

**STATE OF VERMONT
BOARD OF NURSING**

In re: Amy Sue Belisle)
License No: 026.0029586)

Docket No. 2011-287

Order for Reinstatement

On April 8, 2013, the Vermont Board of Nursing considered Amy Sue Belisle's request for Reinstatement of her license as a Registered Nurse, which was indefinitely suspended by Board Order on February 12, 2013. The Board hereby reinstates Ms. Belisle's license as a Registered Nurse with the following conditions:

1. The Board of Nursing hereby **REPRIMANDS** Amy Sue Belisle's license.
2. The Board of Nursing imposes an **ADMINISTRATIVE PENALTY IN THE AMOUNT OF TWO HUNDRED DOLLARS (\$200)** on Ms. Belisle. This penalty is to be paid within six months of the date of entry of this Order.
3. Ms. Belisle's license is **CONDITIONED** as follows:

a. Length of Time of Conditions Imposed

The conditions shall remain in place until Ms. Belisle has completed all conditions ordered. Ms. Belisle shall be subject to the conditions until she completes a **minimum of one (1) year** of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a registered nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. Ms. Belisle shall be prohibited from working more than forty (40) hours per week.

b. Coursework in Nursing Ethics or Documentation

Ms. Belisle must successfully complete (i.e., receive a passing grade, if applicable) two courses reasonably related to nursing ethics or documentation with prior approval by the Board or its designee, and then submit written documentation of completion to verify the same to the satisfaction of the Board or its designee. This courses must be completed within ninety (90) days of the date of entry of this Order.

c. Notification to Employers/Nursing School

Ms. Belisle shall provide a copy of this Order to all employers in any current or future setting in which she practices as a registered nurse and inform them of her conditional license status.

Within ten (10) days of the date of entry of this Order or of any subsequent nursing assistant employment, Ms. Belisle shall cause her immediate supervisor to submit to the Board an employer agreement form approved by the Board, acknowledging receipt of the Order and the ability to comply with the conditions in the Order.

In the event Ms. Belisle is attending a nursing program which has a clinical portion that involves actual patient care, she shall provide a copy of the Order to the Program Director. Ms. Belisle shall cause the Program Director to submit to the Board a nursing program agreement form approved by the Board, acknowledging receipt of the Order and the ability of the program to comply with the conditions in the Order during clinical experience.

d. Reports from Employers/Program Director

Within one (1) month of the commencement of nursing employment and **monthly** thereafter, Ms. Belisle shall cause every nursing employer she has worked for during the month to submit to the Board an evaluation of her work performance and attendance during that month. These reports shall be submitted in writing on forms issued by the Board. All employer reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

In the event Ms. Belisle is attending a nursing program, she shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. These reports shall be submitted in writing on forms issued by the Board. All nursing program reports shall indicate satisfactory performance (ie., consistently meeting all standards of nursing practice) and attendance.

e. Practice Under Supervision

Ms. Belisle shall practice as a registered nurse only in a setting where she has direct supervision for the entire shift by a licensed registered nurse that is in good standing with the Board.

f. Types of Employment Prohibited

Ms. Belisle shall not work in a supervisory role. She shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a private duty nurse or personal care provider requiring a nursing or nursing assistant license during the effective period of this Order

g. Interview with the Board or its Designee

Ms. Belisle shall appear in person for interviews with the Board or its designee upon request.

h. Out-of-State Practice

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Ms. Belisle shall first obtain approval from the Board prior to her practicing as a registered nurse outside the State of Vermont. If Ms. Belisle fails to receive such approval before practicing as a registered nurse outside the State of Vermont, none of the time spent practicing as a registered nurse out-of-state will be credited toward the fulfillment of the terms and conditions of this Order. The Board will approve out-of-state as a nursing practice so long as Ms. Belisle can still comply with the provisions of this Order.

