

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

In re: AMY LONGTIN	}	
License No. 025.0009565	}	Docket No. 2014-487 (LPN)
	}	

Appearances:

Prosecutor: Rachael Allen, 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 March 30, 2016 at the Office of Professional Regulation in Montpelier, Vermont. Respondent did not attend and was not represented by counsel. The Vermont Nursing Board considered the recommended Findings of Fact and Conclusions of Law at its regular meeting on April 11, 2016. At this meeting the Respondent did not appear and was not represented. On motion duly made and seconded, the Findings of Fact and Conclusions of Law which had been reported by the Hearing Officer were accepted (these follow verbatim below). The Board did not accept the recommended sanction, but instead, the Board decided to impose the sanction as set forth below.

Findings of Fact

1. Respondent is licensed as a Licensed Practical Nurse 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.
2. Charges were filed in this matter on January 5, 2016. A copy of the Specification of Charges is attached to this Default Order. On January 6, 2016 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. The specification of charges were unclaimed by the Respondent as shown by return notice received by the Office of Professional Regulation on February 8, 2016.
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. As of the date of the default hearing (March 30, 2016), no answer to the charges was filed.

5. On February 12, 2016 a notice was sent to the Respondent advising her of the hearing before the Board to find her in default and advising her 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 regular mail notice and the certified mail receipt were returned showing that they were "undeliverable as addressed" on February 26, 2016. OPR was advised of a new address for the Respondent and the Notice of Default hearing was resent to the new address on February 26, 2016. The certified mail notice was returned as unclaimed but the regular mail notice to this address was not returned.
6. Respondent has not filed an answer to the charges, nor any communication concerning good cause for failure to answer. She 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).
7. It is specifically found that on or about July 13, 2014, M.W., a resident in the Dementia Unit (where the Respondent worked) fell. Respondent took M.W.'s vital signs, did an assessment, and charted the fall in the Facility's computer system. Respondent completed the proper paperwork and documented that both M.W.'s family member, W.W., and, L.E., the physician on call, were notified of the fall. Respondent reported to the oncoming nurse, T.B., that everyone was properly notified. Respondent did not notify W.W. of the fall. Respondent did not notify L.E. Respondent did not notify the nurse practitioner on call, S.G.

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.

Order

1. The license of the Respondent is hereby REPRIMANDED.
2. The Respondent shall, within ninety (90) days from the date that this order is entered, enroll and complete two courses as are pre-approved by the Vermont Nursing Board; one course shall address the subject of nursing record-keeping; the other course shall address the subject of professional accountability.

SO ORDERED.

Vermont Board of Nursing

By: Jeanine Carr
Jeanine Carr, RN, Chair
Vermont Board of Nursing

Date: 4/11/16, 2016

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 4/15/16

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.

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

IN RE:	)	
Amy Longtin	)	Docket No. 2014-487
License No. 025.0009565	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Amy Longtin:

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. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Amy Longtin (the "Respondent") of Rutland, Vermont, is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009565. This license was originally issued on or about July 7, 2008, and expires on or about January 31, 2016.
3. During the relevant time period, Respondent was employed as a Licensed Practical Nurse at Rutland Healthcare and Rehabilitation Center (the "Facility") in Rutland, Vermont.
4. On or about July 13, 2014, Respondent was working in the dementia unit as the charge nurse.
5. On or about July 13, 2014, M.W., a resident in the Dementia Unit, fell. Respondent took M.W.'s vital signs, did an assessment, and charted the fall in the Facility's computer system.
6. Respondent completed the proper paperwork and documented that both M.W.'s family member, W.W., and, L.E., the physician on call, were notified of the fall.
7. Respondent reported to the oncoming nurse, T.B., that everyone was properly notified.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

8. Respondent did not notify W.W. of the fall.
9. Respondent did not notify L.E.
10. Respondent did not notify the nurse practitioner on call, S.G.

Charges

11. 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:
 - a. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession);
 - b. 3 V.S.A. § 129a(b)(1) and (2) (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; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

Relief Requested

WHEREFORE, the license of Amy Longtin should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 5th day of January, 2016.

STATE OF VERMONT
SECRETARY OF STATE

By: Rachel Allen

Rachel Allen
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402