

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

In re: MARIE A. PROPSE	}	
License No. 026.0093366	}	Docket No. 2015-127 (Applicant for RN
	}	License)
	}	

Appearances:

Prosecutor: Elizabeth A. Jarvis, Esq.

Respondent: Did not appear

Hearing Officer: George K. Belcher

DEFAULT ORDER

The Hearing Officer of the Vermont Board of Nursing held a hearing pursuant to 3 VSA Sec. 129(f) in the above matter on January 22, 2016 at the Office of Professional Regulation in Montpelier, Vermont. Respondent did not attend and was not represented by counsel.

Findings of Fact

1. Respondent is a Registered Nurse Applicant (not licensed) and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, and the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. The Charges in this matter relate to a false application and the Respondent has not been licensed in this state.
2. Charges were filed in this matter on October 23, 2015. On October 23, 2015, the Respondent was sent a Notice of Charges in this matter by certified mail and first class mail to the address on her application. 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. The return receipt to the mailing of the Charges was returned unsigned by the Respondent with the mailing "Unclaimed" and "unable to forward". The regular mail notice of the charges was not returned to the Office of Professional Regulation. As of the date of this hearing (January 22, 2016) no answer to the charges has been filed.
5. On December 17, 2015 a notice was sent to the Respondent advising her of the hearing before the Board to find her in default and advising her that, "If you wish to contest the charges you must contact the office immediately at (802) 828-2367 and show good cause for failing to answer the charges against you." This notice was mailed by certified mail and by regular mail. Neither the certified mail receipt nor the ordinary mail notice of the

default hearing were returned to the Office of Professional Regulation as of the date of the hearing.

6. Respondent has not filed an answer to the charges, nor any communication concerning good cause for failure to answer. She did not appear at the hearing on default. No contact was made by the Respondent to the attorney for the State indicating that the Respondent intended to contest the charges. Upon consideration of the Prosecution's presentation and taking notice of the OPR file, the Hearing Officer of the Board finds Respondent to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board may issue an order of professional discipline. OPR Rule 3.4, 3 V.S.A. § 809(d), and 3 V.S.A. § 814(c).

Conclusions of Law

Respondent 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 Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board may find, based up the finding of Default from this Default Hearing held pursuant to 3 V.S.A. §809(d), that Respondent has engaged in the unprofessional conduct alleged in the Specification of Charges.

Proposed Order

In accordance with the above Findings of Fact and Conclusions of Law, and consistent with the recommendation by the State, the Board imposes an **Administrative Penalty** against the Respondent in the amount of **Two Hundred and Fifty Dollars (\$250.00)**, effective as of the date of the hearing before the full Board.

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.

The Hearing Officer reports the above facts, conclusions of law, and the finding of DEFAULT to the Board with the recommendation that the Board approve them and enter the Order as above.

Dated this 22nd day of January, 2016.


George K. Belcher
Hearing Officer of the Vermont Board of Nursing

The Vermont Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on _____. After considering the report, the Board takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- / / Accepts the report, adopts the findings of fact and conclusions of law, and orders the recommended discipline as set forth above.

SO ORDERED.

Vermont Board of Nursing

By: 
Jeanine Carr, RN, Chair
Vermont Board of Nursing

Date: 2/9, 2016

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/9/16

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

IN RE:)
MARIE A. PROSPER) **Docket No. 2015-127**
License No. 026.0093366)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Marie A. Prosper, 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. Marie A. Prosper (the "Respondent") of Apopka, Florida applied for licensure in Vermont on April 14, 2014. She was assigned a license tracking number of 026.0093366.
3. To apply for licensure, Respondent submitted a Vermont Board of Nursing "Registered Nurse Application by Examination/Endorsement – International Applicants."
 - a. On this same application, Respondent indicated she graduated on November 7, 2012, from the University of the West Indies in Kingston, Jamaica.
 - b. On this same application, Respondent signed and dated the statement: "I hereby certify that all information I have provided in this application is true and accurate to the best of my knowledge. I understand that furnishing false information may constitute unprofessional conduct and result in denial of my application for licensure or further disciplinary sanction."
 - c. Respondent was never a student at, nor did she graduate from, the University of the West Indies in Jamaica.
 - d. This license application was administratively denied on September 24, 2015.

STATE OF VERMONT



Prosecuting Attorney
Office of
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89 Main Street
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Montpelier, VT
05620-3402

Charges

4. 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(1)(Fraudulent or deceptive procurement or use of a license)

Relief Requested

WHEREFORE, the license of Marie A. Prosper should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 23 day of October, 2015.

STATE OF VERMONT
SECRETARY OF STATE

By: S. LaHibbert
S. Lauren Hibbert
State Prosecuting Attorney

STATE OF VERMONT



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