If Ms. Belisle receives discipline on a nursing license held in another state during the conditioned period, she must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

i. Notification of Place of Employment/Personal Address/Telephone Number

Within ten (10) days of the date of entry of this Order, Ms. Belisle shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Ms. Belisle shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

j. Notification to Other States

In the event that Ms. Belisle is licensed in nursing in any other state(s), she must inform the nursing licensing board of the state(s) in which she is licensed of the conditional status of her Vermont nursing license within thirty (30) days of the date of entry of this Order. If Ms. Belisle fails to provide such notification, it will be considered a violation of this Order.

k. License Renewal

If Ms. Belisle's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice as a registered nurse, Ms. Belisle must timely apply for renewal, pay the applicable fee and demonstrate that she has otherwise complied with the requirements for license renewal.

l. Costs

Ms. Belisle shall bear all costs of complying with this Order.

m. Violation of this Order

If Ms. Belisle violates the terms of this Order in any respect, the Board, after giving her notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against Ms. Belisle during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

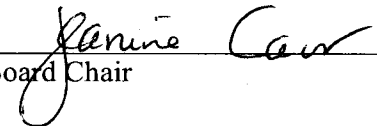
n. Completion of Conditional License Period

After the conditional license period, Ms. Belisle may petition the Board to remove any and all conditions on her license. Ms. Belisle must present proof that she has fully complied with the terms of this Order. Ms. Belisle must also present proof that she can safely and competently perform the duties of a licensed nurse.

4. Notwithstanding any provision above, Ms. Belisle must continue to meet all Nursing Board requirements for maintaining a license, license renewal, and license reinstatement.

So Ordered.

Board of Nursing by


Board Chair

6/10/13
Date

Date of Entry: 6/10/13

**STATE OF VERMONT
BOARD OF NURSING**

In re: Amy Sue Belisle
License No. 026-29586

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} Docket No. 2011-287(RN)

Appearances:

Petitioner, State of Vermont: Gabriel Gilman
Respondent: Charles S. Martin

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board met for a contested hearing on the above matter on February 11, 2013 at the Capitol Plaza in Montpelier, Vermont. Ms. Belisle did not attend. She was represented by counsel.

Ms. Belisle is licensed as a registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.

Background

On March 28, 2012 Ms. Belisle was sent a Notice of Charges in this matter by certified mail to her last known address. A copy of the Specification of Charges is attached to this Default Order. 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. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14). Ms. Belisle did not file a timely Answer.

Ms. Belisle contacted the prosecuting attorney near the end of July, 2012. On July 27, 2012 the prosecuting attorney consented to allowing Ms. Belisle more time to file an Answer to the charges. He agreed to the late filing of the answer because Ms. Belisle had represented that she "was called away to a family emergency in Puerto Rico. She reports that she has mailed her Answer today." Ms. Belisle's Answer was received on July 30, 2012. In it she stated only,

"Post review of charges I feel there is a confliction [sic] with the infant's being at DCF on 4/22/11 & the Scheduled Visit Log with Bayada. Due to the length of time that has passed & me being out of the country I request to review all of the facts. Gabriel stated that he would email them to me after receiving my response."

Ms. Belisle left blank the part of the Answer which called for her to, "List all defenses that you intend to present to the charges." She did not deny the allegation that she forged client signatures. It is unclear how her answer addressed the allegations of submitting falsified records.

The Office set a prehearing telephone conference which was held on September 13, 2012. After the conference, notice went out setting the hearing for November 5, 2012.

On November 5, 2012 the case was continued at Ms. Belisle's request. It was re-set for December 10, 2012. On December 6, the Thursday before the scheduled hearing, the prosecution filed an "Assent to Ms. Belisle's Motion to Continue and Request for a Status Conference." The presiding officer denied the motion because OPR had not received an Entry of Appearance or a Motion to Continue on Ms. Belisle's behalf. The entry order noted that the hearing date was originally set in September, that the deadline for Motions was in October, and that the Board was expecting the hearing to occur on December 10, 2012. On December 10, 2012 OPR received Charles Martin's entry of appearance and request for continuance of the re-scheduled hearing.

