

**STATE OF VERMONT
BOARD OF NURSING**

In re: Sandra S. Carvell
License No. 025-7747

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Docket No. 2013-171(LPN)

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 April 14, 2014 at the Office of Professional Regulation conference room at the Capitol Plaza in Montpelier, Vermont. Ms. Carvell did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Carvell was, until January 31, 2014, licensed as a practical nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d), 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 January 7, 2014 Ms. Carvell 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. There is no indication that the Notice of Charges was received. The file contains no return receipt or any document from the USPS indicating that any attempt to reach Ms. Carvell was made.
6. Ms. Carvell has not filed an answer to the charges.
7. On April 4, 2014 notice of the Default Hearing scheduled for this date was mailed to Ms. Carvell at that same address by certified mail. There is no indication that the Notice of Default Hearing was received. The file contains no return receipt or any document from the USPS indicating that any attempt to reach Ms. Carvell was made.
8. Ms. Carvell has still not answered the charges.
9. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Ms. Carvell 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. Carvell 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. Carvell 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. Carvell has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

For the unprofessional conduct found in this matter Ms. Carvell's license is hereby **warned** effective as of the date of the hearing. She shall also pay an **civil penalty in the amount of \$300.00.**

Ms. Carvell shall comply with the conditions imposed in Docket No. 2011-4. Failure to pay the civil penalty herein or failure to comply with the Order in 2011-4 may subject Ms. Carvell to further disciplinary action.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing.

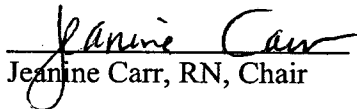
A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main St., Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this Order.

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, RN, Chair

Date: April 14, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 4/17/14

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

IN RE:

SANDRA S. CARVELL

License No. 025.0007747

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Docket No. 2013-171

SPECIFICATION OF CHARGES

NOW COME the State of Vermont and makes the following Charges against the Respondent, Sandra S. Carvell:

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. Sandra Carvell (the "The Respondent") of Enfield Center, New Hampshire is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0007747. This license was originally issued on or about February 11, 1999 and is currently set to expire on or about January 31, 2014.
3. On or about April 1, 2013, Respondent submitted her Renewal Application. Respondent's license had lapsed on February 1, 2012. Respondent disclosed that she worked as a Licensed Practical Nurse while her license had lapsed.
4. As a result of docket number 2011-4, Respondent's license was warned on February 13, 2012 and Respondent was required to take two courses. Respondent has failed to take the required courses as of the date of these charges.

Charges

5. By committing the act(s) and/or omission(s) described above, the Respondent has violated:
 - a. 26 V.S.A. § 1584(a)(3) (It shall be violation of this chapter for any person, including any corporation, association, or individual, to practice nursing unless

STATE OF VERMONT



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duly registered and currently licensed to do so under the provisions of this chapter);

- b. 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) and,
- c. 3 V.S.A. § 129a(a)(4)(Failing to comply with an order of the board or violating any term or condition of a license restricted by the board.)

Relief Requested

WHEREFORE, the license of Sandra S. Carvell, LPN, should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 3 day of January, 2014.

STATE OF VERMONT
SECRETARY OF STATE

By: S. Lauren Hibbert

S. Lauren Hibbert
State Prosecuting Attorney

STATE OF VERMONT



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