

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

In re KACEY CRAWFORD

License No. 025.0134273

}
}
}

Docket No. 2019-79

Appearances:

Prosecutor: Elizabeth A. St. James, Esq.

Respondent: Did not appear

Hearing Officer: George K. Belcher

DEFAULT ORDER

The Hearing Officer of the Vermont Board of Nursing held a hearing pursuant to 3 VSA Sec. 129(f) in the above matter on October 2, 2019 at the Office of Professional Regulation in Montpelier, Vermont. Respondent did not attend and was not represented by counsel.

Findings of Fact

1. Respondent is a Licensed Practical Nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, and the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. Charges were filed in this matter on August 5, 2019. The Respondent was sent a Notice of Charges in this matter by certified mail and first class mail to the address of the Respondent which was on file with the Office of Professional Regulation on August 5, 2019. The certified mail notice of charges was returned with a receipt showing that the charges were received on August 9, 2019. The ordinary mail notice was not returned. 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. On September 12, 2019 a notice was sent to the Respondent advising of the hearing before the Board to find a default and advising that, "If you wish to contest the charges you must contact the office immediately at (802) 828-2367 and show good cause for failing to answer the charges against you." This notice was mailed by certified mail and regular mail. Neither the certified mail notice, nor the regular mail notice, were returned as of the date of the hearing.
5. Respondent has not filed an answer to the charges, nor any communication concerning good cause for failure to answer. The Respondent did not appear at the hearing on default.
6. Upon consideration of the Prosecution's presentation and taking notice of the OPR file,

the Hearing Officer of the Board finds Respondent to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board may issue an order of professional discipline. OPR Rule 3.4, 3 V.S.A. § 809(d), and 3 V.S.A. § 814(c).

7. It is specifically found that in November of 2018 the Respondent's license was summarily suspended by the Georgia Board of Nursing for diverting and abusing Percocet and Lortab while employed as an LPN. Respondent's treating physician opined in the course of that proceeding that the Respondent was not safe to practice until she had attended a formal addiction treatment program.
8. It was the recommendation of the State of Vermont that the Respondent's license be indefinitely suspended with the standard drug and alcohol conditions should the Board later determine that the Respondent's license should be reinstated. Those recommended conditions follow in the proposed order below.

Conclusions of Law

Respondent 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 Respondent 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, based upon the finding of Default from this Default Hearing held pursuant to 3 V.S.A. §809(d), that Respondent has engaged in the unprofessional conduct alleged in the Specification of Charges. The Respondent committed unprofessional conduct by violating: 26 VSA Sec. 1582(a)(2) (Diverting or attempting to divert drugs for unauthorized use); 26 VSA Sec. 1582(a)(3) (Engaging in conduct of a character likely to deceive or harm the public); and 3 VSA Sec. 129a(a)(5) (Practicing the profession when medically or psychologically unfit to do so).

Proposed Order

In accordance with the above Findings of Fact and Conclusions of Law, and consistent with the recommendation by the State, the Board does **ORDER** that the Respondent's license be **Indefinitely Suspended**. In the event that the Respondent seeks to regain her license, she must petition for reinstatement. At least forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost:

- (a) Obtain an independent evaluation report by a pre-approved licensed professional specializing in drug and alcohol abuse ("Independent Evaluator") who has verified receipt of the Default Order. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients, as well as any recommendations that would ensure Respondent is safe to practice. The evaluation must be submitted to the Enforcement Unit Case Manager;
- (b) Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random urine analyses:
 - (i) When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager at the Office of Professional

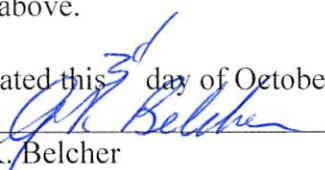
Regulation to set-up the urine analysis process and receive instructions. Once registered with the pre-approved person or entity, Respondent will have 45 days to submit to a minimum of three (3) random urine analyses. The process by which Respondent learns whether the Respondent is selected to provide a sample on any given day will be governed by the policy of the pre-approved person or entity conducting the testing at that time;

- (ii) The urine analyses must be collected in an observed setting, administered by a pre-approved lab qualified to analyze samples for forensic purposes, the results of which shall be negative;
- (c) If recommended by an Independent Evaluator, enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations.

