

**STATE OF VERMONT
BOARD OF NURSING**

In re: Cheryl E. Jehn
License No. 026-99745

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Docket No. 2014-379(RN)

Appearances:

Prosecutor: Gabriel M. Gilman

Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board of Nursing held a hearing on the above matter on October 13, 2014 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont. Ms. Jehn did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Jehn is licensed as a registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582, the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On July 30, 2014 Ms. Jehn 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.
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. Stamps on the envelope indicate the notice of charges was "unclaimed, unable to forward."
6. Ms. Jehn has not filed an answer to the charges.
7. On September 2, 2014 of the Default Hearing scheduled for this date was mailed to Ms. Jehn at that same address by certified mail and first class mail. The return receipt was signed for on Ms. Jehn's behalf.
8. Ms. Jehn has still not answered the charges.
9. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Ms. Jehn to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d), and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Jehn has received notice of the charges in this matter as indicated by the Board's file

and the Prosecution's presentation. Because Ms. Jehn 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 finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Jehn has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Jehn's license is hereby **Suspended Indefinitely**, effective as of the date of the hearing. Should Ms. Jehn 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.

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.

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: October 13, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY:

10/14/14

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

IN RE:
CHERYL E. JEHN
License No. 026.0099745

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Docket No. 2014-379

SPECIFICATION OF CHARGES

Now comes the State of Vermont, by and through State Prosecuting Attorney Gabriel M. Gilman, and makes the following charges against respondent in this matter, Cheryl E. Jehn:

Board Authority

1. The Vermont Board of Nursing ("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 may "[d]iscipline any licensee ... who has had ... a 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." 3 V.S.A. § 129(a)(5).

Statement of Facts

3. Cheryl E. Jehn ("Respondent") of Arlington Heights, Illinois, is licensed by the Board as a registered nurse under license number 026.0099745. The license first issued on or about November 4, 2013. The license is active at this writing and is scheduled to expire in due course on March 31, 2015.
4. On or about May 16, 2014, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, refused to renew Respondent's Illinois nursing registration "due to termination from employment based on the improper storage of controlled substances, the writing of two telephone orders that discontinued medications without physician consent, impairment at work, and failing to report to the Department the final adverse action of being terminated," all in violation of the Illinois Civil Administrative Code and Nurse Practice Act.

STATE OF VERMONT



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

Basis for Discipline

5. The conduct for which Respondent was disciplined in Illinois would constitute unprofessional conduct in Vermont pursuant to:
- a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performance of unsafe or unacceptable patient care pursuant to ARBN Rule 11.2(b)(1) and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Rule 11.2(b)(2);
 - b. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
 - c. 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).

Request for Relief

WHEREFORE, the license of Cheryl E. Jehn should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 29th day of July, 2014.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Gabriel M. Gilman
State Prosecuting Attorney

STATE OF VERMONT



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