

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

IN RE: BROOKE THOMPSON DOCKET NOS. 2024-31 & 2024-32
LICENSE NO. 026.0145753
MULTISTATE LICENSE NO. RN9277375

Appearances:

Prosecutor: George L. 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 Brooke Thompson was licensed in Vermont as a Registered Nurse, license number 026.0145753. Respondent also holds a multistate license to practice as an RN, under license number RN977375.
2. I held a Default Hearing in the above matter on August 20, 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 July 2, 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 April 17, 2024. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent on April 17, 2024 by regular mail, certified mail, and e-mail. The first class mailing was not returned as undeliverable. The certified mailing receipt was returned on May 22, 2024, noted as “unclaimed” by Respondent. I find that notice of the Specification of Charges was proper.
5. Ms. Bowen testified that she sent the Notice of Default Hearing to the Respondent on July 8, 2024 by regular mail, certified mail, and e-mail. None of these were returned as undeliverable. I find that notice of the Default Hearing 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. Respondent's license was under a summary suspension since February 2024. Respondent entered into a Stipulation and Consent order with OPR at that time, but has had no contact with OPR or its counsel since.
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, Specification of Charges, 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* OPR Rule 3.4.
10. I find that Respondent committed two violations:
 - a. 26 V.S.A. § 1582(a)(2) (Diverting or attempting to divert drugs or equipment or supplies for unauthorized use); and
 - b. 26 V.S.A. §1582(a)(3) (Engaging in conduct of a character likely to deceive, defraud, or harm the public)
11. The State recommended a sanction of indefinite suspension of Respondent's Vermont license, and that Respondent must petition for reinstatement. The State further recommended that, prior to reinstatement, Respondent must, at her own cost, obtain an independent evaluation by a pre-approved, licensed drug and alcohol professional to determine whether Respondent is a risk to the safety, health or welfare of Respondent's potential patients. If reinstated, Respondent's license should be conditioned pursuant to whatever terms are reasonable.
12. I find that 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 Vermont license to practice as a Registered Nurse is **INDEFINITELY SUSPENDED**. Respondent must petition for reinstatement. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost: obtain an

independent evaluation by a pre-approved licensed drug and alcohol professional who has verified receipt and review of the Board's Default Order, Specification of Charges, and any Stipulation and Consent Order, in the above-referenced docket numbers. 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. The evaluation shall meet all Independent Evaluation requirements and shall include any recommendations that would ensure Respondent is safe to practice. The evaluation must be submitted to the Enforcement Unit Case Manager.

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 Default Order, the Specification of Charges, and any other relevant factors at that time.

DATED at Montpelier, Vermont this 20th day of August 2024.



Wesley M. Lawrence
Hearing Officer, Vermont Board of Nursing

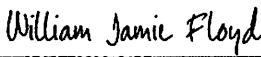
The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the Proposed Order and its basis, above, on September 9, 2024.

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:

3B82E78300124BE
Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: _____

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

IN RE:	)	
Brooke Thompson	)	Docket Nos. 2024-31
License No. 026.0145753	)	2024-32
Multistate License No. RN9277375	)	

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney George 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 Brooke Thompson (“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 April 17, 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 April 17, 2024. *See* ARPOPR 3.2. Respondent’s answer was due on or before May 7, 2024. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

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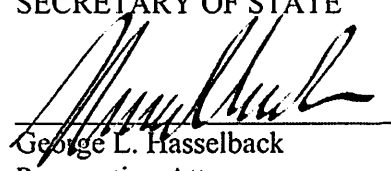
Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier.

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 2nd day of July 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
SECRETARY OF STATE
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BOARD OF NURSING**

IN RE:	)	
Brooke Thompson	)	Docket No.2024- 31
Vermont License No. 026.0145753	)	Docket No. 2024- 32
Multistate License No. #RN9277375	)	

SPECIFICATION OF CHARGES

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

Board Authority

1. The Vermont State Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Registered Nurses ("RNs") 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. Brooke Thompson ("Respondent") of Lakeland, Florida, holds a multistate license to practice as an RN under license number RN9277375 issued by the State of Florida. This license was originally issued on July 6, 2008, and expires on April 30, 2024.
3. Respondent also holds a license to practice as an RN under license number 026.0145753 issued by the State of Vermont. This license was originally issued on May 11, 2001, and expired on March 31, 2023.
4. At all times relevant to this matter, Respondent was employed as an RN at a medical facility in Vermont ("the Facility") as a travel nurse employed by an employment agency.
5. During this employment, Respondent was assigned to work the overnight shift from 7:00 p.m. until 7:00 a.m.
6. Specifically, Respondent was working at the facility on the November 29-30, 2023, overnight shift.
7. Following that shift, on or about the morning of November 30, 2023, other staff members discovered blood on the floor and mirror of a bathroom in the Facility.

