

**STATE OF VERMONT
BOARD OF NURSING**

In re: Linda North
License No. 025-4315

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Docket No. 2010-59(LPN)

Appearances:

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

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on November 8, 2010 at the National Life Building in Montpelier, Vermont. Ms. North did not attend and was not represented by counsel.

Findings of Fact

1. Ms. North is licensed as a practical 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 September 22, 2010 Ms. North was sent a Notice of Charges in this matter by certified mail to her last known address. 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. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. Ms. North signed the return receipt for the notice.
6. Ms. North has not filed an answer to the charges.
7. On October 20, 2010 notice of the Default Hearing scheduled for this date was mailed to Ms. North at that same address by certified mail. The file shows no return on this mailing.
8. Ms. North has still not answered the charges.
9. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. North to be in Default. The allegations contained in the State's Specification of Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. North has received adequate or constructive notice of the charges in this matter as

indicated by the Board's file and the State's presentation. Because Ms. North has failed to answer the charges, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. North has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. North's license is hereby issued a **reprimand**, and **Ms. North is ordered to pay a civil penalty in the amount of \$50.00** effective as of the date of the hearing. Should Ms. North apply for reinstatement, the Board at that time will determine whether any conditions can permit her to resume practice while protecting public health and safety.

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, National Life Bldg., North, FL2, 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.

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, R.N., Chair

Date: November 8, 2010

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 11/9/10

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

IN RE:
LINDA NORTH
License No. 025.0004315

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Docket No. 2010-59

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Linda North, LPN:

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. Linda North (the "Respondent") of Hoosick, New York is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0004315. This license was originally issued on or about November 23, 1977 and is currently set to expire on or about January 31, 2012. Respondent was also licensed by the State of Massachusetts as Licensed Practical Nurse under license number LN67439. Respondent's Massachusetts license was originally issued on or about August 29, 2006 and expired on or about April 9, 2009.
3. On or about November 20, 2008 pursuant to a Consent Agreement for Reprimand (the "Agreement") signed by Respondent, the Massachusetts Board of Registration in Nursing reprimanded Respondent's Massachusetts license. Attachment A. The Agreement in ¶7 indicated that the Agreement constituted a public record evidencing disciplinary action by the Massachusetts Board. Attachment A. Moreover, ¶9 of the Agreement indicated that Respondent certified that she had read the Agreement. Attachment A.
4. On or about January 24, 2010 in a Vermont Licensed Practical Nurse Renewal Application covering the period of February 1, 2010 through January 31, 2012, Respondent answered "No" to the question, "Since you were originally licensed or since you completed your last renewal application, [h]as Vermont or any other state, federal authority, or other jurisdiction restricted, suspended, revoked, or taken any

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

other disciplinary action against a license, certificate, or registration that you hold or held in any profession or occupation?"

5. On or about March 31, 2010 in an interview with State Investigator Jamie Palmisano, Respondent stated that at the time she completed her Vermont renewal application, she did not believe that she needed to reveal her Massachusetts discipline. However, Respondent indicated that after reflection, she should have disclosed her Massachusetts Reprimand.

Charges

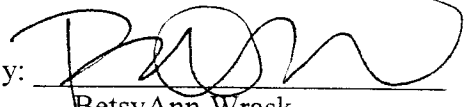
6. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
- a. 26 V.S.A. § 1582(a)(1) (Has made or caused to be made a false, fraudulent, or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing);
 - b. 3 V.S.A. § 129a(a)(1) (Fraudulent or deceptive procurement or use of a license); and
 - c. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Linda North should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 2nd day of September, 2010.

STATE OF VERMONT
SECRETARY OF STATE

By: 
BetsyAnn Wrask
State Prosecuting Attorney

nu.north.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of)
Linda North)
LN License No. 67439)
License Expires 4/9/09)

Docket No. LN-08-057

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Nursing (Board) and Linda North (Licensee), a Licensed Practical Nurse (LPN) licensed by the Board, License No. 67439, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee agrees that this Consent Agreement for Reprimand (Reprimand Agreement) is entered into in resolution of the Board's investigation of a complaint filed against her Massachusetts nursing license, Docket No. LN-08-057.
2. The Licensee acknowledges that her conduct, as documented in Docket No. LN-08-057, constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03(5), (17) and (47) and warrants disciplinary action by the Board under Massachusetts General Laws (C.L.) Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions. Specifically, the Licensee admits that while employed as a Licensed Practical Nurse at Sweet Brook Transitional Care and Living Centers in Williamstown, Massachusetts, on or about August 19, 2007, she engaged in non-therapeutic and disrespectful verbal exchanges with two cognitively impaired residents, exchanges which were overheard by other staff and residents.
3. The Licensee agrees that the Board hereby imposes a REPRIMAND on her Massachusetts Licensed Practical Nurse license as authorized by 244 CMR 7.04(1) for her conduct acknowledged above in Paragraph 2, effective as of the date on which this Reprimand Agreement is signed by the Board (Effective Date).
4. The Board agrees that in return for the Licensee's execution of this Reprimand Agreement it will not prosecute the allegations arising from its investigation of Docket No. LN-08-057.
5. The Licensee understands and agrees that entering into this Reprimand Agreement is a final act and not subject to reconsideration, appeal or judicial review.

Reprimand Agreement

Attachment A

6. The Licensee states that she has used legal counsel in connection with her decision to enter into this Reprimand Agreement or, if she has not used legal counsel, that the decision not to do so has been one taken of her own free will.
7. The Licensee understands and agrees that after its Effective Date, the Reprimand Agreement constitutes a public record evidencing disciplinary action by the Board and that the Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and to other individuals or entities as required or permitted by law.
8. The Licensee agrees to return to the Board, either by hand or certified mail, two (2) duplicate originals of this Reprimand Agreement signed, witnessed and dated, within fifteen (15) days of her receipt of this unsigned, proposed Agreement from the Board.
9. The Licensee certifies that she has read this document entitled "Consent Agreement for Reprimand." The Licensee understands that she has a right to formal adjudicatory hearing concerning the allegations against her and that during said adjudication she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, to appeal to the court, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further agrees that she understands that, in executing this document entitled "Consent Agreement for Reprimand," she is knowingly and voluntarily waiving her right to a formal adjudication of the above-referenced complaint and to all of the related rights listed above.

Ken Stevens 11/14/08
Witness (sign and date)

Ken Stevens
Witness (print name)

Linda North
Licensee (sign and date)

Rula Harb
Rula Harb, MSN, RN
Executive Director
Board of Registration in Nursing

November 20, 2008
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee on November 20, 2008 by Certified
Mail No. 7007 3020 0000 4345 6175