

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

In re: LISA A. GONYEA	}	
License No. 025.0008947	}	Docket No. 2015-297 (LPN)
	}	

Appearances:

Prosecutor: Elizabeth A. Jarvis, 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 November 30, 2015 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 licensed as 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 September 22, 2015. On September 23, 2015, the Respondent was sent a Notice of Charges in this matter by certified mail and first class mail to her last known address. A copy of the Specification of Charges is attached to this Default Order. (In addition to the current charges now being considered, there was a hearing before the Vermont Board of Nursing on September 14, 2015 concerning a Request for Summary Suspension of the license of the Respondent. The Respondent appears to have received notice of that hearing and did not appear. The Board issued a Summary Suspension Order on September 14, 2015.)
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. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. The return receipt to the mailing of the Charges indicated that the mailing was received by the Respondent on September 26, 2015. As of the date of this hearing (November 30, 2015) no answer to the charges has been filed.
6. On November 3, 2015 a notice was sent to the Respondent advising her of the hearing before the Board to find her in default and advising her 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 received by a person at her last known address who signed the return receipt.

7. Respondent has not filed an answer to the charges, nor any communication concerning good cause for failure to answer. She did not appear at the hearing on default. No contact was made by the Respondent to the attorney for the State indicating that the Respondent intended to contest the charges. On November 9, 2015 there were filed in this case six (6) letters of reference concerning the Respondent, most of which spoke to her good character. Despite this filing there has been no answer to the charges or entry of appearance by the Respondent or anyone on her behalf.
8. Upon hearing 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).

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 may find, based up 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.

Proposed Order

In accordance with the above Findings of Fact and Conclusions of Law, Respondent’s license is hereby **Suspended Indefinitely**, effective as of the date of the hearing before the full Board. Should Respondent apply for reinstatement, the Board at that time will determine whether any conditions can permit her to resume practice while protecting public health and safety and, if so, what those conditions might be.

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.

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 30th day of November, 2015.



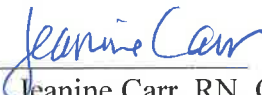
George K. Belcher
Hearing Officer of the Vermont Board of Nursing

The Vermont Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on 12/14/15. 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 above.

SO ORDERED.

Vermont Board of Nursing

By: 
Jeanine Carr, RN, Chair
Vermont Board of Nursing

Date: December 14, 2015

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/15/15

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

IN RE:
Lisa A. Gonyea
License No. 025.0008947

)
)
)

Docket No. 2015-297

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Lisa A. Gonyea:

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. Lisa A. Gonyea (the "Respondent") of Cavendish, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0008947. This license was originally issued on or about July 25, 2006, and expires on or about January 31, 2016.
3. On or about July 14, 2015, the New Hampshire Board of Nursing issued an order suspending the Respondent's New Hampshire LPN license, In the Matter of Lisa Gonyea, LPN, Docket No. 15-0624-0482. The Respondent's New Hampshire LPN license was suspended for a period of two (2) years and she was ordered to pay a fine in the amount of one thousand dollars for diverting or attempting to divert controlled substances and using a controlled substance to the extent that such use may have impaired her ability to practice nursing.
4. The conduct for which the Respondent was disciplined in New Hampshire would constitute unprofessional conduct in this state.
5. The application of consistent and commensurate professional discipline between and among licensing jurisdictions tends to promote professional accountability and patient safety and is in the interest of public protection.

STATE OF VERMONT



Prosecuting Attorney
Office of
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89 Main Street
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Charges

6. 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:
- a. 3 V.S.A. §129(a)(5) (The Board may discipline any licensee or refuse to license any person who has had a license application denied or license revoked, suspended, limited, conditioned or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute unprofessional conduct in this state, or has surrendered a license while under investigation for unprofessional conduct);
 - b. 3 V.S.A §129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice);
 - c. 3 V.S.A. §129a(a)(3) (Failure to comply with provisions of federal or State statutes or rules governing the practice of the profession);
 - d. 3 V.S.A. §129a(a)(15) (Failure to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession);
 - e. 26 V.S.A §1582(a)(3) (Engages in conduct of a character likely to deceive, defraud, or harm the public); and
 - f. 26 V.S.A. §1582(a)(2) (Diverting or attempting to divert drugs or equipment or supplies for unauthorized use).

Relief Requested

WHEREFORE, the license of Lisa A. Gonyea should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 22nd day of September, 2015.

