

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

IN RE: DERON MIMS
License No. 075.0141789

Docket Nos. 2024-64

DEFAULT ORDER

Appearances:

Prosecuting Attorney: Ultan Doyle, Esq.

Respondent: Did not appear

Hearing Officer: Michael S. Kupersmith, Esq.

Introduction

The Hearing Officer conducted a default hearing in the above-entitled matter on June 24, 2024, pursuant to 3 V.S.A. § 129(f). The hearing was conducted remotely as provided by rules adopted by the Office of Professional Regulation (OPR). The State requested a default order because the Respondent had not responded to the Specification of Charges filed in this case. The State was represented by Ultan Doyle, Esq. The Respondent did not appear and was not represented by counsel.

Findings of Fact

Since the Respondent failed to file an Answer to the Specification of Charges, “the allegations of the [specification of] charges will be treated as proven and disciplinary action will be taken. . .” Rule 3.4, Vermont Administrative Rules of Practice. Accordingly, the following facts are deemed proven.

1. Deron Mims (“Respondent”) of Augusta, Georgia is licensed by the State of Vermont as a Licensed Nurse Assistant (“LNA”) under license number 075.0141789. This license was originally issued on April 17, 2023 and expires on November 30, 2024.
2. From approximately May 23, 2023, until June 12, 2023, Respondent worked as a travel LNA at a care facility (“Facility 1”) in St. Albans, Vermont.

3. Respondent was assigned to work the night shift at Facility 1 on or about June 11, 2023. LNA, H.H., who was working the same shift as Respondent, reported that at approximately 4:00 am she was unable to locate Respondent. At approximately 5:10 a.m., H.H. found Respondent asleep on a couch in the living room of Facility 1.
4. After that, the last time H.H. saw Respondent during her shift was shortly after 6:00 a.m.
5. At approximately 6:30 a.m., Respondent left Facility 1 without notifying anyone, even though his shift was not scheduled to end until 7:00 a.m.
6. On June 12, 2023, Respondent was terminated for his actions by Facility 1.
7. From approximately September 19, 2023, until October 10, 2023, Respondent worked as a travel LNA at a care facility ("Facility 2") in Northfield, Vermont.
8. On or about October 3, 2023, E.D., who was a then 17-year-old LNA student who worked with Respondent at Facility 2, reported that Respondent had said the following to her when they worked together: "You smell so good. I could take you to the back right now."
9. E.D. interpreted this as a sexual comment.
10. Respondent also asked E.D. about her sex life with her boyfriend and touched her hair and back.
11. E.D. requested that her supervisor not pair her with Respondent because he made her feel uncomfortable.
12. Facility 2 terminated Respondent's employment on October 10, 2023.

Conclusions of Law

Respondent has received adequate actual and/or constructive notice of the Charges in this matter as indicated by the Board's file and the Prosecutor's presentation. Because the Respondent has failed to file an Answer, the factual allegations contained in the Specification of Charges are taken as proven. Accordingly, the Board concludes that the Respondent engaged in unprofessional conduct as alleged, to wit: (1) Failed to practice competently by failing to conform to

the essential standards of acceptable and prevailing practice; (2) Engaged in conduct of a character likely to harm the public; (3) sexually harassed a co-worker and failed to maintain professional boundaries; and (4) Failed to exercise independent professional judgment in the performance of licensed activities when that judgment was necessary to avoid action repugnant to the obligations of the profession.

ORDER

In accordance with the Findings of Fact and Conclusions of Law set forth above, and consistent with the recommendations of the Prosecuting Attorney, it is **ORDERED and ADJUDGED** that:

- A. The Board of Nursing hereby **REPRIMANDS** the Respondent's license; and
- B. The Board of Nursing hereby **CONDITIONS** the Respondent's license as follows commencing with the date of entry of this order.
 - 1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."
 - 2. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
 - 3. Required Coursework. Respondent shall, at his own expense and within ninety (90) days of the date of entry of this Order, satisfactorily complete a course on sexual harassment in the workplace subject to the pre-approval of OPR's Case Manager.
 - *Respondent must provide satisfactorily completed workbooks and certificates of completion to the Case Manager.
 - **Coursework may not be counted toward any continuing education requirement of licensure.
- C. Upon compliance with and completion of all required conditions, Respondent must petition to remove any or all conditions from the license and demonstrate full compliance with the Order.
- D. Notwithstanding any provision above, Respondent must continue to meet all requirements to maintain licensure, for license renewal, and for license reinstatement.
- E. This Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).

F. This Order will remain part of Respondent's licensing file and may be considered relative to any future disciplinary matter.

The Hearing Officer reports the above facts, conclusions of law, and finding of default to the Board with the recommendation that the Board approve them and enter the Order as above.

Dated at Montpelier, Vermont this 24th day of June 2024

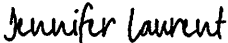


Michael S. Kupersmith
Hearing Officer

The Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on **July 8, 2024**. After considering the report, the Board takes the following action:

/ / Rejects the report and schedules the matter for hearing.
/ / Schedules the matter for additional evidence.
/ X/ Accepts the report, adopts the findings of fact and conclusions of law, and orders the proposed discipline as set forth in the proposed order above.
/ / Accepts the report, adopts the findings of fact and conclusions of law, rejects the recommended sanction, and schedules the matter for additional hearing on sanctions.

