



State of Vermont
Office of the Secretary of State

Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
www.sec.state.vt.us

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION

IN RE: John M. Booth	)	
	)	
Application Tracking No. LI-280290	)	Docket No. 2018-60

NOTICE OF FINAL APPLICATION DENIAL

In the matter captioned above, a *Notice of Preliminary Denial* was served by certified mail, consistent with 3 V.S.A. § 129(e).

The 30-day appeal period has run, and there has been no request for review.

The decision to deny the application is now final, and the matter is closed.

DATED: August 10, 2018

By:

S. Lauren Hibbert
Director of Professional Regulation

Enclosure: *Notice of Preliminary Denial*

cc: Elizabeth St. James, Esq., Prosecutor
Ellen Leff, Case Manager
Michelle Lavoie, Licensing Board Administrator I

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

IN RE:)
John M. Booth) Docket No. 2018- 60
Application Tracking No. LI-280290)

NOTICE OF PRELIMINARY DENIAL

An Application for licensure as a Registered Nurse, submitted by John M. Booth, was received by the Office of Professional Regulation on May 18, 2018 (the "Application"). The Application was complete on May 23, 2018. The Application has been **preliminarily denied** by the State of Vermont for the following reasons:

Board Authority

1. The Vermont Board of Nursing (the "Board") has authority to deny an applicant's license if it finds that the applicant has engaged in unprofessional conduct in any jurisdiction. 3 V.S.A. § 129(a); 26 V.S.A. § 1582; and the Rules of the Office of Professional Regulation.

Basis for Denial

Basis for Denial One : 3 V.S.A. § 129a(a)(b)(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 . . . (2) failure to conform to the essential standards of acceptable and prevailing practice.

2. Within the Application, John M. Booth (the "Applicant") disclosed that his Registered Nursing license in the State of North Carolina was voluntarily surrendered in 2003 due to substance abuse issues.
3. Applicant voluntarily surrendered his license after he was terminated from participation in an alternative to discipline program.
4. Applicant's license was reinstated, with conditions, in July 2006, and he entered the North Carolina Board of Nursing's Chemical Dependency Discipline Program (CDDP).
5. The North Carolina Board of Nursing's CDDP is a public unprofessional conduct disciplinary program.

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6. Applicant successfully completed the CDDP in February 2010.
7. Within the Application, Applicant disclosed that his Registered Nursing license in the State of North Carolina was suspended in June of 2012.
8. Applicant's license was suspended after he diverted a controlled substance while working as an RN.
9. Applicant entered the CDDP for a second time in September of 2012, at which time his license was reinstated with conditions.
10. Applicant successfully completed the North Carolina CDDP for the second time in July 2017.
11. Review of the underlying facts that caused Applicant to participate in the CDDP from 2006 through 2010 show that Applicant failed to conform to the essential standards of acceptable and prevailing practice when he was unable to practice safely by reason of alcohol or other substance abuse.
12. Review of the underlying facts that caused Applicant to participate in the CDDP from 2012 through 2017 show that he failed to conform to the essential standards of acceptable and prevailing practice when he diverted controlled substances while working as an RN.

Basis for Denial Two: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

13. Paragraphs 2 through 12 above are re-alleged and incorporated herein.
14. The conduct referenced in Paragraphs 7 through 10 and 12 above also demonstrate that Applicant diverted or attempted to divert drugs or equipment or supplies for unauthorized use.
15. The unprofessional conduct in Paragraphs 3 through 14 above would constitute unprofessional conduct in Vermont.
16. Pursuant to 3 V.S.A. §129(a)(5), the Board may discipline any licensee or refuse to license any person who has had a license application denied or license revoked, suspended, limited, conditioned or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute unprofessional conduct in this state, or has surrendered a license while under investigation for unprofessional conduct.

As a result of the foregoing reasons, the Application for licensure is **PRELIMINARILY DENIED**. If you would like this decision to be reviewed please refer to the appeal rights at the bottom of this notice.

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DATED at Montpelier, Vermont this 8th day of June, 2018.

STATE OF VERMONT
SECRETARY OF STATE

By: Elizabeth A. St. James
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To appeal this preliminary denial, you must file a written appeal with the Docket Clerk within 30 days of the date of this notification. In order to expedite the appellate process, your appeal shall include a statement of issues, that is, why the preliminary denial should be reversed and that the license should be granted.

Please send your appeal to the address below:

Liz Amaral, Docket Clerk
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05602-3402

A hearing will then be scheduled. The State will be represented by the state prosecutor. At the hearing you will have the burden of showing that this preliminary denial should be reversed and that your license should be granted. 3 V.S.A. §129(e). The tribunal may uphold the denial, in whole, or in part, or may issue an unrestricted license, or may issue a license that is sanctioned. 3 V.S.A. §129(a)(3).

If you do not appeal this preliminary denial it will become final in 30 days. As a final disciplinary decision it will be reported to all required national data banks and shall be public pursuant to 3 V.S.A. §131.

Once the decision is final, it may be appealed pursuant to 3 V.S.A. §130a.

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