



**State of Vermont
Office of the Secretary of State**

Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov

**James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director**

May 17, 2022

**Rachel Bishop
105 Pratt Street
Bennington, VT 05201**

**Case: In Re Rachel Bishop
Credential: License # 026.0140557 / Nursing
Docket No.: 2022-4**

Dear Ms. Bishop:

Enclosed, please find a *Default Order* in the matter captioned above. This is a final administrative determination.

If you are aggrieved by this decision, you may begin the appeal process by filing a Notice of Appeal with the Office of Professional Regulation. The notice must be received no later than 30 days from the decision's date of entry (see last page of order). Send the appeal to:

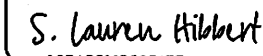
**Office of Professional Regulation
Attn: S. Lauren Hibbert, Director
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402**

The appeal does not stop the disciplinary action from going into effect. If you wish to have the disciplinary action stayed during the appeals process, you must specifically request a stay in writing. Your request for a stay will be considered, and a decision to grant or deny your request will be issued. Please see the enclosed instructions.

If you have questions, please do not hesitate to contact the Office at (802) 828-2367.

Sincerely,

DocuSigned by:


S. Lauren Hibbert
Director

Enclosure: *Default Order*

cc: George Belcher, Esq., Hearing Officer
Rachel Heath, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager

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

In re: RACHEL BISHOP
License No. 026.0140557

}
} Docket No. 2022-4
}

Appearances:

Prosecutor: Rachel Heath, Esq.
Respondent: Appeared *pro se*, without counsel

Hearing Officer: George K. Belcher

DEFAULT ORDER

Findings of Fact

1. The Respondent is licensed in Vermont as a Registered Nurse.
2. The Hearing Officer held a hearing in the above matter on May 3, 2022 pursuant to 3 VSA Sec. 129(f). The hearing was held electronically pursuant to the Notice of Hearing dated April 13, 2022. The State requested a Default because the Respondent had not responded to the charges in this case. A notice of the hearing on the default was sent to the Respondent on or about April 13, 2022, by regular mail, email, and by certified mail. The notice was received because the Respondent appeared at the hearing and participated in it.
3. Specification of Charges were filed in this case on or about February 22, 2022. A copy of the Specification of Charges is attached to this order. The charges were sent to the Respondent at the address which is on file with the Office of Professional Regulation on February 24, 2022, by certified mail, email, and by regular mail. The Respondent did not claim the Certified mail notice of the specification of charges, but the ordinary mail notice of the charges was likely received. The Respondent did not dispute the facts set forth in the Specification of Charges when asked about them at the default hearing.
4. No answer has been filed.
5. Under the Administrative Rules of the Officer of Professional Regulation, Rule 3.4, a default may be entered when an answer is not filed within the required time period.
6. 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).
7. It is specifically found that the Respondent appeared for work at the Vermont Veteran's Home in Bennington Vermont (where she was employed as a Registered Nurse) in an impaired condition on April 25, 2021 and again on June 1, 2021. The Respondent was asked to leave the facility on each occasion due to her impaired

condition.

8. 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. The Respondent committed unprofessional conduct by violating: 3 VSA Sec. 129a(a)(5) [Practicing the profession when medically or psychologically unfit to do so]; 26 VSA Sec. 1582(a)(3) [Engaging in conduct of a character likely to harm the public]; 3 VSA Sec. 129a(b)(2) [Failure to conform to the essential standards of practice]; and 3 VSA Sec. 129a(a)(15) [Failing to exercise independent professional judgment].
9. The State recommended that the Respondent's license be suspended subject to the standard alcohol and substance abuse conditions.

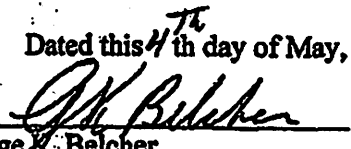
Proposed Order

1. The License of the Respondent is Indefinitely Suspended subject to the following Conditions.
2. Respondent must petition for reinstatement. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost:
 - a. Obtain an independent evaluation report by a pre-approved licensed professional specializing in substance abuse treatment ("Independent Evaluator") who has verified receipt and review of the Board's Default Order, Specification of Charges, and Summary Suspension Order in the above-referenced docket number. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients. The evaluation shall meet all Independent Evaluation Requirements and shall include any recommendations that would ensure Respondent is safe to practice. The evaluation must be submitted to the Enforcement Unit Case Manager.
 - b. Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random drug and alcohol tests:
 - i. When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager to set-up the drug and alcohol testing process and receive instructions. Once registered with the pre-approved person or entity, Respondent will have 45 days to submit a minimum of three (3) random drug and alcohol tests. The process by which Respondent learns whether Respondent is selected to submit to a test on any given day will be governed by the policy of the pre-approved person or entity conducting the testing at that time.

- ii. The drug and alcohol tests must be collected in an observed setting; administered by a pre-approved person or entity; and analyzed by a pre-approved lab qualified to analyze samples for forensic purposes, the results of which shall be negative.
- iii. Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a sample for any test in anyway shall cause that test to be presumed positive; and
- c. If recommended by an Independent Evaluator, enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations. If treatment is recommended, Respondent must submit a treating professional agreement to the Enforcement Unit Case Manager before a reinstatement request will be considered.
- d. If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms are reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, drug screen results, the Default Order, and any other relevant factors at that time.

The Hearing Officer reports the above findings of facts, conclusions of law, and the proposed order to the Board or Director with the recommendation that the Board or Director approve them and enter the Order as above.

Dated this ^{4th} day of May, 2022.


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

The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the report of findings of fact and conclusions of law on _____. After considering the report, the Hearing Authority takes the following action:

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

SO ORDERED.

Vermont Board of Nursing or Director of the Office of Professional Regulation

By: DocuSigned by:
Jennifer Laurent
Jennifer Laurent, APRN, Chair
Vermont Board of Nursing

5/17/2022

Date: _____, 2022

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: _____

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing or Director of the Office of Professional Regulation. A party aggrieved by a final decision of a board or hearing authority 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 Street, 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.