If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms are reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, urine analysis results, the facts contained in the Default Order, and any other relevant factors at that time.

The Hearing Officer reports the above facts, conclusions of law, and the finding of DEFAULT to the Board with the recommendation that the Board approve them and enter the Order as above.

Dated this 3rd day of October, 2019.


George K. Belcher
Hearing Officer of the Vermont Board of Nursing

The Vermont Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on _____. After considering the report, the Board takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- /✓/ Accepts the report, adopts the findings of fact and conclusions of law, and orders the recommended discipline as set forth in the proposed order above.

SO ORDERED.

Vermont Board of Nursing

By: 
Ellen Watson, Chair
Vermont Board of Nursing

Date: 10-14-, 2019

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10.15.19

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.



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

In re: KACEY CRAWFORD
License No. 025.0134273

}
} Docket No. 2019-79 (LPN)
}

SUMMARY SUSPENSION ORDER

Participating Board Members:

Ellen Watson, APRN, Chair
Deborah Swartz, RN,
Luana Tredwell, LPN
Wendy Thurston, RN
Douglas Sutton, RN
Kelly Sinclair, LNA
Krystal Bernier, LPN
Daniel Coane, Public Member

Appearances:

Prosecuting the case: Elizabeth St. James, Esq.
Respondent: was not present and was not represented

Presiding Officer:

George K. Belcher

Exhibits:

State Exhibit 1: Georgia Board of Nursing Summary Suspension Order dated 11/6/18

**Summary Suspension Order
FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Board of Nursing on a Request for a Summary Suspension. The hearing was held on July 8, 2019, at the Office of Professional Regulation in Montpelier, Vermont.

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

IN RE:)
KACEY CRAWFORD) Docket No. 2019-79
License No. 025.0134273)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Kacey Crawford.

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. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Kacey Crawford ("Respondent") of Willacoochee, Georgia is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0134273. This license was originally issued June 6, 2018, and expires on January 31, 2020.
3. On November 6, 2018, the Georgia Board of Nursing summarily suspended Respondent's Licensed Practical Nursing license for diverting and abusing Percocet and Lortab while employed as an LPN. In the course of the Georgia proceedings, Respondent's treating physician opined that Respondent is not safe to practice until she attends formal addiction treatment and has professional advocacy to return to the practice of nursing. *See Attachment A.*
4. Respondent is currently having a difficult time overcoming her addiction.
5. As of the filing of this Specification of Charges, Respondent's Georgia license remains suspended.

Violation One: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

6. The State re-alleges and incorporates Paragraphs 2 through 5 above.

STATE OF VERMONT



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

7. As a Licensed Practical Nurse, Respondent is prohibited from diverting or attempting to divert drugs, equipment, or supplies for unauthorized use.
8. Respondent diverted or attempted to divert drugs for unauthorized use as demonstrated in Paragraphs 2 through 5 above.
9. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(2).

Violation Two: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

10. The State re-alleges and incorporates Paragraphs 2 through 5 above.
11. As a Licensed Practical Nurse, Respondent is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
12. Paragraphs 2 through 5 above demonstrate Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public.
13. 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 26 V.S.A. §1582(a)(3).

Violation Three: 3 V.S.A. §129a(a)(5) Practicing the profession when medically or psychologically unfit to do so.

14. The State re-alleges and incorporates Paragraphs 2 through 5 above.
15. As a Licensed Practical Nurse, Respondent shall only practice when she is medically or psychologically fit to do so.
16. Paragraphs 2 through 5 above demonstrate Respondent practiced the profession of nursing while medically or psychologically unfit to do so.
17. 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 3 V.S.A. §129a(a)(5).

Relief Requested

WHEREFORE, the Licensed Practical Nursing license of Kacey Crawford should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

STATE OF VERMONT



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

DATED at Montpelier, Vermont this 1st day of August, 2019.

STATE OF VERMONT
SECRETARY OF STATE

By: Elizabeth A. St. James
Elizabeth A. St. James
State Prosecuting Attorney
(802) 828-1218
elizabeth.st.james@sec.state.vt.us

STATE OF VERMONT



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

IN RE:)
KACEY CRAWFORD) **Docket No. 2019- 79**
License No. 025.0134273)

REQUEST FOR SUMMARY SUSPENSION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and petitions the Board of Nursing to summarily suspend the license of Licensed Practical Nurse Kacey Crawford. In support of such petition, the State alleges the following:

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety, or welfare imperatively requires emergency action.

