

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

In re: JESSICA L. HARDY	}	
License No. 026.0115822	}	Docket No. 2016-681
	}	

Appearances:

Prosecutor: Elizabeth 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 June 30, 2017 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 registered 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 April 5, 2017. 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 April 5, 2017. Both mailing were returned with a forwarding address showing a new address. The mailings were made to the new address on April 18, 2017. The certified mail notice was returned to the OPR Office on May 31, 2017 unclaimed, but the first class 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 May 30, 2017 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 by regular mail. The certified mail notice was not returned as of the date of this hearing. The regular mail notice was not 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. No contact was made by the Respondent to the attorney for the State indicating

that the Respondent intended to contest the charges. 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).

6. It is specifically found that the Respondent was found by the Tennessee Board of Nursing in November of 2016 to have obtained unauthorized prescriptions of Adderall and Phentermine and the Respondent was determined to have committed unprofessional conduct including acts of dishonesty which relate to the practice of nursing.
7. It was the recommendation of the State of Vermont that the Respondent's license be indefinitely suspended with conditions should the Board later determine that the Respondent's license should be reinstated. ~~Those recommended conditions are as follows:~~ EW 7/10/2017

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. The Respondent committed unprofessional conduct by violating 3 VSA Secs. 129a(a)(5), 129a(b)(2) and 26 VSA Sec. 1582(a)(2).

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 petitions for reinstatement of her license as a nurse in the State of Vermont, she must petition for reinstatement. Within forty-five (45) days of 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;
- (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;
- (iii) Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any urine analysis shall cause that screen to be presumed positive;
- (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 ^{7th} 6 day of July, 2017.

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 7/10/17. 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.
- /X 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:

Date: 7/10/, 2017

Jeanine Carr, Chair
Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7/12/17

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
BOARD OF NURSING**

IN RE:
JESSICA L. HARDY
License No. 026.0115822

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Docket No. 2016-681

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Jessica L. Hardy:

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. Jessica L. Hardy (the "Respondent") of Memphis, Tennessee is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0115822. This license was originally issued on October 5, 2015 and expires on March 31, 2017.
3. Respondent is also licensed in the State of Tennessee as a Registered Nurse under license number 163329.
4. On November 29, 2016, the Tennessee Board of Nursing approved a Consent Order between the Tennessee Board and the Respondent to suspend Respondent's license, as a result of Respondent obtaining unauthorized prescriptions for Adderall and Phentermine. The Tennessee Consent Order provides provisions for Respondent to return to practice after an independent evaluation. See Attachment A.
5. Respondent is also licensed in the State of Alabama as a Registered Nurse under license number 1-151825.
6. On December 29, 2016, the Alabama Board of Nursing accepted Respondent's voluntary surrender of her RN license as a resolution to a disciplinary proceeding.

STATE OF VERMONT



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

7. Respondent is also licensed in the State of Oregon as a Registered Nurse under license number 201506903RN.
8. On January 18, 2017, the Oregon Board of Nursing accepted Respondent's voluntary surrender of her RN license as a resolution to disciplinary proceedings related to her failure to disclose her Tennessee discipline.
9. Respondent is also licensed in the State of Alaska as a Registered Nurse under license number 105489.
10. On January 19, 2017, the Alaska Board of Nursing accepted Respondent's voluntary surrender her RN license as a resolution to disciplinary proceedings related to her failure to disclose her Tennessee discipline.
11. Respondent is also holds a Certificate of Registration as a Professional Nurse in the State of Tennessee under license number 041437383.
12. On March 13, 2017, the Illinois Board of Nursing, through the Department of Financial and Professional Regulation, accepted Respondent's voluntary surrender of her RN license as a resolution to disciplinary proceedings based on her discipline in Tennessee.

Violation One: 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.

