

OFFICE OF PROFESSIONAL REGULATION
VERMONT BOARD OF NURSING

IN RE:	Karen Higman)	
	Case File No. NU14-1099)	DEFAULT ORDER
	License No. 26-21546)	

Introduction

The Board of Nursing held a default hearing in the above matter on March 12, 2001 at 133 State Street in Montpelier, Vermont. Board members Larry Kingsbury, Elayne Clift, Pat Rock, Linda Rice, Louise Lamphere, Diane Dowgiewicz, Susan Farrell, Louise Hamilton and Susan Cota participated in the decision. Assistant Attorney General William Ahlers appeared for the State. The Respondent was not present.

The Board took official notice of its own files in making the default determination.

Findings of Fact

1. The Respondent was sent notice of the Charges against her by certified mail on January 2, 2001 to her last known address on file with the Nursing Board.
2. Those Charges were returned to the Office of Professional Regulation with a new forwarding address in Missouri. The Office also attempted service to an address in Texas and a notice of the default hearing was sent by certified mail to the same address in Texas on February 21, 2001.
3. Respondent has responded to the notices or contacted the Office of Professional Regulation regarding her absence.
4. Upon hearing the State's presentation and 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 December 29, 2000 (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 and the State's presentation. 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 REVOKED 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.

By: Susan Farrell
Susan Farrell
Chair

Date: March 17, 2001

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3-27-01

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Karen Higman

License No: 26-21546

Docket No. NU14-1099

SPECIFICATION OF CHARGES

1. The Vermont Board of Nursing 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. §§1574, and 1582, the Office of Professional Regulation's and the Board of Nursing's Rules.
2. Respondent Karen Higman, of Arlington, Texas, is a registered nurse holding license number 26-21546 issued by the State of Vermont. Respondent was, upon information and belief, licensed as a nurse in Texas and/or Missouri at times relevant.
3. At times during 1999, Respondent was employed by or associated with Lake Granbury Medical Center of Granbury, Texas (and/or Cross Country Staffing of Dallas, Texas).
4. On repeated occasions during about April 1999 to July 1999, while in the course of her work, Respondent diverted, without authorization, regulated medication(s), including but not necessarily limited to, Demerol.
5. On repeated occasions during about April 1999, to July 1999, Respondent falsely charted administration of said regulated medication(s) to patients.
6. On repeated occasions during about April 1999 to July 1999, Respondent ingested said regulated medication(s).
7. Respondent was subsequently suspended and/or terminated from Lake Granbury Medical Center, for reasons due in whole or in part to the above act(s), omission(s) and/or circumstance(s).
8. On about July 12, 1999, Respondent prepared, signed and/or filed a Renewal Application, with the Vermont Secretary of State, Office of Professional Regulation.
9. On Respondent's Vermont Renewal Application, she indicated "No" when asked, "Do you have any physical or mental condition or disorder which in any way impairs or limits your ability to practice nursing with reasonable skill and safety?" (Question 4). The question continued, "If the answer...is 'yes', provide a

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

physician's statement or medical confirmation of the disability.", though no documentation was attached.

10. On Respondent's Vermont Renewal Application, she indicated "No" when asked, "Has your use of alcohol, drugs, or medications in any way impaired or limited your ability to practice nursing with reasonable skill and safety?" (Question 5). The question continued, "If the answer...is 'yes', please explain in detail.", though no explanation, was given.

Count 1

11. Paragraphs 1 to 10 are incorporated.
12. Thus, on repeated occasions during about April 1999 to July 1999, Respondent: diverted, without authorization, regulated medication(s); falsely charted administration of said regulated medication(s) to patients, and/or; ingested said regulated medication(s).
13. The above acts, omissions and/or circumstances violate: 3 V.S.A. 129a(a)(5) (practicing the profession while medically or psychologically unfit to do so); 3 V.S.A. 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records).
14. The above acts, omissions and/or circumstances violate: Nursing Board Rules: Chapter 4, Rule IV, B.3 (Any cause includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals or any other type of materials) which constitutes unprofessional conduct within the meaning of, and also further violates: 26 VSA §1582(a)(3) (is unable to practice nursing competently by reason of any cause) and 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).
15. The above acts, omissions and/or circumstances violate: Chapter 4, Rule IV, B.4.d (diverting supplies, equipment, or drugs for personal use or other unauthorized use) and Chapter 4, Rule IV, B.4.c (falsifying or altering clinical records or making inaccurate or misleading entries), which constitutes unprofessional conduct within the meaning of, and also further violates: 26 VSA §1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public) and 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

Count 2

16. Paragraphs 1 to 10 are incorporated.

17. With regard to Question 4 on her Vermont Renewal Application on or about July 12, 1999, Respondent: Fraudulently and/or deceptively procured or used a license, and; made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing.
18. The act(s), omission(s) and/or circumstance(s) outlined above constitute unprofessional conduct and violate: 3 VSA § 129a(a)(1) (Fraudulent or deceptive procurement or use of a license) and 26 V.S.A. §1582(a)(1) (Has made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing).

Count 3

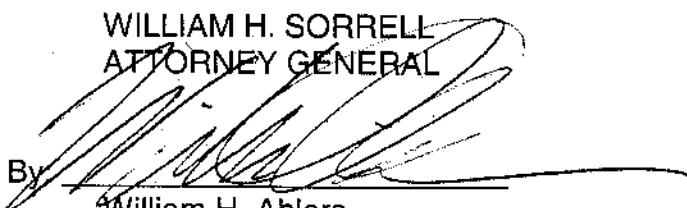
19. Paragraphs 1 to 10 are incorporated.
20. With regard to Question 5 on her Vermont Renewal Application on or about July 12, 1999, Respondent: Fraudulently and/or deceptively procured or used a license, and; made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing.
21. The act(s), omission(s) and/or circumstance(s) outlined above constitute unprofessional conduct and violate: 3 VSA § 129a(a)(1) (Fraudulent or deceptive procurement or use of a license) and 26 V.S.A. §1582(a)(1) (Has made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing).

WHEREFORE, the license of Karen Higman should be revoked, suspended or otherwise disciplined.

Dated this 29th day of December, 2000 at Montpelier, Vermont.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By 

William H. Ahlers
Assistant Attorney General

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609