Statement of Facts

3. Kacey Crawford ("Respondent") of Willacoochee, Georgia is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0134273. This license was originally issued June 6, 2018, and expires on January 31, 2020.
4. On November 6, 2018, the Georgia Board of Nursing summarily suspended Respondent's Licensed Practical Nursing license for diverting and abusing Percocet and Lortab while employed as an LPN. In the course of the Georgia proceedings, Respondent's treating physician opined that Respondent is not safe to practice until she attends formal addiction treatment and has professional advocacy to return to the practice of nursing. *See Attachment A.*
5. Respondent is currently having a difficult time overcoming her addiction.
6. As of the filing of this Request for Summary Suspension, Respondent's Georgia license remains suspended.

STATE OF VERMONT



Prosecuting Attorney
Office of
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Violation One: 26 V.S.A. §1582(a)(2) Diverting or attempting to divert drugs or equipment or supplies for unauthorized use.

7. The State re-alleges and incorporates Paragraphs 3 through 6 above.
8. As a Licensed Practical Nurse, Respondent is prohibited from diverting or attempting to divert drugs, equipment, or supplies for unauthorized use.
9. Respondent diverted or attempted to divert drugs for unauthorized use as demonstrated in Paragraphs 2 through 6 above.
10. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(2).

Violation Two: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

11. The State re-alleges and incorporates Paragraphs 3 through 6 above.
12. As a Licensed Practical Nurse, Respondent is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
13. Paragraphs 3 through 6 above demonstrate Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public.
14. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(3).

Violation Three: 3 V.S.A. §129a(a)(5) Practicing the profession when medically or psychologically unfit to do so.

15. The State re-alleges and incorporates Paragraphs 3 through 6 above.
16. As a Licensed Practical Nurse, Respondent shall only practice when she is medically or psychologically fit to do so.
17. Paragraphs 3 through 6 above demonstrate Respondent practiced the profession of nursing while medically or psychologically unfit to do so.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(5).

STATE OF VERMONT



Prosecuting Attorney
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Relief Requested

19. Respondent currently has an unencumbered license. Members of the public, patients, and potential patients have no way of learning of Respondent's dangerous behavior and will remain unprotected pending suspension of Respondent's license. The facts as set out above establish that in order to protect the public health, safety, or welfare of the people of the State of Vermont, emergency action is imperative.

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's Licensed Practical Nursing license, number **025.0134273**, be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 20th day of June, 2019.

STATE OF VERMONT
SECRETARY OF STATE

By: Elizabeth A. St. James
Elizabeth A. St. James
State Prosecuting Attorney
(802) 828-1218
elizabeth.st.james@sec.state.vt.us

STATE OF VERMONT



Prosecuting Attorney
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JUN 20 2019

Secretary of State
Professional Regulation



GEORGIA BOARD OF NURSING

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Brenda Rowe, RN, MN, JD, Immediate Past President
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Amy Hooper, LPN, Vice President
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K. Andrea Phipps, LPN
Darrell Thompson, RN, DNP, ACNP-BC, FNP-BC
Blair Train, Consumer Member
Julia Worthy, RN, MSN

Re: Kacey Marie Maxwell Crawford
GA. LIC. #LPN073600
Status: Suspended

I am the Executive Director of the Georgia Board of Nursing. In such capacity, I am designated by the Division Director of the Professional Licensing Boards Division of the Office of Secretary of State to oversee the maintenance and custody of all records of the Georgia Board of Nursing as authorized under O.C.G.A. §43-1-3.

I hereby certify that the attached document from the file of Kacey Marie Maxwell Crawford is a true and correct copy of the original maintained under my care and control in the ordinary course of business at the offices of the Georgia Board of Nursing.

This 8th day of November, 2018.

James D. Cleghorn
Executive Director
Georgia Board of Nursing



ATTACHMENT A

ATTACHMENT 11

**BEFORE THE GEORGIA BOARD OF NURSING
STATE OF GEORGIA**

IN THE MATTER OF:

**KACY MARIE MAXWELL CRAWFORD)
License No. LPN073600,)
Respondent.)**

DOCKET NO. :

PROFESSIONAL LICENSING BOARDS

NOV 08 2018

2018-1741
DOCKET NUMBER

ORDER OF SUMMARY SUSPENSION

1.

