

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

<i>In re</i>	Donna B. Carrera	}	Docket No. NU72-0306
License No.	025-0008870	}	

DEFAULT ORDER

Upon the filing of a *Notice of Hearing for Default Judgment* by the Secretary of State, the Nursing Board heard this matter on Monday 8 October 2007 at the Secretary of State's Office of Professional Regulation, in the National Life Building at Montpelier, Vermont.

Findings of Fact

1. Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129 and 129a; 26 V.S.A. Chapter 28; Administrative Rules for the Board of Nursing ("Nursing Rules") and the Administrative Rules for the Office of Professional Regulation ("OPR Rules").
2. The State filed a Specification of Charges dated 28 June 2007 (the "Charges"), which allege unprofessional conduct against the Respondent.
3. The Office of Professional Regulation ("OPR") served notice of the charges via certified and first class mail at the address Respondent provided to OPR pursuant to 3 V.S.A. §129a (14). The notice of charges contained instructions detailing the Respondent's legal obligation to answer the charges and explaining the consequences of failure to file a timely response. OPR also served a notice of this default hearing to the Respondent by certified mail.
4. The Respondent did not answer the charges within the legally prescribed time as required by OPR Rule 3.3 or at any time thereafter.
5. Upon hearing the State's presentation and taking notice of its own file pursuant to 3 V.S.A. § 810(4), the Board finds the Respondent to be in default. The factual allegations contained in the State's specification of charges (copy attached) are therefore treated as proven and serve as the factual basis for the Board's order. OPR Rule 3.4; 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).
6. The Board finds that this action warrants an administrative penalty and the Board further finds that the Respondent's conduct does not constitute unprofessional conduct.

Conclusions of Law

The Respondent received adequate and legal notice of the charges as evidenced by the Board's file and the State's presentation of the case to the Board. Because the Respondent failed to answer the State's Charges, the Board finds the Respondent in default and will treat the State's factual allegations as established pursuant to OPR Rule 3.4.

Pursuant to 3 V.S.A. §129(a), the Board finds the Respondent's action constitutes noncompliance with a law relating to administrative duties warranting a monetary civil penalty but not warranting a finding of unprofessional conduct.

Order

In accordance with the above findings of fact and conclusions of law, the Board of Nursing ORDERS that the Respondent be FINED in the amount of \$500.00, which shall be paid NO LATER THAN 28 February 2008.

Failure to pay this fine as ordered shall subject the Respondent to additional disciplinary action. See 3 V.S.A. §129a.

- END -

(signature page to follow)

Vermont Board of Nursing:

By: *Susan O. Farrell* Dated at: Montpelier, Vermont 8 October 2007.
Susan O. Farrell, RN
Board Chairperson

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/10/07

Appeal Rights

This is a final administrative determination by the Board of Nursing. 3 V.S.A. § 812.

A party aggrieved by a final decision of a Board may appeal the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Building, North, FL 2 Montpelier, Vermont 05620-3402, within 30 days of the entry of the order.

If a party files an appeal, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The appellate officer shall review the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, the appellate officer may receive additional evidence related to the allegations of procedural defects in the record created before the board. 3 V.S.A. § 130a.

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

IN RE:

**DONNA B. CARRERA
License No. 025-0008870**

)
) **Docket No. NU72-0306**
)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Donna B. Carrera, L.P.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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 ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Donna B. Carrera, is licensed as a Practical Nurse by the State of Vermont under license number 025-0008870. The Respondent's license was originally issued on or about February 23, 2006 and is currently set to expire on January 31, 2008. The Respondent is also licensed as a practical nurse in the State of New York.
3. At all times relevant, the Respondent was employed as an L.P.N. at Equinox Terrace (the "Facility"), located in Manchester Center, Vermont.
4. The Respondent was employed at the Facility from approximately October of 2002 to November of 2005. The Respondent was not licensed as a practical nurse in the State of Vermont during that time period.
5. The Respondent was issued a Vermont license on or about February 23, 2006.

Charges

6. By committing the act(s) and/or omission(s) alleged above, the Respondent has violated:
 - i. 26 V.S.A. § 1600(b) (No person shall practice nursing or nursing related functions as defined in section 1592 or this title without being licensed by the board); and

STATE OF VERMONT



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

ii. 3 V.S.A. §129a(a)(3) (Failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

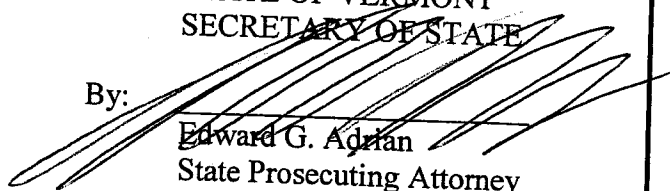
Relief Requested

WHEREFORE, the license of Donna B. Carrera should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 28th day of June, 2007.

STATE OF VERMONT
SECRETARY OF STATE

By:


Edward G. Adrian
State Prosecuting Attorney

nu.carrera.soc

STATE OF VERMONT



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