

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

IN RE:)
Melissa Hathaway) **Docket No. 2024-158**
VT RN License No. 026.0147541)

NOLO CONTENDERE STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney George Hasselback, and Respondent Melissa Hathaway by and through Attorney Pamela Eaton who hereby Stipulate and Agree as follows:

Board Authority

1. 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 Rules").

Stipulated Facts

2. Melissa Hathaway ("Respondent") of Granby, MA is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0147541. This license was originally issued on October 14, 2021, and expires on March 31, 2025.
3. On or about March 31, 2023, Respondent applied for renewal of her Vermont RN license ("the Application").
4. As part of that process, Respondent was asked "Since your license was last renewed (or since it was issued if within the last two years): Are you currently under INVESTIGATION or PENDING CHARGES in Vermont or ANY other state, federal authority, or other jurisdiction?"
5. Respondent replied "no" to this question.
6. This answer was false, because on or about November 30, 2021, the Board of Registration in Nursing for the Commonwealth of Massachusetts ("the MA Board") issued and served upon the Respondent an Order to Show Cause on why it should not take action against her Massachusetts RN license and right to renew the same in Massachusetts.

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7. Respondent signed the Application with the following admonitions and certifications in the Attestation:

Caution to Applicant

A false statement on this application may constitute unprofessional conduct and may be a basis for denial of a license application or discipline of a license, to include revocation. 3 V.S.A. § 129a. A person who declares, certifies, or verifies in a signed writing that a statement is true and is made under the pains and penalties of perjury, and who willfully makes a false statement in the declaration, certification, or verification, shall be guilty of perjury, a crime punishable by imprisonment not more than 15 years or a fine of not more than \$10,000.00, or both. 13 V.S.A. § 2901 & 2904(b).

Certification of Identity

In the case of an application for individual licensure, I am the person in whose name this application is completed; or in the case of a corporate applicant, I am an authorized officer of the applicant corporation, having executive authority to complete this application and personal knowledge of and accountability for the representations herein.

Certification of Accuracy

I understand that submission of this application represents that I have understood each question, that I have been candid and disclosed all relevant information, and that I have answered each question from sound personal knowledge, not a hunch, guess, or supposition. I understand that any failure to provide accurate information could result in a preliminary denial of my application or as a basis for unprofessional conduct charges against my license.

Certification of Truthfulness

I hereby certify, under the pains and penalties of perjury, that the answers, entries, and representations herein are true and accurate.

8. On or about March 21, 2024, the MA Board issued a Final Decision and Order suspending Respondent's Massachusetts RN license for thirty (30) days commencing on the effective date of that order.

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Violation One: 3 V.S.A. § 129a(a)(1) Fraudulent or deceptive procurement or use of a license.

9. The State re-alleges and incorporates Paragraphs 2 through 8 above.
10. Vermont law prohibits RNs from fraudulently or deceptively procuring or using a professional license.
11. Paragraphs 2 through 8 above demonstrate that Respondent fraudulently and/or deceptively procured a license when she answered "no" on a renewal application for her Vermont RN license when she was asked if she was currently under investigation or pending charges in any jurisdiction.
12. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(1).

Understandings

13. This Stipulation is neither an admission of facts by Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and the expense of protracted litigation, the parties enter this full and final Stipulation pursuant to these Understandings and the Order below. Respondent does not contest that the State has evidence which, if believed by the fact finder, may establish by a preponderance of the evidence that they engaged in the alleged misconduct.
14. Respondent agrees the conditions below are necessary to protect the public.
15. Respondent 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.
16. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
17. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
18. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
19. Respondent 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.
20. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.

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21. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

- A. The Board of Nursing hereby **REPRIMANDS** Respondent's license.
- B. Respondent shall, within ninety (90) days of the date of entry of this Stipulation and Consent Order, pay a fine of two-hundred and fifty dollars (\$250.00).
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board 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 Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: _____

STATE OF VERMONT
SECRETARY OF STATE

By: _____

George Hasselback
George Hasselback
Prosecuting Attorney

Dated: 3/7/2025

By: _____

RESPONDENT

Melissa Hathaway
Melissa Hathaway

APPROVED AS TO FORM:

Dated: 3/10/2025

By: _____

ATTORNEY FOR RESPONDENT

pamela eater
Pamela Eaton, Esq.

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APPROVED AND SO ORDERED:

Dated: 5/13/25

Date of Entry: 5/14/25

VERMONT BOARD OF NURSING

Signed by:
By: William James Floyd III
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Chairperson

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