WHEREAS, Kacy Marie Maxwell Crawford ("Respondent") is licensed by the Georgia Board of Nursing ("Board") to practice as a licensed practical nurse in the State of Georgia.

2.

WHEREAS, in October of 2017, the Board received information that Respondent had been terminated from her facility due to her alleged diversion of narcotics while employed as an LPN and her subsequent refusal to submit to a drug-screen.

3.

WHEREAS, on or about July 9, 2018, Respondent self-reported to the Board that she had diverted and abused both Percocet and Lortab, while employed as an LPN.

4.

WHEREAS, on or about October 17, 2018, Respondent obtained a mental/physical examination as ordered by the Board on September 14, 2018. The examination results indicated the following diagnoses: Opiate Dependence, in remission; Marijuana Abuse, in remission; and Benzodiazepine Use.

5.

WHEREAS, on October 25, 2018, the Board received communication from Respondent's treating physician opining that Respondent is **not safe to practice** until such time as she attends

formal addiction treatment and has professional advocacy to return to the practice of nursing. The physician further stated that he could fully support Respondent's return to the practice of nursing following Respondent's successful completion of addiction treatment.

NOW THEREFORE, the Board finds that Respondent's continued practice as a licensed practical nurse poses a threat to the public health, safety and welfare and imperatively requires emergency action and hereby ORDERS that Respondent's license to practice as a licensed practical nurse in the State of Georgia be and is hereby SUMMARILY SUSPENDED pursuant to O.C.G.A. § 50-13-18(c)(1), pending further proceedings on behalf of the Board, which shall be promptly instituted.

If the Respondent wishes to have an expedited hearing, Respondent shall execute and file with the Georgia Board of Nursing the original and one copy of the attached REQUEST FOR EXPEDITED HEARING no later than fourteen (14) days from the day of service or receipt of this Order. Respondent also shall serve a copy of such REQUEST upon counsel for the Board as identified in the REQUEST. **The failure of the Respondent to request an expedited hearing SHALL NOT BE CONSTRUED TO BE A WAIVER of her right to a hearing in this matter.**

This Order is signed and attested by the Division Director of the Professional Licensing Board Division of the Office of the Secretary of State on behalf of the Georgia Board of Nursing.

This 6th day of November, 2018.



GEORGIA BOARD OF NURSING

JANICE IZLAR, RN, CRNA, DNAP
President



LISA W. DURDEN
Division Director
Professional Licensing Boards Division

PLEASE DIRECT ALL CORRESPONDENCE TO:
MARY H. BRANNEN
Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334
Tel: (404) 463-0816
Fax: (404) 651-6341
mbrannen@law.ga.gov

BEFORE THE GEORGIA BOARD OF NURSING

STATE OF GEORGIA

IN THE MATTER OF:

KACY MARIE MAXWELL CRAWFORD)

License No. LPN073600,)

Respondent.)

DOCKET NO. :

REQUEST FOR EXPEDITED HEARING

I, KACY MARIE MAXWELL CRAWFORD, having been served with the Order of Summary Suspension by the Georgia Board of Nursing ("Board"), do hereby request an expedited hearing. I reserve the right to file a response to a Notice of Hearing in this matter.

This _____ day of _____, 20_____.

KACY MARIE MAXWELL CRAWFORD
Respondent

OR, in lieu of an expedited hearing:

MY RIGHT TO REQUEST REINSTATEMENT/LIFTING OF SUSPENSION OR A
HEARING AFTER RECEIVING TREATMENT

I, KACY MARIE MAXWELL CRAWFORD, having been served with the Order of Summary Suspension by the Georgia Board of Nursing, do understand that, if I undergo treatment acceptable to the Board and receive a recommendation from a physician who is board certified in addiction medicine that I am safe to practice nursing with reasonable skill and safety, within thirty (30) days of the request to lift the suspension, I can present the treatment records and physician's statement to the Board and request reinstatement/lifting of the suspension without the need for a hearing. I understand that it is my responsibility to contact

the physician who performed the mental/physical examination to determine the type of treatment that is being recommended. I understand the Board may lift the suspension and require that I practice under certain terms and conditions. **I understand that, if the Board does not grant my petition for reinstatement/lifting of suspension, I may request a hearing at that time.**

This _____ day of _____, 20_____.