SO ORDERED,

DocuSigned by:

EB1741815719477

Board of Nursing
By: Jennifer Laurent, Chair

Date of Entry: 7/9/24

Appeal Rights

This is a final administrative determination by the Board of Nursing. A party aggrieved by a final decision by the Board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, 89 Main Street, 3rd floor, Montpelier, VT 05620-3402, within 30 days of the date of

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 appeal shall be conducted based on the record created before the Board. In cases of alleged irregularities in procedure before the Board not shown on the record, proof of that issue may be taken by the Appellate Officer. 3 V.S.A. §§ 129(d) and 130a. A stay of this Order may also be requested.

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

IN RE:	)	
Deron Mims	)	Docket No. 2024-64
License No. 075.0141789	)	

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 Deron Mims (“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 19, 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 22, 2024. *See* ARPOPR 3.2. Respondent’s answer was due on or before May 9, 2024. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

STATE OF VERMONT



Prosecuting Attorney
Office of
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89 Main Street
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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 20th day of May, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: Ultan Doyle
Ultan Doyle
Deputy Chief Prosecuting Attorney
Ultan.Doyle@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
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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

April 22, 2024

Deron Mims
2835 Waterside Drive
Augusta, GA 30906-6209

Case: RE: Deron Mims
Credential: License # 075.0141789
Docket No: 2024-64

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: Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Deron Mims, Respondent, First Class Mail, Certified Mail & Email



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IN RE:	)	
DERON MIMS	)	Docket Nos. 2024-64
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SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Deron Mims:

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. Deron Mims ("Respondent") of Augusta, Georgia is licensed by the State of Vermont as a Licensed Nurse Assistant ("LNA") under license number 075.0141789. This license was originally issued on April 17, 2023 and expires on November 30, 2024.
3. From approximately May 23, 2023 until June 12, 2023, Respondent worked as a travel LNA at a care facility ("Facility 1") in St. Albans, Vermont.
4. Respondent was assigned to work the night shift at Facility 1 on or about June 11, 2023.
5. LNA, H.H., who was working the same shift as Respondent, reported that at approximately 4:00 am she was unable to locate Respondent.
6. At approximately 5:10am, H.H. found Respondent asleep on a couch in the living room of Facility 1.
7. After that, the last time H.H. saw Respondent during her shift was shortly after 6:00am.

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8. At approximately 6:30 am, Respondent left Facility 1 without notifying anyone, even though his shift was not scheduled to end until 7:00am.
9. On June 12, 2023, Respondent was terminated for his actions by Facility 1.
10. From approximately September 19, 2023 until October 10, 2023, Respondent worked as a travel LNA at a care facility ("Facility 2") in Northfield, Vermont.
11. On or about October 3, 2023, E.D., who was a then 17-year-old LNA student who worked with Respondent at Facility 2, reported that Respondent had said the following to her when they worked together: "You smell so good. I could take you to the back right now." E.D. interpreted this as a sexual comment.
12. Respondent also asked E.D. about her sex life with her boyfriend and touched her hair and back.
13. E.D. requested that her supervisor not pair her with Respondent because he made her feel uncomfortable.
14. Facility 2 terminated Respondent's employment on October 10, 2023.

Violation One: 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.

15. The State re-alleges and incorporates Paragraphs 2 through 14 above.
16. The essential standards of acceptable and prevailing practice require that an LNA not sleep during their shift, and to notify a co-worker if they are not going to be completing their scheduled hours.
17. Paragraphs 2 through 9 above demonstrate that Respondent failed to conform to essential standards of acceptable and prevailing practice when he slept at Facility 1 during a shift, and when he finished the shift a half hour early without notifying anyone.
18. 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 Two: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

19. The State re-alleges and incorporates Paragraphs 2 through 14 above.

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20. As an LNA, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
21. Paragraphs 10 through 14 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when he made inappropriate comments to a colleague and touched her hair and back.
22. 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).

Violation Three: 3 V.S.A. §129a(a)(26) Sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy.

23. The State re-alleges and incorporates Paragraphs 2 through 14 above.
24. As an LNA, Respondent was required to maintain professional boundaries with his co-workers.
25. Paragraphs 10 through 14 demonstrate that Respondent failed to maintain professional boundaries when he made inappropriate comments to a colleague and touched her hair and back.
26. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct by sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy in violation of 3 V.S.A. §129a(a)(26).

Violation Four: 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.

27. The State re-alleges and incorporates Paragraphs 2 through 14 above.
28. As an LNA, Respondent is required to exercise his 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.

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29. Paragraphs 10 through 14 demonstrate that Respondent failed to exercise independent professional judgment when he made inappropriate comments to a colleague and touched her hair and back.
30. 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).

Relief Requested

WHEREFORE, the LNA license of Deron Mims should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 19th day of April, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: Ultan Doyle
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