

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

In re: TARAH R. KEISER

License No. 075.0080307

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Docket No. 2018-6

Appearances:

Prosecutor: Elizabeth St. James, Esq.

Respondent: Did not appear

Hearing Officer: George K. Belcher

DEFAULT ORDER

The Hearing Officer of the Vermont Board of Nursing held a hearing pursuant to 3 VSA Sec. 129(f) in the above matter on April 27, 2018 at the Office of Professional Regulation in Montpelier, Vermont. Respondent did not attend and was not represented by counsel.

Findings of Fact

1. Respondent is a Licensed Nursing Assistant and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, and the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. Her license expired on November 30, 2016.
2. Charges were filed in this matter on January 24, 2018. The Respondent was sent a Notice of Charges in this matter by certified mail and first class mail to the address of the Respondent which was on file with the Office of Professional Regulation on January 25, 2018. Both the certified mail notice and the regular mail notice were returned as "undeliverable". The notice of charges we resent to an updated address on February 12, 2018 and that notice was returned "unclaimed". 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. On March 15, 2018 a notice was sent to the Respondent advising of the hearing before the Board to find a default and advising that, "If you wish to contest the charges you must contact the office immediately at (802) 828-2367 and show good cause for failing to answer the charges against you." This notice was mailed by certified mail and by regular mail. The certified and regular mail notices were not returned as of the date of the hearing.
5. Respondent has not filed an answer to the charges, nor any communication concerning good cause for failure to answer. The Respondent did not appear at the hearing on default. No contact was made by the Respondent to the attorney for the State indicating

that the Respondent intended to contest the charges. Upon consideration of the Prosecution's presentation and taking notice of the OPR file, the Hearing Officer of the Board finds Respondent to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board may issue an order of professional discipline. OPR Rule 3.4, 3 V.S.A. § 809(d), and 3 V.S.A. § 814(c).

6. It is specifically found that in November of 2015 the Respondent failed to weigh patients as required by their treatment plan and yet she charted that the patients had been weighed. It was the recommendation of the State of Vermont that the Respondent's license be warned and (because the Respondent's license is currently expired) if she should seek to renew her license then renewal would be conditioned upon her successfully completing a pre-approved course related to documentation and ethics within 45 days of her license becoming active. Those recommended conditions follow in the proposed order below.

Conclusions of Law

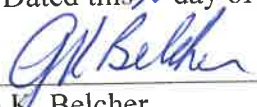
Respondent has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the Prosecution's presentation. Because Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board may find, based up the finding of Default from this Default Hearing held pursuant to 3 V.S.A. §809(d), that Respondent has engaged in the unprofessional conduct alleged in the Specification of Charges. The Respondent committed unprofessional conduct by violating 3 VSA Sec. 129a(b)(1) (failure to practice competently); 3 VSA Sec. 129a(a)(7) (willfully making false reports); 3 VSA Sec. 129a(a)(15) (failure to exercise independent professional judgement); and 26 VSA Sec. 1582(a)(3) (engaging in conduct of a character likely to deceive).

Proposed Order

In accordance with the above Findings of Fact and Conclusions of Law, and consistent with the recommendation by the State, the Board does **ORDER** that the Respondent's license be **WARNED**. The Respondent's license is currently expired. If Respondent ever renews her Licensed Nursing Assistant license, she must successfully complete pre-approved courses related to documentation and ethics within 45 days of her license becoming active.

The Hearing Officer reports the above facts, conclusions of law, and the finding of DEFAULT to the Board with the recommendation that the Board approve them and enter the Order as above.

Dated this ^{30th} day of April, 2018.

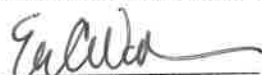

George K. Belcher
Hearing Officer of the Vermont Board of Nursing

The Vermont Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on 5/14/18. After considering the report, the Board takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- ☒ Accepts the report, adopts the findings of fact and conclusions of law, and orders the recommended discipline as set forth in the proposed order above.

SO ORDERED.

Vermont Board of Nursing

By: 
Ellen Watson, Chair
Vermont Board of Nursing

Date: 14 May, 2018

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 5/14/18

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.

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IN RE:

TARAH R. KEISER

License No. 075.0080307

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Docket No. 2018-6

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Tarah R. Keiser:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or 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); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Tarah R. Keiser (the "Respondent") of Graniteville, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 075.0080307. This license was originally issued on September 30, 2011, and expired on November 30, 2016.
3. During the relevant time period, Respondent was employed as a Licensed Nursing Assistant at the Central Vermont Medical Center (the "Facility") in Berlin, Vermont.
4. On November 21, 2015, Respondent was assigned to weigh and record the weights of Patient 1 and Patient 2 at the Facility. Both patients' weights were to be measured on a stand-up scale that required the patients to get out of bed to be weighed.
5. After being asked to weigh and record the weights of Patient 1 and Patient 2, Respondent recorded Patient 1's weight as 224 lbs. at 06:45 and Patient 2's weight as 118 lbs. at 06:43.
6. Both patients later told a different nurse that they had not been weighed yet that day.
7. Respondent was asked to re-weigh Patient 1 and Patient 2.

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8. Respondent recorded an edited weight of 211 lbs. for Patient 1 at 07:17 and 117 lbs. for Patient 2 at 07:16. For Patient 1, the difference in the two weights recorded by Respondent was 13 lbs. The difference in the two weights for Patient 2 was 1 lb.
9. Patient 1 had been taking multiple diuretics and needed to have weights closely monitored.
10. Respondent admitted to not weighing either patient the first time she was asked to do so.

Violation One: 3 V.S.A. §129a(b)(1) 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.

11. The State re-alleges and incorporates Paragraphs 2 through 10 above.
12. As a Licensed Nursing Assistant, Respondent is required to provide safe and acceptable patient care.
13. Paragraphs 2 through 10 above demonstrate Respondent's failure to provide safe and acceptable patient care.
14. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Violation Two: 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.

15. The State re-alleges and incorporates Paragraphs 2 through 10 above.
16. As a Licensed Nursing Assistant, Respondent is prohibited from making or filing false reports or records in the practice of the profession.
17. Paragraphs 2 through 10 above demonstrate that Respondent made or filed false reports or records in the practice of the profession.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(7).

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Violation Three: 3 V.S.A §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

19. The State re-alleges and incorporates Paragraphs 2 through 10 above.
20. As a Licensed Nursing Assistant, Respondent is required to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
21. Paragraphs 2 through 10 above demonstrate that Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession
22. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Violation Four: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

23. The State re-alleges and incorporates Paragraphs 2 through 10 above.
24. As a Licensed Nursing Assistant, Respondent shall not engage in conduct of a character likely to deceive, defraud, or harm the public.
25. Paragraphs 2 through 10 above demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public.
26. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. §1582(a)(3).

Relief Requested

WHEREFORE, the license of Tarah R. Keiser should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 24th day of January, 2018.

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