

VERMONT SECRETARY OF STATE  
OFFICE OF PROFESSIONAL REGULATION  
BOARD OF NURSING

*In re*            Joan Cocci        }  
License No.    026-0008475    }  
Docket No.    NU34-0907     }

DEFAULT ORDER

Upon the filing of a "Notice of Hearing for Default Judgment" by the Secretary of State, the Vermont Board of Nursing (the "Board") heard this matter on Monday 2008 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 5 June 2008 ("charges"), which allege unprofessional conduct against the Respondent.
3. The Office of Professional Regulation served Respondent with notice of the charges via certified and first class mail at the address Respondent provided to OPR. Respondent is required to keep OPR and the Board informed of Respondent's current mailing address. 3 V.S.A. §129a (14).
4. 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.
5. The Respondent did not answer the charges within the legally prescribed time as required by OPR Rule 3.3 or at any time thereafter.
6. The Respondent did not appear for this default hearing.
7. 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 Board therefore treats the factual allegations contained in the State's specification of charges (copy attached) as proven, and those allegations will 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).

### Conclusions of Law

8. 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 charges of unprofessional conduct, the Board finds the Respondent in default and will treat the State's factual allegations as established pursuant to OPR Rule 3.4.
9. The Board concludes, in this default hearing held pursuant to 3 V.S.A. § 809(d), that the Respondent has engaged in unprofessional conduct as alleged by the State of Vermont.

### Order

In accordance with the above findings of fact and conclusions of law and effective the date of entry of this order, the Board of Nursing ORDERS that the Respondent's license be SUSPENDED INDEFINITELY.

- END -

*(signature page to follow)*

Vermont Board of Nursing:

By: Linda Rice APRN Dated: Montpelier, Vermont 11 Aug. 2008  
Linda M. Y. Rice, APRN  
Board Chairperson

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/18/08

### 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 the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Secretary of State's Office, National Life Building, FL2, 1 National Life Drive, Montpelier, Vermont 05602-3402 within 30 days of the entry of the order.

For more information about the procedure for filing an appeal, please see the Administrative Rules for the Office of Professional Regulation, which you can find at: <http://www.vtprofessionals.org/opr1/opr/admrule.pdf> and the Rules are also available at the Office of Professional Regulation.

If you file an appeal, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The appellate officer will review the record (the tape recording, exhibits etc.) created before the board during the hearing of your case. In cases of alleged irregularities in procedure before the board, not shown in the record, proof related to that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

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

**IN RE:**

**JOAN COCCI**

**License No. 026-0008475**

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**Docket No: NU34-0907**

**SPECIFICATION OF CHARGES**

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Joan Cocci, R.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, Joan Cocci, is licensed in the State of Vermont as a registered nurse holding license number 026-0008475. This license was originally issued on or about April 30, 1983 and is currently set to expire on March 31, 2009.
3. At all times relevant, the Respondent was employed as a registered nurse at Our Lady of Providence (the "Facility") located in Winooski, Vermont.
4. The Respondent was employed at the Facility from approximately August of 2007 to October of 2007.
5. In or around September of 2007, the Respondent changed an order for patient R.M.'s dressing without consulting the patient's physician.
6. In or around September of 2007, the Respondent refused to administer patient R.M.'s 12:00 a.m. dose of Octreotide because she felt it would make the patient drowsy.
7. Additionally, during the time the Respondent was employed at the Facility, the Respondent demonstrated several instances of unusual behavior, including the incidents described below. On one occasion, the Respondent accused a co-worker of assaulting the Respondent by giving the Respondent an injection without her knowledge. There was no evidence supporting the Respondent's allegation.

STATE OF VERMONT



Prosecuting Attorney  
Office of  
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9 Baldwin Street  
Montpelier, VT  
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8. On another occasion, the Respondent advised a co-worker, N.B, that she had seen a ghostly figure outside the Facility as well as a person in camouflage trying to enter the Facility. The Respondent reportedly called 911 after she saw the camouflaged individual. There were no corroborating witnesses to the Respondent's observations.

9. N.B. also advised that the Respondent indicated to N.B. that she had been shot twice and went to New York for treatment. The Respondent did not show her wounds to N.B. N.B. further advised that the Respondent told N.B. that on one occasion the Respondent's dog saved a boy from being kidnapped and on another occasion the Respondent's dog located a person in the trunk of a vehicle. N.B. reported that the Respondent indicated to her that in both situations she did not call the police, she just left.

10. During the course of this investigation, State Investigator Mark Jacobs received information the Respondent was living at the Motel Six (the "Motel") in Colchester, Vermont. On or about November 27, 2007, Investigator Jacobs interviewed the Motel staff. The staff confirmed that the Respondent lived at the Motel in September of 2007, but they advised that the Respondent was asked to leave after her rental time was up due to several issues. The staff reported that the Respondent would call the front desk several times a night and report that she heard people running in the attic. On one occasion, the Respondent entered the Motel and reported that someone had attempted to kidnap her. There was no evidence supporting either of the Respondent's reports.

11. In or around September of 2007, the Respondent reported to the Colchester Police Department (the "Colchester PD") that she heard gunshots. The Colchester PD responded to the Motel to investigate the Respondent's report, but could not to locate anyone shooting in the area.

### Charges

12. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- (i) 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes performing unsafe or unacceptable patient care pursuant to ARBN Chapter 4, Rule IV(II)(B)(1); failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2);
- (ii) 3 V.S.A. § 129a(b)(1) and (2) (failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient care; or (2) failure to conform to the essential standards of acceptable and prevailing practice);
- (iii) 3 V.S.A. § 129a(a)(5) (practicing the profession when medically or psychologically unfit to do so; and
- (iv) 3 V.S.A. § 129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

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**Relief Requested**

**WHEREFORE**, the license of Joan Cocci should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

**DATED** at Montpelier, Vermont this 5<sup>th</sup> day of June 2008.

STATE OF VERMONT  
SECRETARY OF STATE

By: \_\_\_\_\_

Edward G. Adrian  
State Prosecuting Attorney

nu.cocci.soc

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