

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

IN RE:
DAWN BARCOMB
License No. 025.0009567

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Docket No. 2011-58

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Dawn Barcomb, LPN, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (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. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Dawn Barcomb (the "Respondent") of Townshend, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009567. This license was originally issued on or about July 9, 2008 and expires on or about January 31, 2012.
3. On or about January 31, 2010 the Respondent's license as a Licensed Practical Nurse expired.
4. On or about November 24, 2010 the Respondent applied to renew her license as a Licensed Practical Nurse.
5. During the time between when her license as a Licensed Practical Nurse expired on or about January 31, 2010 and when her certification was renewed on or about November 24, 2010 the Respondent practiced in the State of Vermont as a LPN without valid licensure. This time period was approximately ten (10) months.

Noncompliance with Administrative Duties

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

6. By committing the act(s) and/or omission(s) described above, the Respondent has violated 26 V.S.A. § 1584(a)(3) (It shall be violation of this chapter for any person, including any corporation, association, or individual, to practice nursing unless duly registered and currently licensed to do so under the provisions of this chapter).

Understandings

7. Respondent understands that the Nursing 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.
8. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. Respondent 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.
12. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
13. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

- A. Since this violation occurred only in respect to the Respondent's noncompliance with administrative duties, the Board of Nursing does NOT make a finding of unprofessional conduct, but rather imposes a **MONETARY CIVIL PENALTY IN THE AMOUNT OF TWO HUNDRED DOLLARS (\$200)** on the Respondent. This penalty is to be paid within ninety (90) days of the date of entry of this Order.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- C. 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).

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- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 4/15/11 4/20/11

By: S. Lauren Hibbert
S. Lauren Hibbert
State Prosecuting Attorney

DAWN BARCOMB
RESPONDENT

Dated: 4/15/11

By: Dawn Barcomb
Dawn Barcomb

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 5-9-11

By: Ellen Reff
Chairperson

Date of Entry: 5/10/11
nu.barcomb.stip

STATE OF VERMONT



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