

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

**IN RE: ELIZABETH VIDOVICH
 MULTISTATE LICENSE (FL) NO. PN5252446
 CALIFORNIA LICENSE NO. 230370**

DOCKET NO. 2024-86

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, Elizabeth Vidovich, held a Multistate license number PN5252446, and a California license, number 230370, to practice as a Licensed Practical Nurse.
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 15, 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 June 11, 2024. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent on June 12, 2024 by regular mail and certified mail. The first class mailing was not returned as undeliverable. The certified mailing receipt was returned with the notation "unable to forward." 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 15, 2024 by regular mail and certified 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.

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 four violations:
 - a. 26 V.S.A. §1582(a)(3) (Engaging in conduct of a character likely to deceive, defraud, or harm the public);
 - b. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession);
 - c. 3 V.S.A. § 129a(b)(1) (Failure to practice competently by the performance of unsafe or unacceptable patient care); and
 - d. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by the failure to conform to the essential standards of practice).
11. The State recommended the following sanctions: that Respondent's license as a Licensed Practical Nurse be suspended indefinitely and that Respondent must petition for reinstatement. The State further recommended a sanction requiring Respondent, at her own expense, obtain an independent evaluation by a pre-approved licensed mental health professional who has verified receipt and review of the Board's Default Order and Specification of Charges in the above-referenced docket number. 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. If reinstated, Respondent's license should be conditioned pursuant to whatever terms are reasonable at the time of Respondent's reinstatement request.
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 authority to practice as a Licensed Practical Nurse shall be **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 mental health professional ("Independent Evaluator") who has verified receipt and review of the Board's Default Order and Specification of Charges in the above-referenced docket number. 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:

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Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: 9/9/24

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

IN RE:	)	
Elizabeth Vidovich	)	Docket No. 2024-86
Multistate License (FL) No. PN5252446	)	

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 Elizabeth Vidovich (“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 June 11, 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 June 12, 2024. *See* ARPOPR 3.2. Respondent’s answer was due on or before July 2, 2024. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

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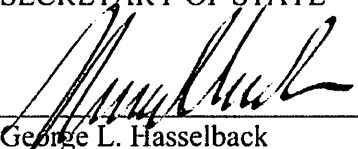
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Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier,

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 15th day of July 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: _____


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

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Prosecuting Attorney
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IN RE:)
Elizabeth Vidovich) Docket No. 2024-86
Multistate License (FL) No. PN5252446)
California License No. 230370)

SPECIFICATION OF CHARGES

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

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. Elizabeth Vidovich ("Respondent") of New Port Richey, Florida holds a multistate license to practice as an LPN under license number PN5252446 issued by the State of Florida. This license was originally issued on January 20, 2022, and expires on July 31, 2025.
3. Respondent also holds a license to practice as an LPN under license number 230370 issued by the State of California. This license was originally issued on October 23, 2007 and expires on June 30, 2025.
4. At all times relevant to this matter, Respondent was employed as a travelling nurse and assigned to work at a nursing home located in Vernon, Vermont ("the Facility").

False Medication Records:

5. On three occasions (on or about September 10, 14, and 15, 2022) Respondent created medical records that indicated a patient identified by the initials "C.P." was administered Tramadol 25 mg pursuant to a doctor's order, when, in fact, no such medication was administered.
6. On five occasions (on or about September 10, 11, 15, 16, and 18, 2022) Respondent created medical records that indicated a patient identified by the

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

initials "B.F." was administered Tramadol 50 mg pursuant to a doctor's order, when, in fact, no such medication was administered.

7. On two occasions (on or about September 15, and 16, 2022) Respondent created medical records that indicated a patient identified by the initials "J.W." was administered Lyrica 50 mg pursuant to a doctor's order, when, in fact, no such medication was administered.
8. On three occasions (on or about September 11, 17, and 18, 2022) Respondent created medical records that indicated a patient identified by the initials "V.R." was administered Tramadol 50 mg pursuant to a doctor's order, when, in fact, no such medication was administered.
9. On two occasions (on or about September 14 and 18, 2022) Respondent created medical records that indicated a patient identified by the initials "R.C." was administered Lorazepam 0.5 mg pursuant to a doctor's order, when, in fact, no such medication was administered.
10. On or about September 11, 2022, Respondent created a medical record that indicated that a patient identified by the initials "G.H." was administered Phenobarbital 16.2 mg pursuant to a doctor's order, when, in fact, no such medication was administered.
11. When subsequently questioned about why these patients were not given their medication, despite the medical records indicating they were, Respondent explained that she "didn't think they really needed" the medication.

Unsecured Medication:

12. On or about September 27, 2022, Respondent was working at the Facility as assigned.
13. During her break, Respondent left the Facility without informing any other employees of the Facility.
14. When Respondent left the Facility, she took the keys to her assigned medication cart with her.
15. When Respondent left the Facility, she left medication unsecured on top of her medication cart.
16. While she was gone, an Alzheimer's patient at the facility took the unsecured medication off of Respondent's cart and began to attempt to ingest it.
17. Another staff member of the Facility was able to intervene before the patient was able to ingest the medication.

Violation One: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to

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Prosecuting Attorney
Office of
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89 Main Street
3rd Floor
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05620-3402

deceive, defraud, or harm the public.

18. The State re-alleges and incorporates Paragraphs 2 through 17 above.
19. As a licensed LPN practicing 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.
20. Paragraphs 2 through 17 demonstrate that Respondent engaged in conduct of a character likely to harm the public when she did not follow a doctor's orders to administer medication to patients because she believed it was unnecessary, and when she left medication unsecured where it could be ingested by a patient who was passing by.
21. 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 Two: 3 V.S.A. § 129a(a)(7) willfully making or filing false reports or records in the practice of the profession.

22. The State re-alleges and incorporates Paragraphs 2 through 11 above.
23. As a licensed LPN practicing in the State of Vermont, Respondent is required to refrain from willfully failing to file or record medical reports.
24. Paragraphs 2 through 11 demonstrate that Respondent willfully failed to file or record medical reports when she entered medical reports into the electronic medical records of several patients that Respondent had administered medications when, in fact, no such medications were administered.
25. 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)(4).

Violation Three: 3 V.S.A. §129a(b)(1) Failure to practice competently by the performance of unsafe or unacceptable patient care.

26. The State re-alleges and incorporates Paragraphs 2 through 17 above.
27. As a licensed RN in the State of Vermont, Respondent is required to refrain from failing to practice competently by performing unsafe or unacceptable patient care.
28. Paragraphs 3 through 17 demonstrate that Respondent performed unsafe or unacceptable patient care when she did not administer medication to patients

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
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05620-3402

because she felt they did not need it, and when she left medication unsecured where it could be found by patients passing by.

29. 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 3 V.S.A. §129a(b)(1).

Violation Four: 3 V.S.A. §129a(b)(2) Failure to practice competently by the failure to conform to the essential standards of practice.

30. The State re-alleges and incorporates Paragraphs 2 through 17 above.
31. As a licensed RN in the State of Vermont, Respondent is required to conform to the essential standards of practice of her profession.
32. Paragraphs 3 through 17 demonstrate that Respondent failed to conform to the essential standards of practice for her profession when she falsified documents that indicated patients were administered medication that they were, in fact, not, and when she left medication unsecured where it could be accessed by anyone passing by.
33. 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 3 V.S.A. §129a(b)(2).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. §814(c), Respondent's 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 11th day of June, 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