

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

**IN RE: JASMINE BROWN
LICENSE NOS. 025.0136529
025.0136467FCTY**

DOCKET NOS. 2024-50 & 2024-51

Appearances:

Prosecutor: Ultan Doyle, Esq.
Respondent: Did not appear

Hearing Officer: Wesley M. Lawrence

DEFAULT ORDER

Based on the evidence before me, I find as follows:

1. At all relevant times, Respondent, Jasmine Brown, of Casselberry, Florida, was provisionally licensed by the State of Vermont as a Licensed Practical Nurse ("LPN"), License Number 025.0136529. This license was issued on March 31, 2023 and expired on June 28, 2023. Respondent was also temporarily licensed by the State of Vermont as an LPN under License Number 025.0136467FCTY, issued on January 4, 2023 and expired on March 31, 2023.
2. The State filed the Specification of Charges in this matter on or about March 15, 2024. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent on March 15, 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 April 1, 2024, signed by Respondent or on her behalf as delivered. I find that notice of the Specification of Charges was proper.
3. On April 15, 2024, the State moved for Respondent to be found in default because she has not responded to the Specification of Charges.
4. Ms. Bowen testified that she sent notice of a May 23, 2024 Default Hearing to Respondent on April 15, 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.
5. I held a Default Hearing in the above matter on May 23, 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 the notice of the Default Hearing.

6. Respondent has not filed an answer, has not acknowledged in any way the Specification of Charges, and did not attend the Default Hearing in this matter.
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, and are hereby incorporated by reference into this Order as if set forth at length herein. *See* O.P.R. Rule 3.4.
10. I find three (3) violations: that Respondent violated 3 V.S.A. §129a(b)(1) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions, namely performance of unsafe or unacceptable patient or client care), 3 V.S.A. §129a(b)(2) (Failure to practice competently by reason of any cause, namely failure to conform to the essential standards of acceptable and prevailing practice), and 3 V.S.A. §129a(a)(15) (Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession).
11. The State recommended that Respondent's Provisional License No. 025.0136529 and Temporary License No. 025.0136467FCTY be revoked. I find that this is an appropriate sanction.
12. Accordingly, the Board of Nursing may find, based on the finding of Respondent's default, that Respondent's licenses may be REVOKED consistent with the above.

PROPOSED ORDER

Consistent with the above, the Board of Nursing hereby **ORDERS** that the Respondent, Jasmine Brown's licenses, Provisional License No. 025.0136529 and Temporary License No. 025.0136467FCTY, are **REVOKED**.

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 28th day of May, 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 June 10, 2024.

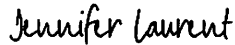
After considering the Proposed Order and its basis, above, the Board of Nursing takes the following action:

- ☐ 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.

DocuSigned by:



EB1741915719477

Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY:

6/10/24

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.

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IN RE:	)	
Jasmine Brown	)	Docket Nos. 2024-50
License Nos. 025.0136529	)	2024-51
025.0136467FCTY	)	

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Deputy Chief Prosecuting Attorney Ultan Doyle, 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 Jasmine Brown (“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 March 15, 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 March 15, 2024. *See* ARPOPR 3.2. Respondent’s answer was due on or before April 4, 2024. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

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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 12th day of April 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: Ultan Doyle
Ultan Doyle
Deputy Chief Prosecuting Attorney
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IN RE:	)	
Jasmine Brown	)	Docket No. 2024-50
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SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Jasmine Brown:

Board Authority

1. The Vermont State Board of Nursing (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.

Statement of Facts

2. Jasmine Brown ("Respondent") of Casselberry, Florida was provisionally licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0136529. This license was originally issued on March 31, 2023 and expired on June 28, 2023.
3. Respondent was also temporarily licensed by the State of Vermont as an LPN under license number 025.0136467FCTY. This license was originally issued on January 4, 2023 and expired on March 31, 2023.
4. On or about March 5, 2023, Respondent was assigned by a nursing agency (the "Agency") to work as an LPN at a care facility ("Facility 1") in Winooski, Vermont.
5. On or about March 6, 2023, Respondent failed to administer a resident's 6:00am medications.
6. On or about March 8, 2023, Respondent did not document in the narcotic book her administration of lorazepam and morphine.

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7. On or about March 8, 2023, a resident reported to a staff member that Respondent had attempted to administer a second dose of lorazepam that the resident was not supposed to receive because she had already received her dose of lorazepam.
8. When Respondent was informed of this, she stated that she had mixed up the resident's medication with another resident's medication due to a "learn disability."
9. On or about March 9, 2023, Respondent left pre-poured medications for a resident and marked her first initial "J" in the MAR for that resident.
10. Respondent then left to go on a break without administering the medications.
11. At the end of her shift on March 9, 2023, Respondent was informed by Facility 1 that her employment there was being terminated due to the multiple medication error she had made.
12. On or about March 26, 2023, Respondent was assigned by the Agency to work as an LPN at a care facility ("Facility 2") in Essex Junction, Vermont.
13. Between April 1 and April 3, 2023, Facility 2's MAR shows that Respondent administered 39 medications late for 13 different residents.
14. On or about April 5, 2023, Respondent offered to pay an LNA, M.K., \$100 to administer medications that Respondent was supposed to administer.
15. The Agency's Client Relations Manager, J.C., reported that Respondent did not think that offering to pay M.K. to \$100 to administer medications that Respondent was supposed to administer was a problem.
16. On April 6, Facility 2 terminated Respondent's assignment.

Violation One: 3 V.S.A. §129a(b)(1) 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: (1) Performance of unsafe or unacceptable patient or client care.

17. The State re-alleges and incorporates Paragraphs 2 through 16 above.
18. Vermont law requires LPNs to practice competently by providing safe and acceptable patient care.
19. Paragraphs 2 through 16 above demonstrate that Respondent failed to provide safe and acceptable patient care when she made multiple medication administration and documentation errors; administered medications late; and offered to pay an LNA to administer medication that Respondent was supposed to administer.

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20. 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(b)(1).

Violation Two: 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.

21. The State re-alleges and incorporates Paragraphs 2 through 16 above.
22. The essential standards of acceptable and prevailing practice require that an LPN follow providers orders when administering medication and accurately document patient records.
23. Paragraphs 2 through 16 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when she made multiple medication administration and documentation errors; administered medications late; and offered to pay an LNA to administer medication that Respondent was supposed to administer.
24. 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(b)(2).

Violation Three: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

25. The State re-alleges and incorporates Paragraphs 2 through 16 above.
26. As an LPN, Respondent is required to exercise her own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
27. Paragraphs 2 through 16 demonstrate that Respondent failed to exercise independent professional judgment in the performance of licensed activities when she made multiple medication administration and documentation errors; administered medications late; and offered to pay an LNA to administer medication that Respondent was supposed to administer.
28. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

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Relief Requested

WHEREFORE, the LPN license of Jasmine Brown should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 15th day of March, 2024.

STATE OF VERMONT
SECRETARY OF STATE

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