STATE OF VERMONT
SECRETARY OF STATE

By: Elizabeth A. Jarvis
Elizabeth A. Jarvis
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
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**STATE OF VERMONT
BOARD OF NURSING**

In re: **Lisa A. Gonyea**
License No. 025.0008947

}
} Docket No. 2015-297 (LPN)
}

**DECISION ON REQUEST FOR
SUMMARY SUSPENSION ORDER**

Appearances:

Prosecuting the case: Elizabeth A. Jarvis, Esq.
Respondent: did not appear

Presiding Officer: George K. Belcher

**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 September 14, 2015 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont. Respondent did not appear. The Board has authority to summarily suspend a license pending further action, if it determines that public health, safety, or welfare imperatively requires emergency action. 3 V.S.A. § 814(c).

Findings of Fact

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

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. § 1582(a), 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 Request alleges that the Respondent, while practicing nursing in New Hampshire, committed acts which, if done in the State of Vermont, would constitute violation of professional rules and would subject the Respondent to professional discipline. The State of Vermont further alleged that the Respondent's New Hampshire LPN license was suspended following a merits hearing

- which established that she had diverted or attempted to divert controlled substances and used controlled substances to the extent that her ability to practice nursing was impaired.
3. Notice of this hearing was sent to Respondent at her last known address via certified mail dated September 4, 2015. While no return receipt was filed as of the date of the hearing, there was a docket clerk entry by the docket clerk of the Office of Professional Regulation stating that the Respondent called the Office of Professional Regulation on September 11, 2015 and would not be attending the summary suspension hearing.
 4. The State of Vermont introduced into evidence State Ex. 1 which is the Findings of Fact and Order of the New Hampshire Board of Nursing dated July 14, 2015. These findings adequately establish the risk to the Vermont public in the event that the Respondent were to continue active nursing practice in the State of Vermont at this time.
 5. The Request for Summary Suspension further alleges that the public health, safety or welfare imperatively requires emergency action.
 6. The allegations in the Request for Summary Suspension (copy attached) have been established to the necessary degree.
 7. The evidence presented imperatively requires emergency action for the public health, safety, and welfare. Specifically, summary suspension is necessary to prevent patient harm by reason of potential drug diversion and impaired practice by the Respondent. If summary suspension is not ordered, the Board believes that patient harm will occur.

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).

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.

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).

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.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By: Jeanine Carr
Jeanine Carr, RN, Chair

Date: September , 2015

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9/14/15

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

IN RE:	)	
LISA A. GONYEA	)	Docket No. 2015-297
License No. 025.0008947	)	

REQUEST FOR SUMMARY SUSPENSION

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. Lisa A. Gonyea (the "Respondent") of Cavendish, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0008947. This license was originally issued on or about July 25, 2006, and expires on or about January 31, 2016.
4. On or about July 14, 2015, the New Hampshire Board of Nursing issued an order suspending the Respondent's New Hampshire LPN license, In the Matter of Lisa Goneya, LPN, Docket No. 15-0624-0482. The Respondent's New Hampshire LPN license was suspended for a period of two (2) years and she was ordered to pay a fine in the amount of one thousand dollars for diverting or attempting to divert controlled substances and using a controlled substance to the extent that such use may have impaired her ability to practice nursing.
5. The conduct for which the Respondent was disciplined in New Hampshire would constitute unprofessional conduct in this state.
6. The application of consistent and commensurate professional discipline between and among licensing jurisdictions tends to promote professional accountability and patient safety and is in the interest of public protection.
7. Without public discipline in the State of Vermont, members of the public, patients, and potential patients are unlikely to learn of Respondent's actions and subsequent discipline and will remain unprotected pending suspension of the Respondent's

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Vermont 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.

Basis for Reciprocal Discipline

8. The conduct for which Respondent was disciplined in New Hampshire would constitute unprofessional conduct in this state and is properly the subject of Board discipline pursuant to:
- a. 3 V.S.A. §129(a)(5) (The Board may discipline any licensee or refuse to license any person who has had a license application denied or license revoked, suspended, limited, conditioned or otherwise disciplined by a licensing agency in another jurisdiction for conduct which would constitute unprofessional conduct in this state, or has surrendered a license while under investigation for unprofessional conduct);
 - b. 3 V.S.A §129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice);
 - c. 3 V.S.A. §129a(a)(3) (Failure to comply with provisions of federal or State statutes or rules governing the practice of the profession);
 - d. 3 V.S.A. §129a(a)(15) (Failure to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession);
 - e. 26 V.S.A §1582(a)(3) (Engages in conduct of a character likely to deceive, defraud, or harm the public); and
 - f. 26 V.S.A. §1582(a)(2) (Diverting or attempting to divert drugs or equipment or supplies for unauthorized use).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's LPN license number **025.0008947** be summarily suspended, pending a hearing on the merits.

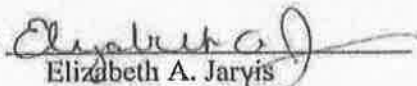
DATED at Montpelier, Vermont this 7th day of September, 2015.

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STATE OF VERMONT
SECRETARY OF STATE

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