

**STATE OF VERMONT
BOARD OF NURSING**

In re: Kimberly Christensen
License No. 026-99879

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Docket No. 2013-674(RN)

Appearances:

Prosecuting the case: Annika Green
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on August 11, 2014 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont. Ms. Christensen did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Christensen was licensed with a temporary license as a registered 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 May 30, 2014 Ms. Christensen 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. Ms. Christensen received the Specification of Charges and signed the return receipt.
6. Ms. Christensen has not filed an answer to the charges.
7. On July 3, 2014 notice of the Default Hearing scheduled for this date was mailed to Ms. Christensen at that same address by certified mail and first class mail. The file shows no receipt on this mailing. The first class letter was not returned.
8. Ms. Christensen has still not answered the charges.
9. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Ms. Christensen 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. Christensen 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. Christensen has failed to answer the charges, the factual allegations in the Specification of Charges 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. Christensen has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Christensen's eligibility for licensure is hereby **Suspended Indefinitely** effective as of the date of the hearing. Should Ms. Christensen apply for licensure, the Board at that time will determine whether any conditions can permit him/her to resume practice while protecting public health and safety.

Appeal Rights

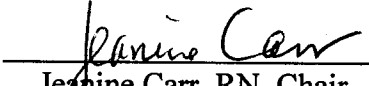
This is a final administrative determination by the Vermont Board of Nursing.

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: August 11, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/13/14

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

IN RE:)
KIMBERLEY CHRISTENSEN)
License No. 026.0099879)

Docket No. 2013-674

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Annika Green, and makes the following Charges against the Respondent, Kimberley Christensen:

Board Authority

1. The Vermont State Board of Nursing ("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. § 1595; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Kimberley Christensen ("Respondent") of Burbank, WA, held a temporary Vermont license as a registered nurse ("RN") under license number 026.0099879 from November 12, 2013 until its expiration on February 9, 2014.
3. On or about November 12, 2013 submitted an application to the Board requesting a 90-day temporary registered nurse license by endorsement ("RN Application").
4. Among the questions required by the RN Application is the following:

Are you currently under investigation by a licensing authority?

5. Respondent answered "No" in response to the above question.
6. At the conclusion of her RN Application, Respondent answered "Yes" to the question:

I certify, under the pains and penalties of perjury, that all information I have provided in this application is true and accurate. I understand that furnishing false information may constitute unprofessional conduct and result in the denial of my application for licensure/certification/registration. (The maximum penalty for perjury is fifteen years in prison and/or a \$10,000 fine. 13 VSA §2901)

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

7. On or about November 13, 2013, the Department of Health/Board of Nursing in Washington State indicated that Respondent was the subject of an investigation and Respondent had been notified in July, 2013 of the WA investigation.
8. On or about February 13, 2014, VT Office of Professional Regulation Investigator Dennis Menard interviewed Respondent. Respondent stated that she knew of the Washington investigation when she filed her RN Application with Vermont. Respondent also stated the basis for the Washington investigation was that she had been in a drug treatment program and had failed a urinalysis test.

Charges

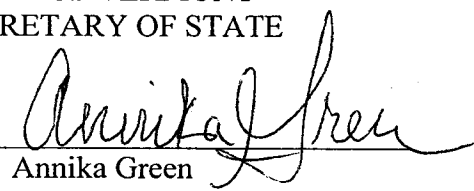
9. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 3. V.S.A. §129a(a)(1) (fraudulent or deceptive procurement or use of a license); and
 - b. 26 V.S.A. § 1595(3) (has been fraudulent or deceitful in procuring or attempting to procure a license, in filing or completing patient records, in signing reports or records, or in submitting any information or records to the board).

Relief Requested

WHEREFORE, the lapsed RN license of Kimberley Christensen should be revoked or otherwise disciplined should she seek reinstatement.

DATED at Montpelier, Vermont this 29th day of May, 2014.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Annika Green
State Prosecuting Attorney

STATE OF VERMONT



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