

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE: Laurie Bannister)
Case File No. NU55-0204) PETITION FOR REINSTATEMENT
License No. 25-5016)

Introduction

The Board of Nursing held a hearing in the above matter on August 8, 2005 at 81 River Street in Montpelier, Vermont. Board members Alan Weiss, Ellen Leff, De-Ann Welch, Laurey Tyo, Donarae Metcalf, Sandra Norton, Susan Farrell and Kenneth Bush participated in the decision. State Prosecuting Attorney Edward Adrian appeared for the State. Laurie Bannister ("The Petitioner") was present. Christopher Winters was the presiding officer.

The Board takes official notice of its own licensing file for previous decisions on the Petitioner's license

Findings of Fact

1. The Respondent's license was indefinitely suspended by a Board order entered March 31, 2005.
2. The Order indicated the Petitioner should not apply for reinstatement until at least 90 days had passed, and that she must appear in person before the Board.
3. The Respondent expressed remorse for her actions and provided the Board with recommendations from employers and positive performance appraisals.
4. The State did not oppose reinstatement.

Conclusions of Law and Order

Under the terms of the Board's previous Order, the Petitioner is eligible for reinstatement. Based on the evidence presented, the Board is satisfied that the Petitioner is ready to return to the practice of nursing.

The Petitioner's request for reinstatement is GRANTED.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell, R.N.
Chair

Date: August 17, 2005

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 8/30/05

**STATE OF VERMONT
BOARD OF NURSING**

In re: Laurie Heath Bannister
License No. 025-0005016

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} Docket Nol. NU 55-0204

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**Revised Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Susan Farrell, RN, Chair
Alan Weiss
Sandra Norton, LNA
Donarae Metcalf, LPN
Elayne Clift
Laurey M. Tyo, RN
Ellen W. Leff, RN
Deann Welch, LPN
Kenneth W. Bush

Appearances:

for Petitioner, State of Vermont: Edward G. Adrian
for Respondent:

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Board of held a hearing in the above matter on March 14, 2005 81 River Street in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The State alleges in its specification of charges that Ms. Bannister made or filed false reports or records in the practice of the profession, 3 V.S.A. § 129a(a)(7), practiced nursing without a current license ARBN, Chapter 4, Rule IV(II)(D)(9), and failed to comply with the provisions of the profession, 3 V.S.A. § 129a(a)(3).

Findings of Fact

Based on substantial credible evidence presented, the Board finds as follows:

1. This respondent is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. §1582(a), 3 V.S.A. § 129(a).
2. Ms. Bannister was mailed a notice of this hearing by certified mail to her address in the Board's records. The notice was returned "unclaimed." A subsequent notice was mailed by first class mail to her at the same address on February 9, 2005.
3. During January 2004 Ms. Bannister contacted Bob Rushford at the Nursing Board office regarding renewal of her license. She was advised that it lapsed in 2002.
4. She stated that she did have a license and faxed a document to Mr. Ashford which she claimed was her license. It appeared to have been altered.
5. In her answer, Ms. Bannister denied that the document she faxed was altered or falsified. She also denied that she had been previously disciplined by the Board, (See below).
6. The Board of Nursing office has no record of a license or renewal between 2002 and 2004.
7. The faxed document appeared to have been altered. The Board finds that it was altered and falsified by the respondent.
8. Ms. Bannister was asked to mail her original license to the office for verification. Ms. Bannister's original license was never received by the office.
9. On February 17, 2004 the office received an application for renewal from Ms. Bannister.
10. On the application she admitted that she had been employed at Porter Medical Center in Vergennes, Vermont since March 1989.
11. In March or April 1998 Ms. Bannister was disciplined for practicing without a license for two years, a period between 1996 and January 1998. **This finding is revised based on corrected information to the Board in August 2005.**

Conclusions of Law

The prosecution has proved by a preponderance of the evidence that Ms. Bannister made or filed false reports or records in the practice of the profession, 3 V.S.A. § 129a(a)(7),

The prosecution has proved by a preponderance of the evidence that Ms. Bannister practiced without a license between the time of the last renewal and February 2005. practiced nursing without a current license ARBN, Chapter 4, Rule IV(II)(D)(9),

The above conclusions the Board also violates 3 V.S.A. § 129a(a)(3) because Ms. Bannister did fail to comply with the provisions of the profession.

Order

Ms. Bannister's license is hereby **suspended, indefinitely**. Ms. Bannister may not apply to the Board for reinstatement for a period of 90 days from the effective entry date this order. If and when she does apply for reinstatement, she must first appear before the Board in person for a hearing on her reinstatement. At that time the Board will determine what, if any, conditions should attend her reinstatement.

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, 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106 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.

BOARD OF NURSING

By: Susan Farrell
Susan Farrell, RN, Chair

Dated: August 17, 2005

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/30/05

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

IN RE:)
LAURIE HEATH BANNISTER) Docket No: NU 55-0204
License No: 025-0005016)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Laurie Heath Bannister, L.P.N.:

Board Authority

- 1) The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing ("ARBN"); Rules of the Office of Professional Regulation.
- 2) Willfully making or filing false reports or records in the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(7).
- 3) Practicing professional or practical nursing in Vermont without a current license to practice, unless specifically exempted by 26 V.S.A. §§ 1583 and 1601 is unprofessional conduct upon which the Board can base disciplinary action. ARBN, Chapter 4, Rule IV(II)(D)(9).
- 4) Failing to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

- 5) The Respondent is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025-0005016, which expired on January 31, 2002.
- 6) In or around January 2004, the Respondent contacted Robert Ashford, administrative assistant to the Board of Nursing, regarding renewing her license and the Respondent was advised that her license had lapsed in 2002. The Respondent stated that she did have a current license and faxed a document to Mr. Ashford that she claimed was her license. The Board of Nursing has no record of the Respondent having renewed her license for the 2002-2004 licensing cycle.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

- 7) Upon viewing the faxed document, it appeared that the faxed document had been altered and/or falsified by the Respondent.
- 8) The Respondent was asked to mail the original license to the Board of Nursing for verification. The Respondent's original license was never received by the Board of Nursing.
- 9) On or about February 17, 2004, the Board of Nursing received an application for renewal from the Respondent.
- 10) On the application, the Respondent indicated that she has been employed and practicing as an L.P.N. at Porter Medical Center in Vergennes, Vermont since March 1989.
- 11) By way of history, the Respondent was reprimanded by the Board on March 24, 1998 for practicing without a current license from March 1990 through January 31, 1998.

Charges

- 12) The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:
 - i. 3 V.S.A. §129a(a)(7) (willfully making or filing false reports or records in the practice of the profession); and
 - ii. ARBN, Chapter 4, Rule IV(II)(D)(9) (practicing professional or practical nursing in Vermont without a current license to practice); and
 - iii. 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the Respondent's license should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 14th day of May 2004.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

nu.bannister.soc

STATE OF VERMONT
SECRETARY OF STATE

By:

Edward G. Adrian
State Prosecuting Attorney