

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

IN RE:)
Tabatha Mitchell) **Docket No. 2025- 29**
Application Tracking No. LI-788123)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Zoe Newman, and Tabatha Mitchell (Applicant), who hereby Stipulate and Agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the Board) has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 3 V.S.A. §129a; 26 V.S.A. Ch.28; the Vermont Board of Nursing Administrative Rules, and the Rules of the Office of Professional Regulation.

Basis for Denial

Basis for Denial One: 3 V.S.A. § 129a(a)(1): Fraudulent or deceptive procurement or use of a license

1. On or about May 22, 2002, Applicant was convicted of misdemeanor Delivery of Articles Prohibited in the 8th Circuit, District Division, Keene, New Hampshire, in violation of 30-B:9 (2002 Conviction).
2. On or about March 27, 2012, Applicant was convicted of misdemeanor Public Safety & Welfare; Prohibited Acts in the Cheshire Superior Court, Keene, New Hampshire, in violation of 167:17-B (2012 Conviction).
3. On or about December 2, 2024, Applicant applied for an LNA license with the State of Vermont (Application) and, was asked, as part of the Application: "Have you EVER been convicted of a criminal misdemeanor or felony in Vermont or ANY other state, federal authority, or other jurisdiction?"
4. Applicant answered "No" to this question.
5. This answer was false due to the 2002 Conviction and the 2012 Conviction.
6. Applicant signed the Application with the following admonitions and certifications in the "Attestation" section:

STATE OF VERMONT



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

Caution to Applicant

A false statement on this application may constitute unprofessional conduct and may be a basis for denial of a license application or discipline of a license, to include revocation. 3 V.S.A. § 129a. A person who declares, certifies, or verifies in a signed writing that a statement is true and is made under the pains and penalties of perjury, and who willfully makes a false statement in the declaration, certification, or verification, shall be guilty of perjury, a crime punishable by imprisonment not more than 15 years or a fine of not more than \$10,000.00, or both. 13 V.S.A. § 2901 & 2904(b).

Certification of Accuracy

I understand that submission of this application represents that I have understood each question, that I have been candid and disclosed all relevant information, and that I have answered each question from sound personal knowledge, not a hunch, guess, or supposition. I understand that any failure to provide accurate information could result in a preliminary denial of my application or as a basis for unprofessional conduct charges against my license.

Certification of Identity

In the case of an application for individual licensure, I am the person in whose name this application is completed; or in the case of a corporate applicant, I am an authorized officer of the applicant corporation, having executive authority to complete this application and personal knowledge of and accountability for the representations herein.

Certification of Truthfulness

I hereby certify, under the pains and penalties of perjury, that the answers, entries, and representations herein are true and accurate.

7. Based on the representations Applicant made in the Application, OPR issued Respondent a provisional LNA license on December 31, 2024.
8. Paragraphs 2 through 8 above demonstrate that Applicant engaged in fraudulent or deceptive procurement of a license by falsely answering in the Application that she did not have any convictions.

Understandings

9. Applicant admits the facts set forth above are true and the Board may find that the Applicant engaged in unprofessional conduct.
10. Applicant admits that the order below is necessary to protect the public.
11. Applicant understands that the Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.

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12. Applicant specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced Applicant's rights to a fair and impartial hearing in future hearings if the Board does not accept this agreement.
13. Applicant has read and reviewed this entire document and agrees that this document contains the entire agreement between the parties.
14. Applicant is not under the influence of any drugs or alcohol at the time of signature of this Stipulation and Consent Order.
15. Applicant voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
16. Applicant voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
17. Applicant agrees that the Board may enter into the Order set forth below.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board hereby grants Applicant licensure as an LNA.
- B. The Board hereby **WARNS** Applicant's license when it is issued.
- C. An **ADMINISTRATIVE PENALTY OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00)** is assessed against Applicant. Applicant shall remit payment within six (6) months of the date of entry of this Order. Payment of the penalty may be made on a payment plan if needed.
- D. Notwithstanding any provision above, Applicant must continue to meet all requirements for maintaining a license, license renewal, and license reinstatement.
- E. This Stipulation and Consent 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 Stipulation and Consent Order will remain part of Applicant's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter

AGREED TO:

STATE OF VERMONT



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89 Main Street
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Montpelier, VT
05620-3402

STATE OF VERMONT

Dated 3/5/2025

SECRETARY OF STATE

Signed by:
By: Zoe Newman
Zoe Newman
Prosecuting Attorney
Zoe.newman@vermont.gov

Dated 3/5/2025

APPLICANT

Signed by:
By: Tabatha Mitchell
Tabatha Mitchell

APPROVED AND SO ORDERED:

Dated: 3/11/25

VERMONT BOARD OF NURSING

Signed by:
By: William James Floyd III
Board Chairperson

Date of Entry: 3/11/25

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IN RE:)
Tabatha Mitchell) **Docket No. 2025-29**
Application Tracking No. LI-788123)

NOTICE OF PRELIMINARY DENIAL

Tabatha Mitchell (Applicant) submitted an application for licensure as a Licensed Nursing Assistant (LNA) to the Office of Professional Regulation (OPR), on December 2, 2024 (the Application). Based on the Application, OPR issued Applicant a provisional license effective December 31, 2024, pending receipt of a federal criminal background check.

