

**STATE OF VERMONT
BOARD OF NURSING**

In re: Evelyn E. Lamprey
License No. 026-43919

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}
}

Docket No. 2010-53

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Ellen W. Leff, RN, Chair
Jeanine Carr, RN, Vice Chair
Alan Weiss
Sandra Norton, LNA
Donarae Metcalf, LPN
De-Ann Welch, LPN
William G. White Jr.
Deborah Robinson, RN
John Todd, APRN

Appearances:

for Petitioner, State of Vermont: Betsy Ann Wrask
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 September 13, 2010 at the National Life Building in Montpelier, Vermont. Ms. Lamprey appeared by telephone.

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 prosecution alleges in its Specification of Charges that Ms. Lamprey, in violation of Vermont Statutes, violated a Board Order previously imposed.

Findings of Fact

Based on the evidence presented and the agreement of the parties, the Board finds as follows:

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1. Ms. Lamprey 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(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On October 20, 2009 Ms. Lamprey's license was conditioned by Order of this Board.
3. Ms. Lamprey, who testified by telephone, agreed that she had not complied with the conditions of the Order. Although there are some mitigating factors which contributed to her non-compliance, she agreed to not contest the allegations against her in the State's Specification of Charges. She did so with the understanding that the sanction to be imposed would be a reprimand.
4. Condition #7 of the Order required Ms. Lamprey to notify her employers of the Order and its conditions and have her employers acknowledge receipt of the Order and ability to comply with its conditions.
5. Ms. Lamprey failed to notify employers of the conditions on her license and failed to cause them to write to the Board acknowledging those conditions.
6. Condition #8 of the Order required Ms. Lamprey to cause her employers to submit monthly reports to the Board.
7. Ms. Lamprey failed to cause her employers to submit monthly reports.
8. Condition #13 of the Order required Ms. Lamprey to call in to First Lab for urine screens.
9. Despite some confusion about this condition, Ms. Lamprey does not contest that the State could show she did not comply with that condition.
10. Condition #19 of the Order required Ms. Lamprey to successfully complete a Medical Administration course within 90 days.
11. Ms. Lamprey has taken the course. However, she did not take or complete it within 90 days.

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)(3):** Because the parties have agreed to a finding that Ms. Lamprey failed to comply with a Board Order, there is no need to address this statute.
2. **Re: Alleged Violation of 3 V.S.A. § 129a(a)(4):** The State has proved by a preponderance of the evidence that Ms. Lamprey failed to comply with an order of the Board. This is unprofessional conduct.
3. **Re: Alleged Violation of 26 V.S.A. § 129a(a)(3):** 3 V.S.A. § 129a(a)(3) defines unprofessional conduct to include failing to comply with provisions of federal or state statutes or rules governing the practice of the profession. Any allegation of failure to comply with statutes or rules has been addressed above. This statute does not provide an independent grounds for discipline. There is no violation of this statute. This charge is dismissed.

Order

Pursuant to the agreement of the parties, for the violations above, to protect the public, health, safety and welfare, the Board imposes the following sanction:

Ms. Lamprey's license is **reprimanded**. This sanction is additional to any previously imposed sanctions. It does not affect any other conditions which govern Ms. Lamprey's license.

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:


Ellen Leff, RN, Chair

Date September 14, 2010

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: September 16, 2010