

**STATE OF VERMONT
BOARD OF NURSING**

In re: Donna K. Ryder
License No. Applicant

}
} Docket No. 2013-227(RN)
}

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Jeanine Carr, RN, Chair
Ellen Watson, APRN, Vice Chair
John Todd, APRN
Alan Weiss, Public Member
William G. White, Jr., Public Member
Deborah Swartz, RN
Douglas Sutton, RN
Sheila Davis, LPN
Stephen Morse, LNA

Appearances:

Prosecuting the case: Gabriel Gilman
for Respondent: pro se

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on November 18, 2013 at the Office of Professional Regulation conference room at the City Center in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The Specification of Charges alleges that Ms. Ryder, in violation of Vermont Statutes, 1) fraudulently or deceptively attempted to procure a license and 2) made a false or forged statement or representation in the license application process.

Background

Ms. Ryder applied for licensure as a registered nurse. On May 21, 2013 the Board's Executive Director notified Ms. Ryder that her license application was preliminarily denied. The reason: that Ms. Ryder "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." Ms. Ryder timely requested a hearing. On July 29, 2013 the prosecution filed charges of unprofessional conduct against Ms. Ryder.

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. Ms. Ryder is an applicant for a license 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. Ms. Ryder applied for licensure as an RN in Vermont.
3. Ms. Ryder's application for licensure was received on March 14, 2013. In response to the question, "Has Vermont or any other state, federal authority, or jurisdiction (US or elsewhere) restricted, suspended, revoked or taken any other disciplinary action against a license, certificate, or registration that you hold or held in connection with any profession or occupation.", Ms. Ryder answered "No." She certified under the pains and penalties of perjury that all the information she provide in her application was true.
4. On March 30, 1988 the Louisiana Board of Nursing Ordered that Ms. Ryder's license (then under the name of Donna Keefe Allison) be suspended for three months. The Order reflected a finding that Ms. Ryder had committed documentation errors justifying suspension. Ms. Ryder testified that she thought the disciplinary action against her in Louisiana had been expunged. The documentation from Louisiana gives no support to Ms. Ryder's claim. We find that she had discipline in Louisiana and that she did not report it to the Board in her application.
5. There was discussion at the hearing about a possible Maryland disciplinary history. The documentation from Maryland shows no history. We decline to find that Ms. Ryder failed to report anything from Maryland.
6. Ms. Ryder's failure to report her Louisiana discipline is not justified. Her failure to report it was deceptive.

Conclusions of Law

Based on the evidence presented and Facts found above we conclude as follows:

1. **Re: Alleged Violation of 3 V.S.A. § 129a(a)(1):** The Prosecution has proved by a preponderance of the evidence that Ms. Ryder engaged in deceptive procurement (attempt) of a license. This is unprofessional conduct.
2. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(1):** The Prosecution has proved by a preponderance of the evidence that Ms. Ryder has made or caused to be made a false,

representation in attempting to procure registration or renew a license to practice nursing. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).

Order

Ms. Ryder's application for licensure as a registered nurse shall be granted.

For the violations above, to protect the public, health, safety and welfare, the following sanction is necessary.

Ms. Ryder shall within 90 days pay an **civil penalty in the amount of \$250.00**. No other conditions on her license are necessary.

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, Office of Professional Regulation, 89 Main Street, Fl. 3, Montpelier, Vermont 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
Jeanine Carr, RN, Chair

Date: November 18, 2013

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY:

11/20/13