

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

In re: Michelle Angell	}	
License No. 026.0026550	}	Docket No. 2015-376 (RN)
	}	

Appearances:

Prosecutor: Rachel Allen, Esq.
Respondent: Did not appear

Hearing Officer: George K. Belcher

DEFAULT ORDER

The Hearing Officer of the Vermont Board of Nursing held a hearing pursuant to 3 VSA Sec. 129(f) in the above matter on January 6, 2017 at the Office of Professional Regulation in Montpelier, Vermont. Respondent did not attend and was not represented by counsel.

Findings of Fact

1. Respondent is licensed as a Licensed Registered Nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, and the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. Charges were filed in this matter on October 7, 2016. On October 7, 2016 the Respondent was sent a Notice of Charges in this matter by certified mail and first class mail to the address of the Respondent which was on file with the Office of Professional Regulation. The certified mail Notice of Charges was returned to the Office of Professional Regulation on October 25, 2016 with a postmark that the mailing had been "refused". The regular mail notice of the charges was not returned.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. On November 20, 2016 a notice was sent to the Respondent advising of the hearing before the Board to find the Respondent in default and advising that, "If you wish to contest the charges you must contact the office immediately at (802) 828-2367 and show good cause for failing to answer the charges against you." This notice was mailed by certified mail and by regular mail. The certified mail notice was received by the Respondent and mailed to the Office of Professional Regulation on December 19, 2016.

5. Respondent has not filed an answer to the charges, nor any communication concerning good cause for failure to answer. The Respondent did not appear at the hearing on default. No contact was made by the Respondent to the attorney for the State indicating that the Respondent intended to contest the charges. Upon consideration of the Prosecution's presentation and taking notice of the OPR file, the Hearing Officer of the Board finds Respondent to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board may issue an order of professional discipline. OPR Rule 3.4, 3 V.S.A. § 809(d), and 3 V.S.A. § 814(c). The allegations contained in the charges relate to the Respondent's unauthorized drawing upon the account of a 72 year old resident of the facility at which the Respondent worked. The resident was a vulnerable adult. A portion of the funds wrongfully removed were deposited into the Respondent's personal account and used for her personal use.
6. The State recommended that the license of the Respondent be indefinitely suspended.

Conclusions of Law

Respondent has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the Prosecution's presentation. Because Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board may find, based upon the finding of Default from this Default Hearing held pursuant to 3 V.S.A. §809(d), that Respondent has engaged in the unprofessional conduct alleged in the Specification of Charges (violation of 3 VSA Sec. 129a(b)(1) and (2)); Sec. 129a(a)(12) and 26 VSA Sec. 1582(a)(3).

Proposed Order

In accordance with the above Findings of Fact and Conclusions of Law which the Board accepts, the Board does ORDER that the Respondent's license be INDEFINELY SUSPENDED. In the event that the Respondent applies for reinstatement of the suspended license at a later time, then the Board may impose appropriate conditions at that time in its discretion.

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

Dated this 9th day of January, 2017.



George K. Belcher
Hearing Officer of the Vermont Board of Nursing

The Vermont Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on 3/6/17. 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.
- ☒ Accepts the report, adopts the findings of fact and conclusions of law, and orders the recommended discipline as set forth above.

SO ORDERED.

Vermont Board of Nursing

By: Jeanine Carr
Jeanine Carr, RN, Chair
Vermont Board of Nursing

Date: 3/6/17

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/7/17

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board 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 St., Fl. 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:
Michelle Angell
License No. 026.0026550

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Docket No. 2015-376

SPECIFICATION OF CHARGES

Board Authority

1. The Vermont Board of Nursing ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses, pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Michelle Angell ("Respondent") of North Pownal, Vermont, is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0026550. This license was originally issued on July 17, 2001, and expired on March 31, 2015. This license is currently inactive.
3. During the relevant time period, Respondent was employed as a RN at Washington Elms ("Facility") in Bennington, Vermont.
4. During the relevant time period, Respondent cared for Resident D.E., a 72 year old long-time resident of the Facility and a vulnerable adult.
5. D.E. did not authorize Respondent to write checks to herself or take her money for personal use.
6. From November 2014 to January 2014, Respondent deposited four checks written out to Respondent from D.E.'s bank account into Respondent's personal bank account without permission. These four checks totaled \$1,600.00.
7. Respondent was only able to produce receipts for \$732.86 of the \$1,600.00 deposited. It is unknown whether the \$732.86 was spent on items for D.E.
8. On November 14, 2013, Respondent endorsed and deposited a check, check number 801, for \$500.00 from D.E., payable to Respondent, in her personal bank account.
9. On November 27, 2013, Respondent endorsed and deposited a check, check number 976, for \$300.00 from D.E., payable to Respondent, in her personal bank account.

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10. On December 12, 2013, Respondent endorsed and deposited a check, check number 978, for \$300.00 from D.E., payable to Respondent, in her personal bank account.
11. On January 6, 2014, Respondent endorsed and deposited a check, check number 1002, for \$500.00 from D.E., payable to Respondent, in her personal bank account.
12. On January 13, 2016, Respondent stated that she took approximately \$100 from each check described in Paragraphs 7 through 11 for personal use.
13. On January 15, 2016, Respondent stated that she took approximately \$300 to \$400 from checks described in Paragraphs 7 through 10 for personal use.

Violation One: 3 V.S.A § 129a(a)(12). Exercising undue influence on or taking improper advantage of a person using professional services, or promoting the sale of services or goods in a manner which exploits a person for the financial gain of the practitioner or a third party.

14. The State re-alleges and incorporates Paragraphs 2 through 13 above.
15. The facts alleged in Paragraphs 4 through 13 demonstrate that Respondent took advantage of a patient by depositing money from the patient into her own bank account for personal use while providing professional services for personal financial gain.
16. 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)(12).

Violation Two: 26 V.S.A § 1582(a)(3). Engaging in conduct of a character likely to deceive, defraud, or harm the public.

17. The State re-alleges and incorporates Paragraphs 2 through 13 above.
18. The facts alleged in Paragraphs 4 through 13 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when she wrote checks to herself and deposited them in her own bank account for personal use.
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 26 V.S.A. § 1582(a)(3).

Violation Three: 3 V.S.A § 129a(b)(1) and (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

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unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice.

20. The State re-alleges and incorporates Paragraphs 2 through 13 above.
21. The facts alleged in Paragraphs 4 through 13 demonstrate Respondent performed unsafe or unacceptable patient care by depositing a patient's money into her own bank account for personal use.
22. The essential standards of acceptable and prevailing practice prohibit a nurse from financially exploiting a patient.
23. The facts alleged in Paragraphs 4 through 13 demonstrate Respondent failed to conform to the essential standards of acceptable and prevailing practice by taking a patient's money for personal use while providing patient care.
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)(1) and (2).

Relief Requested

WHEREFORE, the license of Michelle Angell should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 7th day of October, 2016.

STATE OF VERMONT
SECRETARY OF STATE

By: R Allen

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