

**STATE OF VERMONT
BOARD OF NURSING**

In re: Alyssa M. Coon
License No. LPN Application

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Docket No. 2013-432(LPN)

Sanctions Decision

Participating Board Members:

Ellen Watson, APRN, Vice Chair
Alan Weiss, Public Member
William G. White, Jr., Public Member
Douglas Sutton, RN
Virginia Hudson, RN
Stephen Morse, LNA

Appearances:

for Respondent: pro se

Presiding Officer: Larry S. Novins

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

The Vermont Board of Nursing held hearings in the above matter on November 18, 2013 and January 13, 2014 at the Office of Professional Regulation conference room at the Office of Professional Regulation conference room in the City Center in Montpelier, Vermont.

After the November hearing the Board found that Ms. Coon committed unprofessional conduct.¹ We issued an interim Order with which Ms. Coon has complied. The results of the evaluation do indicate that Ms. Coon does not present a risk to the safety, health, or welfare of potential patients. She has met her burden to show that she may be issued a license. In other circumstances Ms. Coon's conduct could warrant a suspension of her license. But for Ms. Coon's unprofessional conduct, she would have received her licenses months ago. We feel this delay, caused by Ms. Coon herself, obviates the need for any suspension.

Order

Ms. Coon's license to practice as an LPN may issue forthwith. The license shall receive a **reprimand**. The Board imposes no conditions on her license.

¹ That decision incorrectly stated that Deb Swartz participated. She recused herself from that hearing and took no part in the decision.

APPEAL RIGHTS

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, Office of Professional Regulation, 89 Main Street, Fl. 3, Montpelier, Vermont 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: Ellen Watson
Ellen Watson, APRN, Vice Chair

Date January 13, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 1/14/14

**STATE OF VERMONT
BOARD OF NURSING**

In re: Alyssa M. Coon
License No. LPN Application

}
}
}

Docket No. 2013-432(LPN)

**Interim Decision on
Appeal of Preliminary Denial of Licensure**

Participating Board Members:

Jeanine Carr, RN, Chair
John Todd, APRN, Vice Chair
Alan Weiss, Public Member
William G. White, Jr., Public Member
Deborah Swartz, RN
Douglas Sutton, RN
Ellen Watson, APRN
Stephen Morse, LNA

Appearances:

for Respondent: pro se

Presiding Officer: Larry S. Novins

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

The Vermont Board of Nursing held a hearing in the above matter on November 18, 2013 at the Office of Professional Regulation conference room at the Office of Professional Regulation conference room in the City Center in Montpelier, Vermont.

Ms. Coon appeared before the Board to appeal its preliminary decision to deny her application for licensure as a licensed practical nurse. As the applicant, Ms. Coon bears the burden to show that her application should be granted. 3 V.S.A. § 129(e).

Background

Ms. Coon is licensed as a nursing assistant. She applied for licensure as a Licensed Practical Nurse. On August 27, 2013 her application was preliminarily denied. The letter was based on Ms. Coon's failure to disclose criminal convictions when renewing her LNA license in 2008 and 2010. The State filed a Specification of Charges alleging that Ms. Coon had been fraudulent or deceitful in procurement of a license.

Findings of Fact

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

1. Ms. Coon is a licensed nursing assistant. She is also an applicant for licensure as an LPN. She is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582, 26 V.S.A. §§ 1595 and 1598, the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. The Board has authority to issue warnings or reprimands, suspend, revoke, limit, condition, deny, or prevent renewal of licenses, after disciplinary hearings. 3 V.S.A. § 129(a)(3).
2. Ms. Coon obtained her LNA license on April 12, 2007. She renewed her license in December, 2008 and November 2010. In her 2008 renewal application Ms. Coon did not report any convictions. Her application indicates that it was signed on October 25, 2008, yet it was not stamped as received by the office until December 4, 2008. We have no indication as to when her application was actually sent or received, so we make no findings regarding her December 2008 convictions on her 2008 renewal.
3. Ms. Coon was convicted of the criminal offenses listed below. We indicate which ones were reported in her renewal applications or LPN application.

