

**STATE OF VERMONT
BOARD OF NURSING**

In re: Dee O. Rowe	}	
License No. 026-26832	}	Docket No. 2013-489(RN)
	}	

Appearances:

Prosecutor: S. Lauren Hibbert
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board of Nursing held a hearing on the above matter on October 13, 2014 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont. Mr. Rowe did not attend and was not represented by counsel.

Findings of Fact

1. Mr. Rowe was until March 31, 2011 licensed as a registered nurse. He remains 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 August 4, 2014 Mr. Rowe was sent a Notice of Charges in this matter by certified mail and first class mail to his 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 mailing was received and signed for on Mr. Rowe's behalf.
6. Mr. Rowe has not filed an answer to the charges.
7. On September 10, 2014 notice of the Default Hearing scheduled for this date was mailed to Mr. Rowe at that same address by certified mail and first class mail. The mailing was received and signed for on Mr. Rowe's behalf.
8. Mr. Rowe has still not answered the charges.
9. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Mr. Rowe 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

Mr. Rowe has received notice of the charges in this matter as indicated by the Board's file and the Prosecution's presentation. Because Mr. Rowe 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 finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Mr. Rowe has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

Under 3 V.S.A. § 814 the expiration of Mr. Rowe's license does not deprive the Board of authority to determine the charges in this case or impose a sanction. To protect the public health, safety, and welfare the license that Mr. Rowe held is issued a **reprimand**.

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, RN, Chair

Date: October 13, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/14/14

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

IN RE:	)	
DEE O. ROWE	)	Docket No. 2013-489
License No. 026.0026832	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Dee O. Rowe, 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. Dee O. Rowe (the "The Respondent") of Springer, Oklahoma is licensed by the State of Vermont as a Registered Nurse under license number 026.0026832. This license was originally issued on or about November 9, 2001 and expired on or about March 41, 2011.

3. Within his initial application Respondent failed to disclose that he had been convicted of a crime on September 21, 2011 for Deadly Conduct in Lubbock County, Texas. This is a misdemeanor in Texas. Respondent has been subsequently disciplined in Texas for failing to disclose this conviction to that State Nursing Board.

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:

STATE OF VERMONT



Prosecuting Attorney
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89 Main Street
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- a. 26 V.S.A. § 1582(a)(1)(Has made or caused to be made a false, fraudulent, or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing.);
- b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public); 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 Dee O. Rowe, RN, should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 1 day of August, 2014.

STATE OF VERMONT
SECRETARY OF STATE

By: 
S. Lauren Hibbert
State Prosecuting Attorney

STATE OF VERMONT



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