless directed otherwise.

Sincerely,

/s/Julie Bowen
Docket Clerk

Enclosures: *Specification of Charges and Answer Form*

Cc: George Hasselback, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Tasha Bushell, Respondent, First Class Mail, Certified Mail & Email



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

IN RE:)
Tasha Bushell) **Docket No. 2024-108**
Vermont License No. 075.0137592)
)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont (the "State") and makes the following charges against Respondent Tasha Bushell:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Licensed Nursing Assistants ("LNAs") pursuant to 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. Tasha Bushell ("Respondent") of Charlotte, Vermont holds a license to practice as an LNA under license number 075.0137592 issued by the State of Vermont. This license was originally issued on July 14, 2021, and expires on November 30, 2024.
3. At all times relevant to this matter, Respondent was employed as an LNA at an assisted living residence in Burlington, Vermont ("the Facility").
4. At all times relevant to this matter, the Facility kept a "petty cash bag" locked in a cabinet.
5. The purpose of the petty cash bag was to allow residents to deposit cash that they may need for day-to-day incidental costs in a secure location so that it could be accessed when residents needed it.
6. Residents would deposit cash into the bag whenever they wished, and these deposits would be recorded in a ledger.
7. If a resident needed to access their cash, the Facility's administrative staff would retrieve the bag from the locked cabinet, provide the requested cash to the resident, and record this withdrawal in the ledger.
8. Individual Residents' cash was co-mingled in the petty cash bag.

STATE OF VERMONT



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

9. The Facility's administrative staff conducted periodic audits of the petty cash bag to ensure that the residents' money was safe and accounted for.
10. On or about February 1, 2024, the Facility's administrative staff discovered that approximately eighty dollars (\$80.00) was missing from the petty cash bag.
11. On or about March 1, 2024, the Facility's administrative staff discovered that approximately an additional one-hundred and thirty-five dollars (\$135.00) was missing from the petty cash bag.
12. On or about March 8, 2024, the Facility's administrative staff discovered that approximately an additional sixty dollars (\$60.00) was missing from the petty cash bag.
13. Following this discovery, the Facility installed a security camera to monitor the locked cabinet in which the petty cash bag was kept.
14. On or about March 13 and 14, 2024, that security camera recorded activity and sound that indicated someone opened the locked cabinet where the petty cash bag was kept, but it did not record video as the levels of light were not sufficient.
15. Following both of those days, the Facility's administrative staff discovered that an additional sixty dollars (\$60.00) was missing from the petty cash bag (\$120.00 total).
16. The Facility's administrative staff adjusted the security camera to record in low light.
17. On or about March 20, 2024, the security camera recorded Respondent entering the area of the locked cabinet, opening the cabinet with a key, opening the petty cash bag, and removing money from it.
18. The following morning, the Facility's administrative staff discovered an additional sixty dollars (\$60.00) missing from the petty cash bag.
19. Respondent subsequently admitted to taking all of the aforementioned money from the petty cash bag without the permission of any of the Facility's residents and/or without any authorization from the Facility.
20. Subsequently, Respondent's employment at the Facility was terminated.

Violation One: 26 V.S.A. §1582(a)(12) Misappropriating patient property.

21. The State re-alleges and incorporates Paragraphs 2 through 20 above.
22. As a licensed LNA in the State of Vermont, Respondent is required to refrain from misappropriating patient property.

STATE OF VERMONT



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

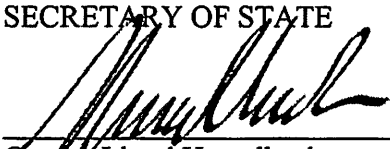
23. Paragraphs 2 through 20 demonstrate that Respondent misappropriated patient property when she took money out of the Facility's petty cash bag on several occasions without permission from either the residents (who owned the money) or the Facility (who was securing the money on behalf of its owners).
24. 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)(12).

WHEREFORE, Respondent's LNA license should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 18th day of July, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: _____


George Lloyd Hasselback
Prosecuting Attorney
(802)828-0350
george.hasselback@vermont.gov

STATE OF VERMONT



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