

Sheffield
2001-223

VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

In re: Tanya Rivera } NU 59-0301
License No. 025-6924 } Appeal of Reinstatement Preliminary Denial

ENTRY ORDER

On Monday 10 April 2006 the Board heard the appeal from Petitioner Tanya Rivera's preliminary denial of her petitioner for reinstatement. Board members Kenneth W. Bush, Susan O. Farrell (Chairperson), Donarae Metcalf, Sandra Norton, Marilyn Rinker (*ad hoc*), Laurey M. Tyo and Alan Weiss participated in the hearing of this matter. Board counsel Kevin F. Leahy presided.

Petitioner's license was revoked by default order in April 2002 subsequent to receiving a prior conditioned license. In January 2006 Petitioner sought reinstatement of her LPN license. Petitioner submitted independent mental health and substance abuse evaluation in support of her application for reinstatement. Her application was reviewed by a Board committee and they investigated the status of the Petitioner. After reviewing the Petitioner's request, the Board's committee preliminarily denied her application for reinstatement. The Committee found that Petitioner had not fully documented adequate progress warranting reinstatement.

In an appeal of a preliminary denial, the burden of proof is on the Petitioner to show that the preliminary denial was wrongly issued.

In support of her appeal, Respondent testified that she believed that she had made sufficient progress in substance abuse counseling and lifestyle changes. She explained to the Board that she would not be a danger to patients or the public if granted a license.

The Board acknowledges the Petitioner has made significant progress. However, the Board wants to see further documented success from Petitioner's counselor(s) showing sustained compliance with a treatment plan. Specifically, the Board would like to see the Petitioner follow the recommendations of her counselor(s) and engage in self-help programs.

The Board appreciates the ongoing efforts and accomplishments Ms. Rivera is making in order to satisfy the requirements needed to show rehabilitation to be reinstated. We will consider another petition after further progress consistent with this Order.

ORDER

Petitioner's Appeal is DENIED.

Vermont Board of Nursing:

By: Susan O. Farrell Date: Oct. 28, 2006
Susan O. Farrell, RN, Chairperson

Date of Entry 11/2/06
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OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 11/2/06

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 the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of the 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 based on 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.