

**STATE OF VERMONT
BOARD OF NURSING**

In re: Amy Elizabeth Parker	}	
License No. 026-60025 (temp)	}	Docket No. 2009-503 (RN)
	}	

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 October 11, 2010 at the National Life Building in Montpelier, Vermont. Ms. Parker did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Parker possessed a temporary license to practice as a registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d), 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 May 14, 2010 Ms. Parker 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. The notice of charges was unclaimed. The matter was set for a Default Hearing in July.
6. Ms. Parker sent in a faxed answer on July 22, 2010. A prehearing conference was set for August 3, 2010. Ms. Parker could not be reached at the telephone numbers she left for the prehearing conference. It was held without her, and the matter was set for a contested hearing on October 11, 2010.
7. Ms. Parker was sent notice of the contested hearing at the address she provided OPR. The hearing notice was returned unclaimed and "unable to forward."
8. On October 11, 2010 this matter was called for a hearing. Ms. Parker, once again, could not be reached through the telephone numbers she previously provided. The State moved for Default. The Board determines that a Default Order is proper in this case.
9. The Board finds Ms. Parker 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. Parker 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. Parker has failed to participate in this matter, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, that Ms. Parker 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. Parker's license is hereby **Suspended Indefinitely** effective as of the date of the hearing. Should Ms. Parker 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

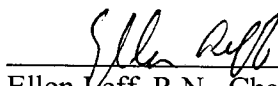
This is a final administrative determination by the Vermont Board of Nursing.

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, R.N., Chair

Date: October 12, 2010

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/15/10

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

IN RE:

AMY ELIZABETH PARKER)
License No. 026.0060025-TEMP)

Docket No. 2009-503

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Amy Elizabeth Parker, RN:

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 Elizabeth Parker (the "Respondent") of Fairmont, North Carolina was temporarily licensed by the State of Vermont as a Registered Nurse under license number 026.0060025-TEMP. This temporary license was originally issued on or about October 16, 2009 and expired on or about January 14, 2010.
3. At all times relevant, Respondent was employed as a traveling nurse through Core Medical Group (the "Company"), located in Salem, New Hampshire, and was working as a Registered Nurse at the Visiting Nurses Association of Vermont and New Hampshire (the "VNA"), based in Lebanon, New Hampshire.
4. At all times relevant, Respondent was assigned to provide care for VNA Patient B.P. in B.P.'s home.
5. On or about October 30, 2009 in a Statement of Complaint to the Office of Professional Regulation, Company Licensing Coordinator D.D. reported that the VNA had terminated Respondent's employment due to a complaint of possible misappropriation of a patient's narcotics.
6. On or about November 18, 2009 in an interview with State Investigator Steve Kennedy, Company Licensing Coordinator D.D. advised that Respondent had been hired by the Company on or about October 12, 2009. D.D. stated that since

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

Respondent had been terminated from the VNA, she had not returned any phone calls from the Company. D.D. advised that the Company had been paying for Respondent's hotel room during her employment and that after her termination from the VNA, Respondent left the hotel in the middle of the night.

7. On or about November 24, 2009 in an interview with Investigator Kennedy, VNA Human Resource Generalist S.B. advised that Respondent was hired by the VNA on or about October 12, 2009 and terminated on or about October 29, 2009. S.B. advised that on or about October 26, 2009, Patient B.P. reported that on or about Saturday, October 24, 2009, she was missing approximately twelve (12) Oxycodone tablets. B.P. advised the VNA that other than B.P.'s sister, Respondent was the only person in B.P.'s home that Saturday. S.B. advised that both the VNA and B.P. reported this incident to the police. S.B. advised that Respondent denied taking this medication; was placed on suspension; but then Respondent left and the VNA never heard from Respondent again.
8. During his investigation of this complaint, Investigator Kennedy attempted to contact Respondent at the phone number she provided in her Vermont temporary license application – which is the same number Respondent provided to the Company and the VNA – but this number has been disconnected. On or about January 11, 2010, Investigator Kennedy sent a letter to Respondent requesting that she contact him regarding this complaint, but to date Respondent has not done so.
9. A background check performed by the Company prior to Respondent's hire revealed that on or about March 17, 2007, Respondent was arrested in Robeson County, North Carolina for the misdemeanor offense of failure to return rented property. However, there was no final disposition to that matter.

Charges

10. 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)(3) (Is unable to practice nursing competently by reason of any cause);
 - b. ARBN Chapter 4, Subchapter 4, Rule (II)(B)(1) and (2) ("Inability to practice nursing competently" includes: (1) performance of unsafe or unacceptable patient care; and (2) failure to conform to the essential standards of acceptable and prevailing practice);
 - c. ARBN Chapter 4, Subchapter 4, Rule (II)(C) ("Any cause" includes, but is not limited to, reasons of physical or mental disability or use of drugs, narcotics, chemicals, or any other type of materials);

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- d. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Chapter 4, Subchapter 4, Rule (II)(D)(4);
- e. 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); and
- f. 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 Amy Elizabeth Parker should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 5th day of May, 2010.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Betsy Ann Wrask
State Prosecuting Attorney

nu.parker.soc

STATE OF VERMONT



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