2008

- a. alcohol consumption by a minor, August 20, 2008 - [not disclosed in 2008 renewal application filed December 4, 2008];
- b. driving with a suspended license, December 3, 2008;
- c. resisting arrest, December 3, 2008;
- d. disorderly conduct, December 3, 2008;

2009

- e. driving with a suspended license, January 14, 2009;
- f. driving with a suspended license, February 25, 2009;
- g. violation of conditions of release, March 5, 2009;
- h. driving with a suspended license, May 6, 2009;
- i. Alcohol consumption of a minor, November 5, 2009;
- j. Violation of Conditions of Release, November 5, 2009;
- k. Violation of Conditions of Release, November 5, 2009;
- l. resisting arrest, second or subsequent offense, November 5, 2009;

2012

- m. Disorderly conduct, June 18, 2012 (two counts).

4. Ms. Coon did not disclose her convictions in her 2010 renewal application.
5. Ms. Coon's failure to disclose her convictions in her 2010 LNA renewal was not inadvertent or excusable. Her stated belief that the Board would find out about her convictions in a background check anyway does not excuse her failure to disclose them.
6. In Ms. Coon's 2013 application for licensure as an LPN, she answered "yes" to the question about convictions. She provided court documents regarding the convictions.
7. Ms. Coon submitted two letters written attesting to her work as an LNA. She explained her more recent disorderly conduct convictions involving conflicts with her fiancé's ex-girlfriend with whom she is now apparently on better terms. She testified that she has never been terminated from LNA employment. Ms. Coon pointed out that the convictions were for alcohol use before she turned 21 and that she has had no alcohol

- convictions since then. She completed the ISAP program to in response to her convictions for alcohol use. She possesses a valid Vermont drivers license.
8. Ms. Coon's convictions do give rise to concern about Ms. Coon's ability to meet the responsibilities of a nurse. The mere passage of a few months does not assure the Board that Ms. Coon can practice safely as an LPN. Further information is necessary to provide the Board assurance that granting Ms. Coon an LPN license will protect the public.

Discussion

Ms. Coon's testimony reveals a young woman who seems earnest in her wish to overcome her youthful misadventures. With assurance that she has indeed overcome them, the Board should be able to grant her LPN license. To provide that assurance, Ms. Coon must obtain an evaluation as set forth below. We will enter an interim order at this time and re-visit Ms. Coon's case when her evaluation is complete.

Conclusions of Law

Based on the evidence presented and Facts found above we conclude as follows:

1. **Re: Alleged Violation of 3 V.S.A. § 129a(a)(1):** The Prosecution has proved by a preponderance of the evidence that Ms. Coon engaged in fraudulent or deceptive procurement of the renewal of her LNA license. This is unprofessional conduct.
2. **Re: Alleged Violation of 26 V.S.A. § 1595(3):** The Prosecution has proved by a preponderance of the evidence that Ms. Coon has been fraudulent or deceitful in procuring or attempting to procure renewal of her LNA license. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).

Interim Order

Within 60 days Ms. Coon shall obtain an independent evaluation report by a licensed professional pre-approved by the Board or its designee, to tell the Board whether Ms. Coon requires alcohol treatment or mental health therapy in order to practice safely. If treatment is necessary, the evaluation should suggest the type of treatment required.

The results of the evaluation must indicate that Ms. Coon does not present a risk to the safety, health, or welfare of potential patients.

Once the evaluation is received by the Board, a hearing will be set at which time we will determine whether any conditions can permit her to practice while protecting public health and safety. Ms. Coon may appear by telephone at the hearing. The parties may submit a stipulation, if they wish.

APPEAL RIGHTS

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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:

Jeanne Carr
Jeanne Carr, RN, Chair

Date November 19, 2013

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 11/22/13