On February 13, 2025, OPR received a copy of Applicant's criminal background check results, which showed that Applicant had a criminal conviction she had failed to report on the Application. Applicant's provisional license was immediately rescinded. The Application has been **preliminarily denied** by the State of Vermont for the following reasons:

Board Authority

1. The Vermont Board of Nursing (the Board) has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 26 V.S.A. §1582(a); 26 V.S.A. Ch.26; and the Rules of the Office of Professional Regulation.

Basis for Denial

Basis for Denial One: 3 V.S.A. § 129a(a)(1): Fraudulent or deceptive procurement or use of a license

2. On or about May 22, 2002, Applicant was convicted of misdemeanor Delivery of Articles Prohibited in the 8th Circuit, District Division, Keene, New Hampshire, in violation of 30-B:9 (2002 Conviction).
3. On or about March 27, 2012, Applicant was convicted of misdemeanor Public Safety & Welfare; Prohibited Acts in the Cheshire Superior Court, Keene, New Hampshire, in violation of 167:17-B (2012 Conviction).
4. On or about December 2, 2024, Applicant applied for an LNA license with the State of Vermont (Application) and, was asked, as part of the Application: "Have you EVER been convicted of a criminal misdemeanor or felony in Vermont or ANY other state, federal authority, or other jurisdiction?"

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5. Applicant answered “No” to this question.
6. This answer was false due to the 2002 Conviction and the 2012 Conviction.
7. Applicant signed the Application with the following admonitions and certifications in the “Attestation” section:

Caution to Applicant

A false statement on this application may constitute unprofessional conduct and may be a basis for denial of a license application or discipline of a license, to include revocation. 3 V.S.A. § 129a. A person who declares, certifies, or verifies in a signed writing that a statement is true and is made under the pains and penalties of perjury, and who willfully makes a false statement in the declaration, certification, or verification, shall be guilty of perjury, a crime punishable by imprisonment not more than 15 years or a fine of not more than \$10,000.00, or both. 13 V.S.A. § 2901 & 2904(b).

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Certification of Truthfulness

I hereby certify, under the pains and penalties of perjury, that the answers, entries, and representations herein are true and accurate.

8. Based on the representations Applicant made in the Application, OPR issued Respondent a provisional LNA license on December 31, 2024.
9. Paragraphs 2 through 8 above demonstrate that Applicant engaged in fraudulent or deceptive procurement of a license by falsely answering in the Application that she did not have any convictions.

As a result of the foregoing reasons, the Application for licensure is **PRELIMINARILY DENIED**. If you would like this decision to be reviewed, please refer to the petition for review instructions at the bottom of this notice.

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89 Main Street
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DATED this 3rd day of March, 2025.

STATE OF VERMONT
SECRETARY OF STATE

By: Zoe Newman
Zoe Newman
Prosecuting Attorney
Zoe.newman@vermont.gov

To seek review of this preliminary decision to deny your license application, you must file with the Docket Clerk a written petition requesting review within 30 days of the date of this notification. In order to expedite the review process, your petition shall include a statement of issues, that is, why the preliminary denial should be reversed and that the license should be granted.

Please send the petition via first-class mail, postage prepaid to the address below:

Julie Bowen, Docket Clerk
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05602-3402

Upon receipt of a timely petition for review, a hearing will be scheduled. The State will be represented by the state prosecutor. At the hearing, you will have the burden of proving that the preliminary decision to deny the license should be reversed and that your license should be granted. 3 V.S.A. § 129(e). You may have an attorney represent you, and you may bring witnesses and documents to the hearing. After the hearing, the tribunal may uphold the denial, in whole, or in part, may reverse the decision and issue an unrestricted license, or may issue a license with disciplinary sanctions attached. 3 V.S.A. § 129(a)(3).

If you do not petition for review, the preliminary denial of the license will become final in 30 days. As a final disciplinary decision, the denial will be reported to all required national data banks and shall be public pursuant to 3 V.S.A. §131.

Once the decision is final, it may be appealed pursuant to 3 V.S.A. § 130a.

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