

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE:	Melanie Elliot	)	
	Case File No. NU07-0702	)	DEFAULT ORDER
	License No. 25-6831	)	

Introduction

The Board of Nursing held a default hearing in the above matter on December 8, 2003 at 81 River Street in Montpelier, Vermont. Board members De-Ann Welch, Sandra Norton, Linda Rice, Susan Farrell, Sue Cota, Donarae Metcalf and Laurey Tyo participated in the decision. State Prosecuting Attorney Edward Adrian appeared for the State. The Respondent did not attend.

Findings of Fact

1. The Respondent was sent notice of the Charges against her to her last known address by certified mail and first class mail on October 30, 2003.
2. The certified mailing was returned to the Office of Professional Regulation ("the Office"), marked "unclaimed," on November 15, 2003.
3. Notice of the default hearing was mailed to that same address by certified and regular mail on November 25, 2003.
4. Mail was later sent to a new address indicated on a returned first class mailing.
5. The Respondent has contacted the Prosecuting Attorney and was aware of the charges and default hearing.
6. After taking notice of its own file, the Board found the Respondent to be in default. The allegations contained in the State's Specification of Charges dated October 27, 2003 (copy attached) are therefore treated as the facts on which the Board's order is based.

Conclusions of Law

The Respondent has received adequate notice of the charges against her as indicated by the Board's file. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in the default

hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby SUSPENDED for ONE WEEK (7 days), effective as of the date of receipt of this Order by the Respondent and the Respondent's license is hereby REPRIMANDED.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell, R.N.
Chair

Date: Dec. 18, 2003

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/30/03

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

IN RE: Melanie Beth Elliott
License No.: 025-0006831

) Docket No.: NU07-0702
)

SPECIFICATION OF CHARGES

Board Authority

1. The Vermont Board of Nursing (the "Board") has the jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129 and 129a; 26 V.S.A. Chapter 28 and; the rules of the Board and the Vermont Office of Professional Regulation.
2. Failure to conform to the essential standards of acceptable and prevailing practice is unprofessional conduct and is a basis upon which the Board can impose disciplinary action. 3 V.S.A. §129a(b)(2); Administrative Rules of Nursing, Chapter 4, Rule IV(II)(B)(2).
3. Violating confidentiality by inappropriately revealing information or knowledge about a patient or client is unprofessional conduct and is a basis upon which the Board may impose disciplinary action. Administrative Rules of Nursing, Chapter 4, Rule IV(II)(D)(7).

Statement of Facts

4. Melanie Beth Elliott ("Respondent") of Williston, Vermont is a licensed practical nurse holding license number 025-0006831 issued by the State of Vermont. Respondent's license was originally issued on October 21, 1992 and is currently set to expire on January 31, 2004.
5. At all times relevant to these charges, the Respondent was practicing as a licensed practical nurse at Evergreen Family Health Center in Williston, Vermont.
6. At all times relevant, M.B. was a patient at the Evergreen Family Health Center in Williston, Vermont.
7. On or about early February 2002, M.B. received a telephone call from N.H., an ex-boyfriend. During the course of the phone call N.H. revealed that the Respondent saw M.B. while M.B. was being treated at Evergreen Health for a broken ankle.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

8. N.H. also revealed other information relating to M.B.'s sexual history that M.B. never told N.H.
9. N.H. advised that he received the information from the Respondent, that the Respondent gained from looking at the contents of M.B.'s records.
10. At all times relevant, the Respondent and N.H. had been domestic partners.
11. N.H. advised the Respondent told him that he should "be more careful about the women he is with because [M.B.] has a Sexually Transmitted Disease."
12. A.G., the office manager, advised that the Respondent told her she had looked in M.B.'s records for her own health reasons.

Charges

13. By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has:
 - a. Committed unprofessional conduct by failing to conform to the essential standards of acceptable and prevailing practice in violation of 3 V.S.A. §129a(b)(2) and Administrative Rules, Chapter 4, Rule IV(II)(B)(2);
 - b. Committed unprofessional conduct by violating confidentiality by inappropriately revealing information or knowledge about a patient or client in violation of Administrative Rules of Nursing, Chapter 4, Rule IV(II)(D)(7).

Relief Requested

WHEREFORE, the nursing license of Melanie Beth Elliott should be revoked, suspended or otherwise disciplined.

Dated at Montpelier, Vermont this 27th day of October 2003.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

m.elliott.soc

State of Vermont
Secretary of State

By: _____

Edward Adrian
State Prosecuting Attorney