13. The State re-alleges and incorporates Paragraphs 2 through 12 above.
14. Paragraphs 2 through 4 above demonstrate that Respondent was disciplined in Tennessee for diverting drugs for unauthorized use.
15. The diversion of drugs for unauthorized use is unprofessional conduct in the State of Vermont under 26 V.S.A. §1582(a)(2).
16. Paragraphs 5 through 12 above demonstrate that Respondent surrendered a license while under investigation for unprofessional conduct.
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. §129(a)(5) incorporating 26 V.S.A. §1582(a)(2).

STATE OF VERMONT



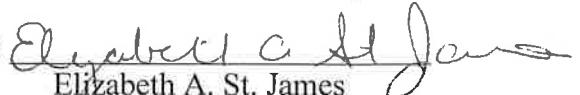
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05620-3402

Relief Requested

WHEREFORE, the license of Jessica L. Hardy should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 5th day of April, 2017.

STATE OF VERMONT
SECRETARY OF STATE

By: 
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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BEFORE THE TENNESSEE BOARD OF NURSING

In The Matter of:

JESSICA L. HARDY
R.N. License No.163329

Respondent

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Case No. 201601849

CONSENT ORDER

The State of Tennessee, by and through the Office of General Counsel and the Respondent, Jessica L. Hardy, R.N., (Respondent) hereby stipulate and agree, subject to approval by the Tennessee Board of Nursing (Board), to the following:

I. Authority and Jurisdiction

The Board regulates and supervises nurses licensed to practice pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 63-7-101, *et seq.* (Code), including the discipline of licensees, as well as those who are required to be licensed, who violate the Code and the Rules promulgated by the Board, Official Compilation of Rules and Regulations of the State of Tennessee (TENN. COMP. R. & REGS.), 1000-01-.01, *et seq.* (Rules). The Board enforces the Code and Rules to promote and protect the health, safety and welfare of the public; accordingly, it is the policy of the Board to require strict compliance with the law and to apply the law to preserve the quality of nursing care provided in Tennessee.

II. Stipulations of Fact

1. Respondent has been at all times pertinent hereto licensed by the Board as a registered nurse in the State of Tennessee, having been granted license number 163329 on February 4, 2008, which currently has an expiration date of September 30, 2018. Respondent's registered nurse license is active and bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.

ATTACHMENT A

2. From in or November 2003, to in or about February 2014, Respondent was employed at Drs. Rentrop & Geater, PLLC, in Memphis, Tennessee.

3. While employed at Drs. Rentrop & Geater, PLLC, and continuing until in or about March 2016, Respondent obtained unauthorized prescriptions under the names of prescribers at Dr. Rentrop & Geater in order to obtain Adderall, a Schedule II controlled substance, and Phentermine, a Schedule IV controlled substance.

III. Stipulated Grounds for Discipline

The Stipulations of Fact are sufficient to establish that Respondent has violated TENN. CODE ANN. § 63-7-101, *et seq.*, for which disciplinary action by the Board is authorized.

4. The facts stipulated in paragraph three (3) constitute a violation of TENN. CODE ANN. § 63-7-115(a)(1):

(F) Is guilty of unprofessional conduct;

5. The facts stipulated in paragraph three (3) constitute proof of Rule 1000-01-.13(1) of the TENN. COMP. R. & REGS, which defines “unprofessional conduct, unfitness or incompetency by reason of negligence, habits or other cause” as including, but not limited to:

(w) Engaging in acts of dishonesty which relate to the practice of nursing.

IV. Stipulated Disposition

6. Respondent’s license to practice as a registered nurse in Tennessee, pursuant to the authority vested in the Board under TENN. CODE ANN. §§ 63-7-115 and 116, shall be and is hereby **SUSPENDED** and Respondent’s multistate privilege to practice in any other party state is **VOID**.

7. Respondent may undergo an evaluation approved by the Tennessee Professional Assistance Program (TnPAP). If the results of the TnPAP approved evaluation recommend a return to practice with monitoring, then Respondent may sign a TnPAP monitoring agreement

and obtain the advocacy of TnPAP.

