

**STATE OF VERMONT
BOARD OF NURSING**

In re: Gerald Casavant	}
License No. 026-0024170	} NU57-0203
	}

**Decision on
Petition for Reinstatement of License**

Participating Board Members:

Susan Farrell, RN, Chair
Linda Rice, APRN, Vice Chair
Alan Weiss
Sandra Norton, LNA
Donarae Metcalf, LPN
Laurey M. Tyo, RN
Ellen W. Leff, RN
Deann Welch, LPN

Appearances:

for State of Vermont: Edward G. Adrian
Gerald Casavant: Pro se

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Board of Nursing held a hearing in the above matter on March 14, 2005 at the Central Vermont Hospital in Berlin, Vermont.

To obtain a license an applicant must show that he or she is qualified. There is no right to reinstatement of a revoked license. To be considered for reinstatement a licensee who was revoked for unprofessional conduct must present evidence to overcome the prior adverse conclusions of the Board as to his or her fitness to practice as a nurse.

Background

Mr. Casavant has asked the Board to reinstate his license which was revoked after a hearing one year ago.

Findings of Fact

Based on substantial credible evidence presented, the Board finds as follows:

1. This respondent was licensed by the Vermont Board of Nursing and remains subject to the disciplinary authority of this Board. 26 V.S.A. §1582(a), 3 V.S.A. § 129(a).
2. On April 6, 2004 Mr. Casavant's license was revoked after a March 2004 hearing where unprofessional conduct was proved.
3. By letter dated November 1, 2004 Mr. Casavant asked for reinstatement of his license.
4. In his letter he stated that "It is without reservation that I have had over three years of mental, physical and emotional anguish to live with."
5. The Board's April 2004 revocation decision noted that, "Mr. Casavant displayed a lack of remorse for his omissions. He tried to shift blame to others. He conveyed to the Board a sense that he knew best what was right or wrong, and that he was unwilling or unable to follow the orders of the physician or the directions of his supervisors." Finding 18. In its order the Board stated that "the cumulative effect of Mr. Casavant's prior unprofessional conduct, unprofessional conduct in this case and lack of appreciation of the seriousness of his acts causes the Board to conclude that permitting Mr. Casavant to continue practice as a nurse would endanger the public safety."
6. Mr. Casavant's evidence at this hearing consisted of his testimony and letters of reference, many of which pre-dated this Board's disciplinary action last year.
7. Mr. Casavant, in the letter mentioned above and in his testimony, dwelt on his training as a nurse which began at age 43.
8. When asked what he had done since his revocation, Mr. Casavant said that he had some therapy with a clerical person who had been a former patient of his.
9. Mr. Casavant showed the Board no counseling directly related to the problems which led to his revocation last year.
10. Mr. Casavant did not display remorse for the conduct which led to his revocation.
11. He has taken no action to assure that the type of unprofessional conduct upon which his revocation was based would not be repeated in the future.
12. Mr. Casavant did not show that he has made any effort at self evaluation as it relates to his nursing practice.
13. Mr. Casavant did not show that he had achieved a degree of self-awareness which would enable him to practice as a nurse without repeating the conduct that led to his revocation.
14. Mr. Casavant was not fully responsive to questions from the Board. He referred frequently to matters which preceded his disciplinary problems.
15. At the hearing Mr. Casavant testified that he felt, "mentally and emotionally used up."
16. Mr. Casavant continues to blame other factors for his nursing errors.
17. Mr. Casavant has not shown a sufficient appreciation of how his attitude toward others affected the performance of his nursing duties.
18. The sum and substance of Mr. Casavant's presentation to the Board added very little evidence not seen in the disciplinary proceeding of just one year ago.

Conclusions of Law

Mr. Casavant continued to display a lack of remorse for his omissions. He continued to blame others.

Mr. Casavant has not convinced the Board that its concerns leading to his license revocation have been overcome. His statement about being mentally and emotionally used up, along with the similar statement in his letter to the Board does not dispel the concerns the Board expressed in its revocation order.

Mr. Casavant has not shown the Board that the public health, safety, or welfare would be protected if his license was reinstated at this time.

Order

The Board's Order of Revocation remains in effect. Mr. Casavant's request for reinstatement is **denied**.

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, 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106 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.

BOARD OF NURSING

By: Susan Farrell
Susan Farrell, RN, Chair

Dated: March 26, 2005

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/31/05