At the December 10 hearing, Ms. Belisle's attorney and the prosecuting attorney appeared. Ms. Belisle again did not appear. Ms. Belisle's motion to continue was granted and the hearing was re-set for January 14, 2013. The Board was provided no documentation to substantiate Ms. Belisle's need for a continuance.

On January 14, 2013 Ms. Belisle once again did not appear for the hearing. Her attorney represented that this time she had the flu. The hearing was continued yet again. The Board made it very clear that it expected Ms. Belisle's hearing to occur at its February 11, 2013 meeting.

On February 11, 2013 this matter was called for hearing. The prosecution had its witnesses present. For one, it was his third trip to testify. Ms. Belisle's attorney was present. Once again, Ms. Belisle was not present. Her attorney represented that she had informed him that she had had emergency surgery the Friday before the hearing. He submitted several documents which purported to show that Ms. Belisle had had emergency gall bladder surgery. We cannot tell for sure if or when she may have had the surgery. We note that the fax cover sheet shows that Ms. Belisle was able to arrange the sending of the fax from a Staples store in New Hampshire on February 10. According to those documents, Ms. Belisle will not be able to work at least until February 25, 2013. The documents do not show that she was unable to appear in person or by telephone for the February 11 hearing. We conclude that the documents do not provide good cause for Ms. Belisle's failure to appear for this hearing, to be available to testify to by telephone, or to have her case ready to be presented to the Board.

When asked what the Board should do in response to Ms. Belisle's failure to attend again, the prosecutor asked the Board to find Ms. Belisle in default. He submitted her Answer which, he argued, did not comply with legal requirements. Her attorney, Mr. Martin argued that default is an inappropriate remedy since she had filed an Answer, and that Ms. Belisle's testimony is

necessary for her defense. He did not suggest that the hearing proceed or ask that his client be permitted to appear by telephone. He objected to the prosecution's characterization of its case, but did concede that Ms. Belisle had forged a signature on a document.

For the last four months Ms. Belisle has offered one last minute excuse after another for postponing her hearing. They include close family members' illnesses, moving her home, her own illnesses, and surgeries. The timing and consistency of Ms. Belisle's requests undermine their credibility. We note that Ms. Belisle's initial answer was not filed in time. It was filed over three months late. We could have found her in default well before then. Default was apparently not sought because Ms. Belisle offered last summer her first excuse to justify her lack of response. Ms. Belisle's failures to appear for hearings have caused hardship for the prosecution and its witnesses. They have caused scheduling delays and consumed Board resources.

These charges have been pending since last March. Ms. Belisle has continued to possess an active license with no restrictions. We cannot permit Ms. Belisle to thwart the orderly progression of the disciplinary process. Further continuances can only undermine confidence in our ability to protect the public.

After considering the parties' requests, the Board concludes that Ms. Belisle's delay of these proceedings multiple times with no showing of good cause constitutes a failure to defend the case against her on February 11, 2013. To prevent further unnecessary hardship and delay we find Ms. Belisle in *default*. As OPR Rule 2.1 permits, we waive the limitations set by OPR Rule 2.4. We act pursuant to 3 V.S.A. § 809(d) and employ the sanction recognized in V.R.C.P. 55(d). The Board finds that Ms. Belisle has engaged in the unprofessional conduct alleged in the State's Specification of Charges. We note that Ms. Belisle's attorney conceded that she forged a signature. See, Paragraph 7 of the Specification of Charges.

Sanction

After announcing our decision finding Ms. Belisle in default, we gave the parties an opportunity to address what they believe to be the appropriate sanction. We considered Ms. Belisle's Exhibit A to determine if it could be considered in mitigation of any sanction. Its mention of a lack of a record, without more, did not persuade us that it should mitigate the sanction to be imposed. Also, on its face it indicates that it was signed by the witness on January 16, 2013, yet notarized on January 14, 2013. We cannot, without Ms. Belisle's presence, adequately assess what may be needed to assure her safe practice. Ms. Belisle apparently will not be able to return to the rigors of employment for another two weeks. We are willing to hear from her as soon as she wishes to be heard and appear before the Board.

