

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

IN RE:)
FANIA OXY)
License No. 025.0009379)

Docket No. 2011-445

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by State Prosecuting Attorney Gabriel M. Gilman, and makes the following Charges against the Respondent, Fania Oxy:

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. Fania Oxy (the "Respondent") of Brooklyn, New York was licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009379. This license was originally issued on or about December 17, 2007 and lapsed on or about January 31, 2012.
3. On or about April 2, 2010, Respondent signed a Stipulation and Consent Order which changed the status of Respondent's license to **INACTIVE-CONDITIONED** and contained the following conditions:
 - a) *Within two (2) years of the date of entry below, the Respondent shall complete an approved nursing program that satisfies the requirements of ARBN Chapter 4, Subchapter 1. The Respondent shall obtain approval from the Board or its designee prior to the commencement of any program in order to ensure that the program is satisfactory.*
4. On or about May 2, 2011, the Board received Respondent's Licensed Practical Nurse Education Verification Form, which contained documents and transcripts from Sierra Allied Health Academy (the "Academy") in Plainfield, New Jersey.
5. At no point did Respondent seek approval of the Board prior to beginning the program at the Academy.

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6. On or about June 30, 2011, the Board received a letter from the Director of Nursing at the Academy stating that a review of business records yielded no record of Respondent attending the school, no record of her grades, and no record of her graduation. The letter indicated a Sierra Allied Health Academy staff member, Director of Admissions Abu Marah, fraudulently created the transcripts submitted by the Respondent.
7. Respondent provided the Board's investigator an affidavit on her attorney's letterhead, wherein Respondent denied knowing that her transcripts were fraudulent and claimed she paid \$13,000 to Marah.
8. Respondent has been unable to produce any financial record reflecting payment of \$13,000 to Marah.
9. Despite claiming in her affidavit to have been defrauded of \$13,000 by Marah, an employee of the Academy, Respondent has never pursued any civil or criminal action against Marah or the Academy.
10. On or about March 20, 2012, in an interview with Investigator Karl Packer of the Office of Professional Regulation, Marah admitted to providing the Respondent with fraudulent transcripts at her request, but denied receiving any money from Respondent.

Basis for Discipline

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)(3) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board);
 - b. 3 V.S.A. § 129a(a) (Fraudulent or deceptive procurement or use of a license);
 - c. 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).

Understandings

12. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
13. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
14. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

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15. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
16. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
17. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
18. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
19. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

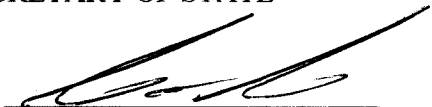
Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

Respondent's license is hereby **REVOKED**.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 4/26/13

By: 
Gabriel M. Gilman
State Prosecuting Attorney

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FANIA OXY
RESPONDENT

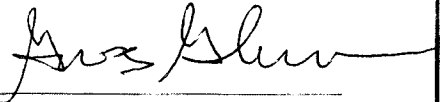
Dated: 4-15-13

By: 
Fania Oxy

APPROVED AS TO FORM:

Dated: 4.23.13

ATTORNEY FOR RESPONDENT

By: 

Gregory J. Glennon

Kirkpatrick & Goldsborough

APPROVED AND SO ORDERED:

Dated: 5/13/2013
Date of Entry: 5/13/13

VERMONT BOARD OF NURSING

By: 
Vice Chairperson

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