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

8. These staff members dumped the trash in the bathroom to attempt to determine the source of the blood on the floor and the mirror.
9. In the trash, the staff members found bloody paper towels, caps from two saline flush syringes, a needle cap, packaging for a butterfly blood collection device, bloody gauze, alcohol prep pads, and self-adhesive bandages.
10. The staff members also found four (four) vial caps in the trash, two (2) that they identified as coming from Fentanyl vials and two (2) that they identified as coming from Benadryl vials.
11. Following this discovery, Facility staff initiated a check of pharmacy records to determine whether there were any discrepancies that would indicate unaccounted for medication.
12. These pharmacy records indicated the following medication discrepancies on the November 29-30 overnight shift:
 - a. On November 29, 2023, at 8:28 P.M., Respondent withdrew 100 mcg of Fentanyl and administered 50 mcg at 8:34 P.M., leaving the remaining 50 mcg of Fentanyl unaccounted for.
 - b. On November 29, 2023, at 9:38 P.M., Respondent withdrew 0.5 mg of Hydromorphone and did not document administering, wasting, or returning any of this medication, leaving 0.5 mg of Hydromorphone unaccounted for.
 - c. On November 29, 2023, at 9:39 P.M., Respondent withdrew 100 mcg of Fentanyl and did not document administering, wasting, or returning any of this medication, leaving 100 mcg of Fentanyl unaccounted for.
13. In total, Respondent's medication records indicated 150 mcg of Fentanyl and 0.5 mg of Hydromorphone that she withdrew unaccounted-for on the November 29-30 overnight shift.
14. On or about December 1, 2023, Respondent provided a urine sample for a drug screen and the results indicated "Negative Dilute."
15. Respondent's employing agency then requested that Respondent provide a hair follicle sample for another drug screen and Respondent declined to provide the sample.
16. On or about December 6, 2023, Respondent's contract with the Facility was cancelled and her employment with her employing agency was terminated.
17. During her time at the Facility, Respondent dispensed 7,500 mcg of Fentanyl, that being the highest amount in her department, with the second highest being 2,700 mcg, and the third highest being 2,500 mcg.

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Prosecuting Attorney
Office of
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89 Main Street
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05620-3402

18. During her time at the Facility, Respondent dispensed 32.5 mg of Hydromorphone, that being the highest amount in her department, with the second highest being 29.5 mg, and the third highest being 18.5 mg.
19. Subsequently, Respondent admitted to her employer that she needed "help" and informed OPR Investigators that she was scheduled to enter the Florida Impaired Nurse Program.
20. Respondent's license was suspended via stipulation pending resolution of this matter on February 14, 2024.

Violation One: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

21. The State re-alleges and incorporates Paragraphs 3 through 20 above.
22. As an RN Respondent is prohibited from diverting or attempting to divert drugs, equipment, or supplies for unauthorized use.
23. Paragraphs 3 through 20, Respondent diverted or attempted to divert drugs for unauthorized use.
24. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(2).

Violation Two: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

25. The State re-alleges and incorporates Paragraphs 3 through 20 above.
26. As a licensed RN in the State of Vermont, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
27. Paragraphs 3 through 20 demonstrate that Respondent engaged in conduct of a character likely to harm the public when she diverted medication for her own use while treating patients during her shift.
28. 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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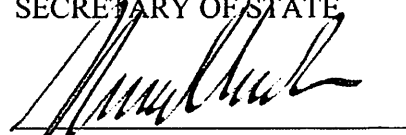
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05620-3402

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. §814(c), Respondent's Vermont RN license be disciplined, and that pursuant to 26 V.S.A. § 1647c(d) the Board order Respondent to cease-and-desist any practice within the State of Vermont under any multistate licensure privilege, pending a hearing on the merits.

DATED at Montpelier, Vermont this 17th day of April, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By:



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

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