8. Upon receipt of notification from TnPAP that Respondent has received a recommendation of return to practice and signed a monitoring agreement immediately prior to or during the period of suspension, the suspension shall be **STAYED** and the license shall be immediately placed on **PROBATION** on the following terms and conditions:

A. The period of probation of Respondent's license shall run concurrent to her monitoring agreement with TnPAP, but in no event shall the period of probation be less than three (3) years. Should Respondent's monitoring agreement with TnPAP be extended, the term of probation of Respondent's license shall be extended to run concurrent with the new term of the TnPAP monitoring agreement.

B. Respondent's failure to maintain 100% compliance with the terms of the monitoring agreement and the advocacy of TnPAP until the completion of the monitoring agreement and any amendments thereto will be a violation of probation and shall result in the immediate lifting of the stay of suspension of Respondent's license. If thereafter Respondent wishes to have her license reinstated, Respondent must appear before the Board's Application Review Committee (ARC) to obtain a recommendation for reinstatement and demonstrate her present ability to engage in the safe practice of nursing, which shall include, at minimum, a demonstration of two years of documented continuous sobriety. The Board reserves the right for ARC to recommend other reasonable conditions of reinstatement at the time of appearance before ARC. If ARC does not recommend reinstatement, Respondent's license shall remain suspended. Respondent may not appear before ARC more than once in a twelve (12) month period.

9. Should Respondent obtain a TnPAP approved evaluation that recommends a return to practice but does not recommend a monitoring agreement with TnPAP, the suspension shall be

immediately lifted and Respondent's license shall be placed on **PROBATION** for a period of three (3) years from the date of the receipt of notification from TnPAP of the evaluation results. Upon completion of probation, Respondent's license shall be returned to unencumbered status.

10. Respondent's multistate privilege to practice in any other party state shall remain **VOIDED** until such time as Respondent's license is no longer suspended or on probation.

V. Representations of Respondent

11. Respondent understands the allegations, charges, and stipulations in this Order.

12. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.

13. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

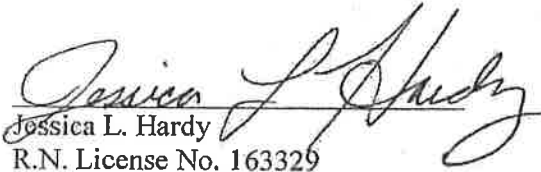
14. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.

15. Respondent agrees that she has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

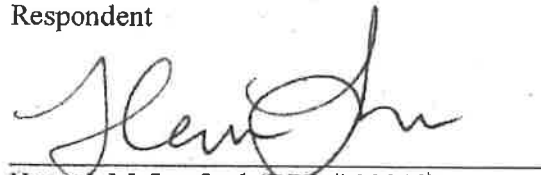
VI. Notice

16. The suspension and probation are formal disciplinary actions and will be reported to the National Practitioner Data Bank (NPDB).

APPROVED FOR ENTRY:


Jessica L. Hardy
R.N. License No. 163329
Respondent

10-3-2016
DATE

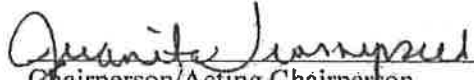

Hannah M. Lanford (BPR # 32218)
Assistant General Counsel
Tennessee Department of Health
Office of General Counsel
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

11/29/16
DATE

Approval by the Board

Upon the agreement of the parties and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board of Nursing at a public meeting of the Board and signed this 29th day of November, 2016.

ACCORDINGLY, IT IS ORDERED that the agreements of the parties will, and hereby do, become the Final Order of the Board.


Chairperson/Acting Chairperson
Tennessee Board of Nursing

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Jessica L. Hardy, 242 Mill Avenue, Memphis, Tennessee 38105, and 33082 Palo Alto Street, Dana Point, California 92629, by delivering same in the United States regular mail and United States certified mail, number 7016 1970 0000 6197 3197 and 7016 1970 0000 6197 2978, return receipt requested, with sufficient postage thereon to reach its destination.

This 30th day of November, 2016.


Hannah M. Lanford
Assistant General Counsel