For the reasons set forth above, Ms. Belisle's license is hereby *suspended indefinitely*, effective as of the date of the filing of this Decision. Ms. Belisle is free to apply for reinstatement at any time. Should Ms. Belisle apply for reinstatement, the Board at that time will determine whether any conditions can permit her to resume practice while protecting public health and safety.

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, National Life Bldg., North, FL2, 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.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By:

Jeanine Carr
Jeanine Carr, RN, Chair

Date: February 12, 2013

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/12/13

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

IN RE:

AMY SUE BELISLE

License No. 026.0029586

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Docket No. 2011-287

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Amy Sue Belisle, RN:

Board Authority

1. The Vermont State Board of Nursing ("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. Amy Sue Belisle ("Respondent") of Charlotte, VT is licensed by the State of Vermont as a Registered Nurse under license number 026.0029586. The license was originally issued on or about June 2, 2004 and is currently set to expire on March 31, 2013.
3. At all times relevant hereto, the Respondent was employed as a Registered Nurse with Bayada Nurses ("Bayada") of South Burlington, VT.
4. Respondent began working for Bayada on or about March 2, 2011. Respondent's work involved providing nursing services at clients' residences.
5. Respondent developed a pattern of missing client visits, failing to report missed visits to Bayada, and rescheduling client visits on very short notice.
6. Respondent submitted to Bayada clinical notes indicating that she was with infant clients C.W. and K.W. on April 22, 2011 from 10 a.m. to 12:15 p.m. at their grandparents' residence. C.W. and K.W. were with their grandparents at the

STATE OF VERMONT



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Department for Children and Families until 12 p.m. on April 22, 2011.
Respondent did not see C.W. and K.W. on April 22, 2011.

7. Respondent forged a client signature on a document captioned "Nurse's Note" for C.W. dated April 22, 2011. Respondent fictionalized vital signs and clinical observations of C.W. Respondent submitted the falsified record to Bayada.
8. Respondent forged a client signature on a document captioned "Nurse's Note" for K.W. dated April 22, 2011. Respondent fictionalized vital signs and clinical observations of K.W. Respondent submitted the falsified record to Bayada.
9. J.W. is a caregiver of C.W. and K.W. Respondent left a message on J.W.'s answering machine on April 22, 2011, asking that her failure to see C.W. and K.W. be kept from the knowledge of others. The content of this message was overheard by Licensed Practical Nurse S.M.
10. J.W. left a message for Respondent in an effort to determine what had happened and when she would visit to provide care for C.W. and K.W. Respondent did not return J.W.'s call, leaving J.W. unaware of what nursing care would be available for C.W. and K.W. Respondent reappeared at the residence on April 26, 2011.

Charges

11. 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:
 - a. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
 - b. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records);
 - c. 3 V.S.A. § 129a(b)(2) (Failing 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; or (2) failure to conform to the essential standards of acceptable and prevailing practice);
 - d. 26 V.S.A. § 1582(a)(7) (Engaging in conduct of a character likely to deceive, defraud, or harm the public), including pursuant to ARBN Rule

STATE OF VERMONT



Prosecuting Attorney
Office of
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National Life Building
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11.2(d)(3), falsifying or altering clinical records of making inaccurate or misleading entries; and

- e. 26 V.S.A. § 1582(a)(3) (Being unable to practice nursing competently by reason of any cause), including pursuant to ARBN Rule 11.2(b)(2), failing to conform to the essential standards of acceptable and prevailing nursing practice.

Relief Requested

WHEREFORE, the license of Amy Sue Belisle, should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 27th day of March, 2012.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Gabriel M. Gilman
State Prosecuting Attorney

nu.belisle.soc

STATE OF VERMONT



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