

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE: Rebecca Juckett)
 Case File No. NU08-0704) DEFAULT ORDER
 License No. 25-7905)

Introduction

The Board of Nursing held a default hearing in the above matter on February 14, 2005 at Central Vermont Hospital, 130 Fisher Road, in Berlin, Vermont. Board members Susan Farrell, De-Ann Welch, Sandra Norton, Ellen Leff, Laurey Tyo, Elayne Clift and ad hoc member Margaret Luce participated in the decision. State Prosecuting Attorney Edward Adrian appeared for the State. Rebecca Juckett ("the Respondent") did not attend.

Findings of Fact

1. The Respondent was sent notice of the Charges against her to her last known address certified mail and first class mail on November 12, 2004.
2. The certified mailing was signed for by the Respondent on November 17, 2004.
3. Notice of the default hearing was mailed to the same address by certified and regular mail.
4. The Respondent has not filed an answer to the charges or contacted the office.
6. After 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 November 5, 2004 (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. 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.

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, RN
Chair

Date: 2-25-05

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/7/05

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

REBECCA T. JUCKETT
License No. 025-0007905

Docket No: NU 08-0704

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Rebecca T. Juckett, L.P.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing.
2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
3. The inability to practice nursing by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
4. The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2).
5. Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(7).

Statement of Facts

6. The Respondent is licensed in the State of Vermont as a Licensed Practical Nurse under license number 025-0007905.
7. The Respondent's license was originally issued on July 14, 2000 and is currently set to expire on January 31, 2006.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

8. At all times relevant, the Respondent was employed as an L.P.N. at the Marble Valley Regional Correctional Facility located in Rutland, Vermont.
9. On or about July 5, 2004, the Respondent observed in her presence M.B. punch, with a closed fist, patient N.L. in the upper left chest area "pretty hard", which caused N.L. to "step back against the wall". The Respondent failed to immediately report this incident to proper staff.
10. On or about July 5, 2004, patient N.L. advised the Respondent that he had been sexually assaulted by T.C. The Respondent failed to immediately report this incident to proper staff.

Charges

11. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

- (i) 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2); and
- (ii) 26 V.S.A. §1582(a)(7) (engaging in conduct of a character likely to deceive, defraud or harm the public); and
- (iii) 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Rebecca T. Juckett should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 5th day of November 2004.

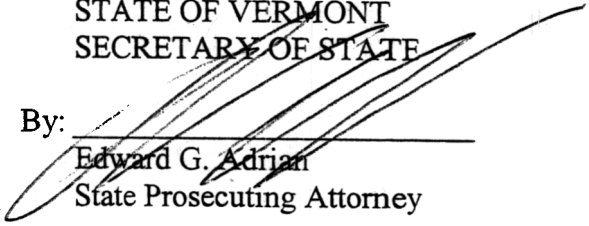
STATE OF VERMONT



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nu.juckett.soc

STATE OF VERMONT
SECRETARY OF STATE

By: 
Edward G. Adrian
State Prosecuting Attorney