

**STATE OF VERMONT
BOARD OF NURSING**

In re: Anita Richins
License No. 026-34054

}
}
}

Docket No. NU48-1008
2008-12

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 June 8, 2009 at the National Life Building in Montpelier, Vermont. Ms. Richins did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Richins is licensed as a registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 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 31, 2009 Ms. Richins was sent 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 return receipt signed by Ms. Richins was postmarked April 20, 2009.
6. Ms. Richins has not filed an answer to the charges.
7. On May 21, 2009 Notice of the default hearing scheduled for June 8, 2009 was mailed to Ms. Richins at that same address by certified mail. The file shows no return on this mailing.
8. Ms. Richins has still not answered the charges.
9. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Richins 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. Richins 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. Richins has failed to answer the charges, the State's factual allegations 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. Richins 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. Richins's license is hereby **Suspended Indefinitely** effective as of the date of the hearing.

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
Ellen Leff, R.N., Chair

Date: June 8, 2009

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 6/10/09

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

IN RE:

ANITA RICHINS

License No. 026.0034054

)
)
)

Docket No. NU48-1008/2008-412

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Anita Richins, 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. Anita Richins (the "Respondent") of Afton, Wyoming is licensed by the State of Vermont as a Registered Nurse under license number 026.0034054. This license was originally issued on or about August 11, 2006 and lapsed on or about March 31, 2007.
3. Respondent also holds active licenses as a Registered Nurse in the States of Wyoming and Virginia, and holds an inactive license as a Registered Nurse in the State of California.
4. On or about July 29, 2008 in Order of Denial No. 0704043 before the Arizona State Board of Nursing, Respondent's application for licensure by endorsement in the State of Arizona was denied due in part to the following:
 - a. Respondent's DUI conviction on or about August 24, 2005 in Superior Court of California, County of Alameda;
 - b. Respondent's failure to cooperate with the Arizona State Board of Nursing's investigation; and
 - c. Respondent answering "No" to the question, "Have you ever been convicted of a crime or pled guilty or no contest to any criminal charge?" in an application for employment on or about March 12, 2007.

STATE OF VERMONT



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

Charges

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. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public); and
 - b. 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 Anita Richins should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 23rd day of March, 2009.

STATE OF VERMONT
SECRETARY OF STATE

By _____

Edward G. Adrian
State Prosecuting Attorney

nu.richins.soc

STATE OF VERMONT



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