

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

**IN RE: KIMBERLY RUEL
 LICENSE NO. 026.0103835**

DOCKET NO. 2024-92

Appearances:

Prosecutor:	Rachel Heath, 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 Kimberly Ruel was licensed in Vermont as a Registered Nurse, license number 026.0103835.
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 16, 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 24, 2024. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent by regular mail, certified mail, and e-mail on June 25, 2024. The first-class mailing and certified mailing were not returned as undeliverable. The certified mailing receipt was returned on July 31, 2024 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 16, 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.

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 one violation, of 3 V.S.A. § 129a(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board).
11. The State recommended the following sanctions:

INDEFINITE SUSPENSION. Respondent's license 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 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, as well as the Stipulation and Consent Order from Docket No. 2023-28. 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, the Stipulation and Consent Order from Docket No. 2023-28, and any other relevant factors at that time.

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 license 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 professional who has verified receipt and review of the Board's Default Order and Specification of Charges in the above-referenced docket number, as well as the Stipulation and Consent Order from Docket No. 2023-28. 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, the Stipulation and Consent Order from Docket No. 2023-28, 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.

DocuSigned by:
Matthew Chute
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Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: 9/10/24

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:	)	
Kimberly Ruel	)	Docket No. 2024-92
License No. 026.0103835	)	

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney Rachel Health, 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 Kimberly Ruel (“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 24, 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, and by email, on June 25, 2025. *See* ARPOPR 3.2. Respondent’s answer was due on or before July 15, 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 Vermont this 16th day of July.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Rachel Heath
Rachel Heath
Prosecuting Attorney
Rachel.heath@vermont.gov

STATE OF VERMONT



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IN RE:)
KIMBERLY S. RUEL) **Docket No. 2024-92**
License No. 026.0103835)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against Registered Nurse Kimberly Ruel:

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").

Statement of Facts

2. Kimberly Ruel ("Respondent") of Essex Junction, Vermont is licensed as a Registered Nurse ("RN") under license number 026.0103835. The State of Vermont first issued this license on June 24, 2014, and the license expires on March 31, 2025.
3. On February 13, 2024, the Board of Nursing entered a Stipulation and Consent Order (February 2024 Order) disciplining Respondent's license.
4. The facts of the February 2024 Order included that Respondent failed to use critical thinking skills, inappropriately communicated with patients and staff, made medical assessments that should have been made by treating providers, failed to follow protocols, and over sedated a patient.
5. The Board found in the February 2024 Order that Respondent had violated 3 V.S.A. § 129a(b)(1)-(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: (1) performance of unsafe or unacceptable patient or client care, and (2) 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 profession).

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6. Under the February 2024 Order, Respondent's license was reprimanded and conditioned for two years, and Respondent was required to pay a \$300 fine within 90 days of the Order.
7. The conditions required, among other things, Respondent practice under direct supervision, cause her employer to file monthly employer reports, appear in person for interviews by the Board or its designee, provide employers with a copy of the order, notify the Board of her place of employment, and complete coursework within 90 days of entry of the Order.
8. As of the date of this filing, Respondent has not complied with a single condition of her Order.
9. While more than 90 days have passed since the entry of the Order, Respondent has not paid the fine or completed coursework.
10. Respondent has not provided information about employment.
11. Between March and April 2024, an OPR investigator attempted to interview Respondent about a pending investigation.
12. Respondent did not respond to the investigator's phone call or email.
13. On April 17, 2024, the OPR investigator went to Respondent's home to speak with her.
14. Respondent declined to speak with the OPR investigator.
15. Later that day, Respondent had an attorney email the OPR investigator to state that she would not be participating in the investigation.

Violation One: 3 V.S.A. § 129a(a)(4) Failing to comply with an order of the board or violating any term or condition of a license restricted by the board.

16. The State re-alleges and incorporates paragraphs 2 through 15 above.
17. As an RN, Respondent is required to comply with any orders issued against her license.
18. Paragraphs 2 through 15 demonstrate Respondent failed to comply with the February 2024 Order, specifically she failed to pay her fine and complete coursework in 90 days, inform the Board in writing of her employment, and failed to speak with an OPR investigator- a designee of the Board.
19. 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)(4).

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Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board warn, reprimand, suspend, revoke, limit, condition, or otherwise discipline Kimberly Ruel's Registered Nurse license.

DATED at Vermont this 24th day of June 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: */s/ Rachel Heath*

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