KACY MARIE MAXWELL CRAWFORD
Respondent

☐ I am/will be represented by counsel

Name of counsel if known at this time: _____

**THIS REQUEST MUST BE FILED AT THE GEORGIA BOARD OF NURSING,
ATTN: JIM CLEGHORN, EXECUTIVE DIRECTOR, 237 COLISEUM DRIVE,
MACON, GEORGIA 31217.**

A COPY OF THIS REQUEST MUST BE SERVED ON THE OFFICE OF THE ATTORNEY
GENERAL OF GEORGIA, ATTN: MARY H. BRANNEN, 40 CAPITOL SQUARE,
ATLANTA, GEORGIA 30334.

RECEIVED

JUN 20 2019

Secretary of State
Professional Regulation

Findings of Fact

Based on a review of the pleadings and the file, and on the evidence presented to the Board at the hearing, the Board finds as follows:

1. Respondent is licensed as a Licensed Practical Nurse in the State of Vermont. The Respondent's license is set to expire on January 31, 2020. The Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. 3 V.S.A. § 814(c) permits the Board to summarily suspend a license if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order.
2. The prosecutor has filed a "Request for Summary Suspension." A copy of the Request is attached to this Decision and Order. The Respondent was sent a notice of the hearing on June 20, 2019 to the address on file with the Office of Professional Regulation.
3. According to the Georgia Order of Summary Suspension (State Exhibit 1), the Respondent admitted to drug diversion of Percocet and Lortab while employed as an LPN. The Georgia Board also found that the Respondent was not safe to practice nursing based upon a report from the Respondent's treating physician. In order to protect the public health safety and welfare, the license of the Respondent in Georgia was summarily suspended. (State Exhibit 1)
4. On April 29, 2019 Vermont OPR Investigator Michael Warren spoke with the Respondent by telephone. The Respondent admitted problems with opiate addiction. She admitted that she had been unable to secure proper treatment for her addiction. The Respondent also indicated that she was not interested in resuming nursing at this time because of the proximity of nursing to drugs.
5. The evidence established that the Respondent violated 26 VSA Sec. 1582 (a)(3) [engaged in conduct of a character likely to deceive, defraud or harm the public]; 3 VSA Sec. 129a(a)(5) [practicing when medically or psychologically unfit to do so]; and 26 VSA Sec. 1582(a)(2) [diverting or attempting to divert drugs]. The evidence presented show facts which imperatively require emergency action for the public health, safety, and welfare. Specifically, summary suspension is necessary to prevent patient harm.

Conclusions of Law

Our Findings of Fact and Conclusions of Law in this Summary Suspension hearing are for purposes of deciding whether *at this time* there is an imperative need to take emergency action. 3 V.S.A. § 814(c). Our Findings of Fact and Conclusions of Law herein are for purposes of this Order only.

The Prosecutor's Request for a Summary Suspension is supported by the evidence presented. The Board concludes that the allegations in the Request for Summary Suspension have been established to the necessary degree. For purposes of this Summary Suspension Hearing, the Findings of Fact above do support Summary Suspension of Respondent's license. There is an imperative need to take emergency action. 3 V.S.A. § 814(c).

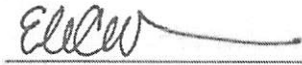
Vermont law requires that unprofessional charges be filed promptly with Respondent being afforded a prompt hearing. At any merits hearing in this matter, the prosecutor will bear the burden of proving unprofessional conduct. Our Findings and Conclusions in this matter will not absolve the prosecution or Respondent from producing or challenging relevant evidence at a merits hearing. The Findings of Fact and Conclusions of Law at a contested hearing will be based exclusively on the evidence admitted at that hearing.

Order

The Request for Summary Suspension is **Granted**. Respondent's license is **Summarily Suspended** pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined. 3 V.S.A. § 814(c).

Vermont Board of Nursing

By:


Ellen Watson, APRN, Chair

Date: July 11, 2019

DATE OF ENTRY: 7.12.19

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 Street, 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.



P. S. F.

