

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE: Armand Ferland)
 Case File No. NU46-0400) DEFAULT ORDER
 License No. 26-21955)

Introduction

The Board of Nursing held a default hearing in the above matter on July 10, 2000 at 81 River Street in Montpelier, Vermont. Board members Pat Rock, Larry Kingsbury, Diane Dowgiewicz, Susan Farrell, Linda Rice, Sue Cota, Raymond Phillips and Louise Hamilton participated in the decision. Assistant Attorney General William Ahlers appeared for the State. The Respondent was not present for the hearing.

Upon hearing the State's presentation and after taking official notice of its own files, the Board found that the Respondent was in default. The allegations contained in the State's specification of charges dated May 11, 2000 (copy attached) are therefore treated as the facts on which the Board's order is based.

The Respondent did request that the default hearing be continued to a later date because he had a prior meeting to attend on July 10, 2000. This request was received by the Office of Professional Regulation on July 7, 2000 and was vigorously opposed by the State. Because the Respondent has not answered the charges against him, postponing the default hearing would serve no purpose. The Respondent would not be able to present any evidence without having first filed an answer to the charges. Accordingly, the default hearing was held.

Conclusions of Law

The Respondent has received adequate notice of the charges against him as indicated by the Board's file and the Attorney General's presentation. Because the Respondent has failed to answer the charges against him, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in a 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, attached.

Order

In accordance with the above findings of fact and conclusions of law, the license of the

Respondent, Armand Ferland, is hereby REVOKED. The revocation is effective as of the date of entry of this Order, below.

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.

The Respondent should also be advised that, as an alternative to an appeal, he may file a motion to set aside the default in which he must show good cause to the Board why he failed to answer the charges against him within the 20 days allowed. If the Board finds he had good cause for failing to answer the Charges, it may allow him time to answer the charges, set aside the default, and schedule his case for a full hearing before the Board.

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

Date: July 17, 2000

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7-26-00

STATE OF VERMONT
BOARD OF NURSING

IN RE:
Armand Ferland
License No: 26-21955

)
)
)
Docket No. NU46-0400

SPECIFICATION OF CHARGES

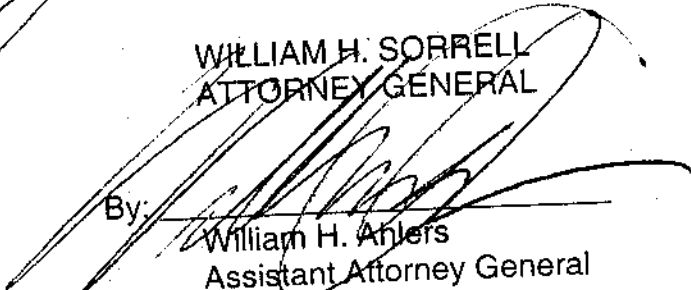
1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. Respondent Armand Ferland, of Eden, Vermont, is a nurse holding license number 26-21955, issued by the State of Vermont. By way of history, the license was summarily suspended by an Order of the Board entered on May 10, 2000.
3. During about early March 2000, Respondent, on one or more occasions, engaged in lewd and lascivious acts with and/or committed sexual assault upon "J.T.", a minor. Further, upon information and belief, J.T. was a child then and there under age of sixteen and/or was Respondent's foster child.
4. The above act(s), omission(s) and/or circumstance(s) violate: 26 VSA §1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public) and 26 VSA §1582(a)(6) (Has a mental, emotional or physical disability, the nature of which interferes with ability to practice nursing competently).

WHEREFORE, the license of Armand Ferland should be revoked, suspended or otherwise disciplined.

Dated this 11th day of May, 2000 at Montpelier, Vermont.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 

William H. Ahlers
Assistant Attorney General