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OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE: Linda Johnson)
Case File No. NU13-0999) DEFAULT ORDER
License No. 25-7679)

Introduction

The Board of Nursing held a default hearing in the above matter on October 2, 2000 at 81 River Street in Montpelier, Vermont. Board members Linda Rice, Diane Dowgiewicz, Susan Farrell, Pat Rock, and Raymond Phillips 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 and was sent notice of the default hearing by both certified and regular mail to her last known address. The certified mail was returned marked "unclaimed" and the regular mail has not been returned.
2. Respondent has not answered the charges against her.
3. 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 August 30, 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 INDEFINITELY SUSPENDED.

The Respondent may apply for reinstatement at any time by petitioning the Board and demonstrating that she is able to return to the practice of nursing by addressing the five reinstatement factors found in the Board's Administrative Rules, Chapter 4, Rule (IV)(IV)(C)(1).

The suspension is 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:

October 5, 2000

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10-12-00

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Linda K. Johnson

License No: 25-7679

Docket No. NU13-0999

SPECIFICATION OF CHARGES

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules
2. Respondent Linda K. Johnson, of St. Johnsbury, Vermont, is a licensed practical nurse holding license number 25-7679 issued by the State of Vermont, which is currently lapsed.
3. At all times relevant, Respondent was employed at North Country Hospital, of Newport, Vermont.
4. During about the late evening hours of September 22, 1999 to the early morning hours of September 23, 1999, "E.W." was a patient of North Country Hospital, then experiencing respiratory difficulty.
5. During about the late evening hours of September 22, 1999 to the early morning hours of September 23, 1999:
 - a. Respondent failed to take E.W.'s vital signs, even after having been instructed to do so by the charge nurse.
 - b. Respondent failed to inform the charge nurse that she was unable to ascertain E.W.'s blood pressure.
 - c. Respondent used undue physical restraint on E.W.
 - d. Respondent called a physician for orders prior to taking E.W.'s vital signs.
 - e. Respondent transcribed orders prior to reassessing E.W.
6. The above act(s), omission(s) and/or circumstance(s), taken individually, together or in any combination, violate: Nursing Board Rules Chapter 4, Rule IV(B)(2)(a) (performance of unsafe or unacceptable nursing care) and Chapter 4, Rule IV(B)(2)(b) (failure to conform to the essential standards of acceptable and

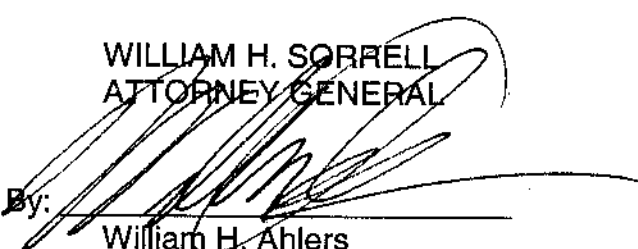
prevailing nursing practice), which are violations of, and further constitute unprofessional conduct within the meaning of, 26 V.S.A. §1582(a)(3) (unable to practice nursing competently by reason of any cause) and 26 V.S.A. §1582(a)(7) (conduct of a character likely to deceive, defraud or harm the public).

WHEREFORE, the license of Linda K. Johnson should be revoked, suspended or otherwise disciplined.

Dated this 30th day of August, 2000 at Montpelier, Vermont.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 

William H. Ahlers
Assistant Attorney General