

**STATE OF VERMONT
BOARD OF NURSING**

In re: Julie E. Blackwell
License No. 025-72639

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Docket No. 2012-210(RN)

Appearances:

Prosecuting the case: S. Lauren Hibbert
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on September 9, 2013 at the Office of Professional Regulation conference room at the City Center in Montpelier, Vermont. Ms. Blackwell did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Blackwell is licensed as a licensed practical 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.
2. On March 25, 2013 Ms. Blackwell 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.
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. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. Stamps on the envelope indicate the notice of charges was not delivered. The stamps indicate that Ms. Blackwell moved. It provided her forwarding address.
6. Another notice of charges was mailed to Ms. Blackwell at her new address on April 22, 2013, but not via certified mail. The letter was not returned, so is presumed to have been received.
7. Ms. Blackwell has not filed an answer to the charges.
8. On August 8, 2013 notice of the Default Hearing scheduled for this date was mailed to Ms. Blackwell at that same "new" address by certified mail. The file shows nothing indicating the notice of default hearing was received or not received.
9. Ms. Blackwell has still not answered the charges.
10. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Ms. Blackwell to be in Default. The allegations contained in the Specification of

Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Blackwell 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 Ms. Blackwell has failed to answer the charges, the factual allegations in the Stipulation and Consent Order are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Blackwell has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Blackwell's license is hereby **warned**, effective as of the date of the hearing. Her license is also **conditioned as follows**:

1) Before Respondent's license may be eligible for renewal on February 1, 2014, she shall successfully complete two courses pre-approved by the Board, one in documentation, one in medication administration. The Office is directed to not to permit her renewal if the condition has not been satisfied.

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.

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: September 9, 2013

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9/10/13

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

IN RE:)
JULIE E. BLACKWELL) Docket No. 2012-210
License No. 025.0072639)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Julie E. Blackwell, LPN:

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. Julie E. Blackwell (the "Respondent") of Albany, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0072639. This license was originally issued on or about November 30, 2010 and expires on January 1, 2014.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse at the Starr Farm Nursing Center (the "Facility") located in Burlington, Vermont.
4. On or about March 18, 2012, Respondent failed to document thirty one (31) instances of administration of medication for twenty (20) patients. Respondent, when notified by the Facility was able to correct all omissions.

Charges

5. 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. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes failing to conform to the essential standards of



Prosecuting Attorney
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89 Main Street
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- b. 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 unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
- c. 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).

Relief Requested

WHEREFORE, the license of Julie E. Blackwell should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 22 day of March, 2013.

STATE OF VERMONT
SECRETARY OF STATE

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

STATE OF VERMONT



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