

**STATE OF VERMONT
BOARD OF NURSING**

In re: Andrea (Lovato) Natal
License No. 025-8878

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Docket No. NU86-0408
2008-159

**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
William G. White Jr.
Deborah Robinson, RN
Margaret Luce, RN

Appearances:

for Petitioner, State of Vermont: Betsy Ann Wrask
for Respondent: Did not appear

Presiding Officer: Larry S. Novins and Kevin Leahy

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on July 13, 2009 at the National Life Building in Montpelier, Vermont.

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. Natal failed, in violation of Vermont statutes, to reveal on her renewal application that her license as a practical nurse had been revoked in the State of New Hampshire.

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. Ms. Natal is licensed as a licensed practical nurse by and subject to the disciplinary 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. Ms. Natal was also licensed in the State of New Hampshire.
3. Ms. Natal was given notice of this hearing. Although she and the prosecuting attorney may have had discussions toward a resolution of this case without a hearing, no Stipulation has been filed with the Board, and no request for a continuance from either party has been received.
4. Ms. Natal's New Hampshire license was revoked on April 20, 2006. The revocation was "without recourse to petition for reinstatement for at least two years."
5. On her January 23, 2008 Vermont license renewal application Ms. Natal failed to reveal the New Hampshire action. In response to the question, "Has Vermont or any other state, territory, or other jurisdiction restricted, suspended, revoked, or taken any other disciplinary action against a license, certificate, or registration that you hold or held in any profession or occupation?" Ms. Natal wrote "no."
6. It is not known at this time what Ms. Natal's license status is in New Hampshire. We do not have any current information about her employment status or any relevant information which would assist in formulating the details of a sanction.

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)(1):** The State has proved by a preponderance of the evidence that Ms. Natal has made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).
2. **Re: Alleged Violation of 3 V.S.A. § 129a(a)(1):** The State has proved by a preponderance of the evidence that Ms. Natal engaged in fraudulent or deceptive procurement or use of a license. 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

For the violations above, to protect the public, health, safety and welfare, the following sanction is necessary.

Ms. Natal's license is **indefinitely suspended**. She may apply for reinstatement. If she

does, the Board will review her petition and will require her to provide relevant documentation and evidence for us to determine whether the suspension should be extended or ended. Ms. Natal must show the Board that reinstatement of her license is not inconsistent with public health, safety and welfare. At that time, the Board may determine whether it can impose any conditions that will protect the public and allow her to resume practice.

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
Ellen Leff, RN, Chair

Date

July
June 14, 2009

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY:

7/20/09