

**STATE OF VERMONT
BOARD OF NURSING**

In re: Carmen A. Peters
License No. 025-97930 temp.

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Docket No. 2013.496(LPN)

Appearances:

Prosecuting the case: S. Lauren Hibbert
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on July 14, 2014 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont. Ms. Peters did not attend and was not represented by counsel.

Findings of Fact

1. Between August 13, 2013 and November 10, 2013 Ms. Peters held a temporary license as a practical 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 March 28, 2014 Ms. Peters 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. Stamps on the envelope indicate the notice of charges was, after notices "Return to sender, unclaimed, unable to forward."
6. Ms. Peters has not filed an answer to the charges.
7. On May 19, 2014 notice of the Default Hearing scheduled for this date was mailed to Ms. Peters at that same address by certified mail. Three notices were provided to Ms. Peters. The Default Notice too was marked "Return to Sender. Unclaimed. Unable to forward."
8. Ms. Peters has still not answered the charges.
9. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Ms. Peters to be in Default. The allegations contained in the 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. Peters 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 Ms. Peters has failed to answer the charges, the factual allegations in the Stipulation and Consent Order 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. Peters has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Peters's privilege to apply for or reinstate her license is hereby **Suspended Indefinitely**, effective as of the date of the hearing. Should Ms. Peters apply for a license or 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, 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.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By:

Jeanine Carr
Jeanine Carr, RN, Chair

Date: July 14, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY:

7/14/14

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

IN RE:)
CARMEN A. PETERS) Docket No. 2013-496
License No. 025.00097930-temp)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Carmen A Peters, 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. Carmen A. Peters (the "Respondent") of Scranton, PA is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.00097930, which is a temporary license issued on August 13, 2013 and expired on November 10, 2013. Respondent has applied for a Licensed Practical Nurse license which has the tracking number of 025.0097929. This application is pending.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse by Platinum Choice Staffing Agency and was a contract employee for Correct Care Solutions, the medical provider at Northwest Correctional Facility.
4. Respondent began working at Northwest Correctional Facility on August 13, 2013. During her shift on August 14, 2013 Respondent was giving her radio to a co-worker when a white pill fell out of her pocket. While being questioned about the pill Respondent disposed it in the sharps container. During the evening narcotic count, it was short one Vicodin pill. Respondent then altered the narcotic log to make the count appear accurate.

Charges

STATE OF VERMONT



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

5. 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; willfully impeding or obstructing the proper making or filing reports or records or willfully failing to file the proper reports or records.)
 - 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); 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 Carmen A. Peters should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 28 day of March, 2014.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

S. Lauren Hibbert
State Prosecuting Attorney

STATE OF VERMONT



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