

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

IN RE:)
BETTYE J. BRYARS) **Docket No. 2019-25**
License No. 025.0008172)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through Prosecuting Attorney Aaron Kisicki, and the respondent Bettye J. Bryars who hereby stipulate and agree as follows:

Authority

1. The Vermont State Board of Nursing ("Board") has jurisdiction to adjudicate complaints of unprofessional conduct and unlicensed practice, pursuant to 3 V.S.A. § 127; 3 V.S.A. § 129(a); 3 V.S.A. § 129(j); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Bettye J. Bryars ("Respondent") of Newport, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0008172. This license was originally issued on March 11, 2002 and expires on January 31, 2020.
3. Respondent's license expired on January 31, 2016.
4. Respondent did not renew her license until April 16, 2018.
5. Respondent practiced as a Licensed Practical Nurse during the more than two years her license was expired.
6. Respondent identified herself as a Licensed Practical Nurse during the time her license was expired.

Violation One: 3 V.S.A. § 127 Unauthorized Practice.

7. The State re-alleges and incorporates Paragraphs 2 through 6 above.
8. Paragraphs 2 through 6 above demonstrate that Respondent practiced the regulated profession of licensed practical nursing in the State of Vermont without an active license.

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9. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent engaged in the unauthorized practice of a regulated profession, in violation of 3 V.S.A. § 127.

Violation Two: 26 V.S.A. § 1584(a) It shall be a violation of this chapter for any person, including any corporation, association, or individual, to (3) practice nursing unless duly registered and currently licensed to do so under the provisions of this chapter.

10. The State re-alleges and incorporates Paragraphs 2 through 6 above.
11. Paragraphs 2 through 6 above demonstrate that Respondent practiced nursing while not licensed to do so.
12. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent practiced nursing while not licensed to do so, in violation of 26 V.S.A. § 1584(a).

Violation Three: 26 V.S.A. § 1584(a) It shall be a violation of this chapter for any person, including any corporation, association, or individual, to (4) use in connection with a name any words, letters, signs, or figures which imply that a person is a registered or practical nurse or an advanced practice registered nurse when not authorized under this chapter.

13. The State re-alleges and incorporates Paragraphs 2 through 6 above.
14. Paragraphs 2 through 6 above demonstrate that Respondent used words and/or letters that implied that she was a practical nurse while her license was expired.
15. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent used words, letters, signs, or figures which implied that she was a practical nurse when not authorized, in violation of 26 V.S.A. § 1584(a)(4).

Understandings

16. Respondent understands that the 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.
17. This Stipulation and Consent Order is intended to resolve all matters related to Docket Number 2019-25 as a failure to comply with administrative duties. This Stipulation and Consent Order is not a finding of unprofessional conduct.

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18. Respondent specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced the right to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
19. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
20. Respondent is not under the influence of any drugs or alcohol at the time of signature.
21. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced into signing this Stipulation and Consent Order.
22. Respondent voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
23. Respondent agrees that the Board may enter this Order.

ORDER

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

- A. A **MONETARY CIVIL PENALTY IN THE AMOUNT OF THREE-HUNDRED DOLLARS (\$300.00)** is imposed on Respondent for **FAILURE TO COMPLY WITH ADMINISTRATIVE DUTIES**. This penalty shall be paid within ninety (90) days of the date of entry of this Order.
- B. Notwithstanding any provision above, the Respondent shall continue to meet all 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).
- D. This Stipulation and Consent Order shall remain part of Respondent's file and may be used for purposes of determining sanctions in any future unlicensed practice or disciplinary matter.

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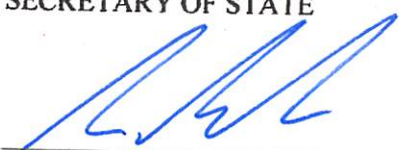


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AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 3/14/19

By: 

Aaron Kisicki
Prosecuting Attorney
(802)828-1217
aaron.kisicki@sec.state.vt.us

BETTYE J. BRYARS
RESPONDENT

Dated: 3/14/19


Bettye J. Bryars

APPROVED AND SO ORDERED:

Dated: 4/9/2019

By: 

Board Chair

Date of Entry: 4.9.19

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