

**STATE OF VERMONT
BOARD OF NURSING**

In re: Fiona Shanks
License No. 026-30488

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Docket No. NU44-1008

Appearances:

Petitioner, State of Vermont: Betsy A. Wrask
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on May 11, 2009 at the National Life Building in Montpelier, Vermont. Ms. Shanks did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Shanks 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 February 27, 2009 Ms. Shanks 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. Stamps on the envelope returned indicate the "Unable to Forward" and "No Forward Address on File."
6. Ms. Shanks has not filed an answer to the charges.
7. On April 27, 2009 Notice of the default hearing scheduled for May 11, 2009 was mailed to Ms. Shanks at that same address by certified mail. The file shows that the notice was returned as "not deliverable as addressed."
8. Ms. Shanks has still not answered the charges.
9. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Shanks 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. Shanks 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. Shanks 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. Shanks 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. Shanks'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.

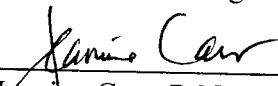
A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2, Montpelier, VT 05620-3402 within 30 days of the entry of this order.

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:


Jeanine Carr, R.N. Chair

Date: May 11, 2009

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 5/14/09

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

IN RE:

FIONA SHANKS

License No. 026-0030488

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Docket No. NU44-1008

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Fiona Shanks, 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. Fiona Shanks (the "Respondent") is licensed by the State of Vermont as a Registered Nurse under license number 026-0030488. This license was originally issued on or about January 3, 2005 and lapsed on or about March 31, 2007.
3. On or about September 22, 2008, the Board received a memo from the Ohio Board of Nursing via NURSIS (a nationwide disciplinary nursing licensure database). The memo stated the following: "FYI, RN Fiona Shanks is under investigation by the Ohio Board of Nursing based on admitted theft of drugs and a positive drug screen. We have not yet taken formal action against this nurse[,] however[,] because we have been unable to contact her and were informed that she may have moved to Scotland, her original place of residence."
4. On or about November 17, 2008, State Investigator Jamie Palmisano sent a certified letter to the address Respondent provided the Office of Professional Regulation, requesting that Respondent contact Investigator Palmisano in regard to Respondent's reported admission of drug diversion and positive drug screen.
5. On or about November 20, 2008, Investigator Palmisano received notification from the United States Postal Service that the letter was "returned to sender on November 19, 2008 because the addressee moved and left no forwarding address."

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

6. To date, Respondent has not reported her new address to the Office of Professional Regulation in violation of 3 V.S.A. §129a(a)(14).

Charges

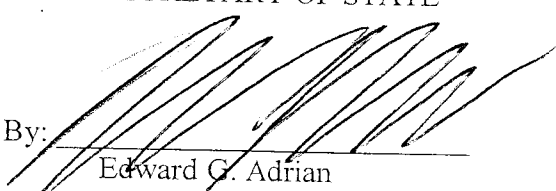
7. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
- a. 3 V.S.A. § 129a(a)(14) (Failing to report to the office within 30 days a change of name or address); and
 - b. 3 V.S.A. § 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 Fiona Shanks should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 17th day of February, 2009.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

nu.shanks.soc

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