

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE:	Shirley Laurencelle	)	
	Case File No. APPNU01-0892	)	PETITION FOR
	License No. 25-7062	)	REINSTATEMENT

Introduction

The Board of Nursing held a hearing in the above matter on August 8, 2005 at 81 River Street in Montpelier, Vermont. Board members Alan Weiss, Ellen Leff, De-Ann Welch, Sandra Norton, Kenneth Bush, Linda Rice, and Donarae Metcalf, and Laurey Tyo participated in the decision. State Prosecuting Attorney Edward Adrian appeared for the State. Shirley Laurencelle ("The Respondent") was present. Christopher Winters was the presiding officer.

The Board takes official notice of its own licensing file for previous decisions on Ms. Laurencelle's license.

Findings of Fact

- 1 The Respondent applied for a license in 1992 and was denied based on charges of unprofessional conduct relating to "habitual intemperance" and making a false statement on her license application.
2. The Respondent filed a second application for licensure in 1993 which was also denied, based upon DWI convictions in 1977, 1978, and 1992. She appealed this denial to the Superior Court. In February of 1994, the Respondent and the State, through an assistant attorney general, entered into a Stipulation and Consent Order approved by the Board on February 14, 1994.
3. The 1994 Order included three years of conditioned practice, requiring, among other conditions, that the Respondent develop a treatment plan with a treating professional, send the Board reports from her treating professional, attend AA/NA meetings as recommended by her treating professional, submit to random drug and alcohol testing, abstain from alcohol and drug use, practice under supervision, notify her employers of the order, and submit monthly employment reports.
4. At hearing, the Respondent indicated that the conditions on her license were "too much" and "too many to follow" and that no one would hire her with all those conditions so she never complied with them.
5. Because the Respondent never complied with the conditions on her license, it was

revoked in September 1994.

6. The Respondent now seeks reinstatement of her license. By letter dated June 16, 2005, the Board, through its administrator, denied the Respondent's license based upon the Respondent's further criminal convictions and failure to disclose some of those convictions on her application.
7. Respondent's criminal record after the three DWIs in 1992 is as follows:
 - a. September 1993 DLS#1 (including mandatory jail time)
 - b. December 1995 Retail Theft
 - c. April 1996 DLS#2 (including mandatory jail time)
 - d. April 1998 Violating Abuse of Prevention Order
 - e. September 2001 DLS#3 (including mandatory jail time)
 - f. September 2001 DWI#4 Refusal (felony conviction after jury trial)
8. The September 2001 convictions for DLS#3 and DWI#4 were not revealed on the Respondent's application but were revealed in a criminal background check provided by the Respondent at the request of the Board.
9. The Respondent has been convicted of at least nine crimes, including one felony. Five of those convictions have occurred since the time the Respondent last held a nursing license.
10. The Respondent has indicated an unwillingness to comply with any conditions placed upon her license. She does not believe that conditions are necessary and that "a little trust goes a long way."
11. The Respondent did complete a treatment program in 2004 but has provided no evidence of any other substance abuse treatment or counseling. The Respondent completed the Day One program by attending session one hour per week for six months. She attended the program in order to regain her driver's license.

Conclusions of Law

1. Pursuant to 3 V.S.A. § 129(e), the Board may preliminarily decide to deny an application for licensure or, as in this case, a petition for reinstatement as long as the applicant is provided notice of the reasons for the denial and an opportunity to review that preliminary decision at a hearing before the Board. After the hearing, the Board shall affirm or reverse the preliminary decision, explaining the reasons therefore in writing.
2. The burden is upon the Petitioner to prove to the Board that she is qualified to practice nursing in this State and is able to practice safely and competently. 3 V.S.A. §

129(e).

3. Board may deny an application if the Petitioner has committed unprofessional conduct as defined by 26 V.S.A. § 1582 or 3 V.S.A. 129a. The Applicant has committed unprofessional conduct in violation of 3 V.S.A. 129a(a)(10) (conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession).

4. In addition to the many convictions which alone and in the first instance are enough to deny the petition for reinstatement, the Board remains concerned with the Respondent's ongoing issues with substance abuse. She provided very little evidence of specific rehabilitation or continuing treatment. Since last appearing before the Board in 1994, the Respondent continued to abuse alcohol and commit alcohol-related crimes.

5. The Board's mission is to protect the public with regard to licensed nursing practice in this state. The Applicant has failed to provide evidence that would convince the Board she can practice nursing safely and competently or that she is entitled to licensure at this time.

Order

Accordingly, the Respondent's Petition for reinstatement is DENIED. Should the Respondent ever petition the Board for reinstatement again, she must provide the Board with a current independent evaluation from a licensed drug and alcohol abuse counselor, pre-approved by the Board or its designee. In addition, the Respondent should expect that given her history, the Board would only consider reinstatement of her license under the strictest conditions possible to assure public safety, which would include most, if not all, of the conditions she described as "too much" in her 1994 Order.

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: Sandra Rice APRN Date: 8-27-05
~~Susan Farrell, R.N.~~
Chair, Acting

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 9/2/05