

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

IN RE:)
CHELSEA FORYAN) Docket No. 2014-38
License Nos. 075.0045361)
025.0101193)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Annika Green, and the Respondent, Chelsea Foryan, who stipulate and agree as follows:

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. § 1595; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Chelsea Foryan ("Respondent") of Whitehall, NY, is licensed by the Board as a nursing assistant ("LNA") under license number 075.0045361. The LNA license is active and set to expire November 30, 2014. Respondent is also licensed by the Board as a licensed practical nurse ("LPN") under license number 025.0101193. The LPN license is active and set to expire on January 31, 2016.
3. On or about November 30, 2012, the Office of Professional Regulation received from Respondent a Licensed Nursing Assistant renewal Application ("LNA Application").
4. Among the questions required by the LNA Application is the following:

Have you ever been convicted of a crime other than a minor traffic violation? (Note: Driving While Intoxicated and Driving Under the Influence are not "minor traffic violations.")

5. Respondent answered "No" in response to the above question.
6. At the conclusion of her LNA Application, Respondent answered "Yes" to the question:

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
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I certify, under the pains and penalties of perjury, that all information I have provided in this application is true and accurate. I understand that furnishing false information may constitute unprofessional conduct and result in the denial of my application for licensure/certification/registration. (The maximum penalty for perjury is fifteen years in prison and/or a \$10,000 fine. 13 VSA §2901)

7. On or about, January 23, 2014, the Office of Professional Regulation received from Respondent a Licensed Practical Nurse Application by Endorsement ("LPN Application").
8. Among the questions required by the LPN Application is the following:

Have you been convicted of a crime other than a minor traffic violation? (Note: Driving While Intoxicated and Driving Under the Influence are not "minor traffic violations.") If "Yes," you must provide a detailed written explanation and attach the official court documents.

9. Respondent circled "Yes" in response to the above question and attached a narrative and a Court document from the Superior Court of California, County of San Bernardino. The paperwork indicated that on April 15, 2010, Respondent entered a plea of No Contest to California Vehicle Code Section 23152(b), driving a motor vehicle with a blood alcohol level of .08 or higher.

Violations

10. Based on the evidence presented and Facts found above, the Board concludes that Respondent's acts as set forth above violate 3 V.S.A. §129a(a)(1)(fraudulent or deceptive procurement or use of a license) and 26 V.S.A. § 1595(3)(has been fraudulent or deceitful in procuring or attempting to procure a license, in filing or completing patient records, in signing reports or records, or in submitting any information or records to the Board).

Understandings

11. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
12. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
13. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

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14. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
15. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
16. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
17. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby issues a **WARNING** on the Respondent's license.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 3.27.14

By: Annika Green
Annika Green
State Prosecuting Attorney

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CHELSEA FORYAN
RESPONDENT

Dated: 3.24.14

By: Chelsea Foryan
Chelsea Foryan

APPROVED AND SO ORDERED:

Dated: 4/14/14
Date of Entry: 4/15/14

VERMONT BOARD OF NURSING

By: *Janine Carr*
Chairperson

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