

**STATE OF VERMONT  
BOARD OF NURSING**

|                      |   |                          |
|----------------------|---|--------------------------|
| In re: Lynda Hook    | } |                          |
| License No. 025-8868 | } | Docket No. 2012-750(LPN) |
|                      | } |                          |

**Decision on  
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

- Jeanine Carr, RN, Chair
- Alan Weiss, Public Member
- William G. White, Jr., Public Member
- Deborah Swartz, RN
- Douglas Sutton, RN
- Ellen Watson, APRN
- Virginia Hudson, RN
- Luana Tredwell, LPN
- Stephen Morse, LNA

Appearances:

- Prosecuting the case: S. Lauren Hibbert
- for Respondent: Pro se

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on August 12, 2013 at the Office of Professional Regulation conference room at the City Center in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

**Background**

The Specification of Charges alleges that Ms. Hook, in violation of Vermont Statutes, engaged in deceptive conduct, failed to practice competently, made false reports in the practice of the profession, and was convicted of a crime related to the practice of the profession.

**Findings of Fact**

Based on the evidence presented, the Board finds as follows:

1. Ms. Hook 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.
2. On February 28, 2012 in New Hampshire Ms. Hook called in a prescription for her daughter who was not a patient of the family practice where Ms. Hook was employed. Ms. Hook did not have authorization from a physician to call in the prescription. Ms. Hook then went to the pharmacy and picked up the prescription she had called in under her daughter's name. This was deceptive conduct by a nurse. It is also conduct harmful to the public. The prescription constituted a false record.
3. The prescription was detected. Ms. Hook was prosecuted. She plead guilty to theft by deception, a misdemeanor. Her crime was related to her practice of nursing.
4. Ms. Hook was prosecuted by the New Hampshire Board of Nursing. By Order dated November 27, 2012 Ms. Hook was placed on probation for two years. Ms. Hook is obligated to comply with a series of conditions imposed by the New Hampshire Board. The conditions imposed in New Hampshire are reasonable and necessary to protect the public.

#### **Conclusions of Law**

Based on the evidence presented and Facts found above we conclude as follows:

1. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(2):** The Prosecution has proved by a preponderance of the evidence that, Ms. Hook was convicted of a crime related to the practice of nursing. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).
2. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(7):** The Prosecution has proved by a preponderance of the evidence that Ms. Hook engaged in conduct of a character likely to deceive and harm the public. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).
3. **Re: Alleged Violation of 3 V.S.A. § 129a(b)(1) and (2):** The Prosecution has proved by a preponderance of the evidence that Ms. Hook failed to practice competently. Her conduct failed to conform to the essential standards of acceptable and prevailing practice. This is unprofessional conduct.
4. **Re: Alleged Violation of 3 V.S.A. § 129a(a)(7):** The Prosecution has proved by a preponderance of the evidence that Ms. Hook willfully made or filed false reports or records in the practice of the profession. This is unprofessional conduct.

#### **Order**

For the violations above, to protect the public, health, safety and welfare, the following sanction is necessary.

Ms. Hook's license is **conditioned**, effective the date of this decision as follows:

- 1) Ms. Hook shall comply with the probation conditions imposed by the New Hampshire Board of Nursing.
- 2) If Ms. Hook is employed as a Licensed Practical Nurse within the State of Vermont, she shall notify this Board in writing within 10 days, and all reports required under Paragraphs (f) and (g) of the New Hampshire Order shall also be submitted to this Board.
- 3) When Ms. Hook has fulfilled the requirements of her New Hampshire Board of Nursing Order, and that Board has removed the conditions, she may petition this Board in writing to remove these conditions. Ms. Hook shall submit to the Board any documentation the Board may require to rule on her petition.

### 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, Office of Professional Regulation, National Life Bldg., North, FL2, Montpelier, Vermont 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: *Janine Carr*  
Janine Carr, RN, Chair

Date August 15, 2013

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/19/13