

**STATE OF VERMONT
BOARD OF NURSING**

In re: Kevin J. Sheasgreen
License No. 026-30300

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Docket No. 2010-45(RN)

Appearances:

Petitioner, State of Vermont: Lauren Hibbert
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on May 14, 2012 at the National Life Building in Montpelier, Vermont. Mr. Sheasgreen did not attend and was not represented by counsel.

Findings of Fact

1. Mr. Sheasgreen was licensed as a registered nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d) expired people, 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 11, 2012 Mr. Sheasgreen was sent a Notice of Charges in this matter by certified 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 notice of charges was returned to OPR marked "unable to forward."
6. Mr. Sheasgreen has not filed an answer to the charges.
7. On April 25, 2012 notice of the Default Hearing scheduled for this date was mailed to Mr. Sheasgreen at that same address by certified mail. The letter was returned as "unable to forward."
8. Mr. Sheasgreen has still not answered the charges.
9. Upon hearing the State's presentation and taking notice of its own file, the Board finds Mr. Sheasgreen 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

Mr. Sheasgreen 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 Mr. Sheasgreen 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 Mr. Sheasgreen 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, Mr. Sheasgreen's license is hereby **reprimanded** effective as of the date of the hearing. Should Mr. Sheasgreen apply for reinstatement, the Board at that time will determine whether any conditions can permit her to resume practice while protecting public health and safety.

Appeal Rights

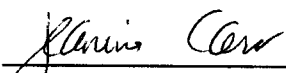
This is a final administrative determination by the Vermont Board of Nursing.

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 14, 2012

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 5/14/12

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

IN RE:

Kevin Sheasgreen

License No. 026.0030300

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Docket No. 2010-45

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Kevin Sheasgreen, 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. Kevin Sheasgreen (the "The Respondent") of North Attleboro, MA is licensed by the State of Vermont as a Registered Nurse under license number 026.0030300. The license was originally issued on or about November 9, 2004 and expired on or about March 31, 2011.
3. At all times relevant, the Respondent was employed as a Registered Nurse at Rutland Regional Medical Center (the "Facility").
4. On or about January 8, 2010 the Office of Professional Regulation received a Mandatory Report of Unprofessional Conduct from D.W., RN, that on or about January 5, 2010 the Respondent entered a verbal order on an ED record that he had not received from an MD and administered the medication from the verbal order he had entered.
5. On or about May 4, 2010 State Investigator Gregory Kelly received a written response from the Respondent acknowledged that on or about January 5, 2010 he received an order for intravenous lorazepam and an oral pain medication and mistakenly pulled both medications as oral medications. Respondent stated that because he could not return the medication to the drawer he looked for the ordering physician and when he failed to find her he changed the order to an oral

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Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
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instead of intravenous dose and then administered both medications orally. The Respondent acknowledged his actions were inappropriate, that no harm had come to the patient, and stated he would never engage in similar conduct again.

6. On or about March 22, 2011, in an interview with Investigator Kelly, the Respondent acknowledged his actions and stated that he had made a serious error in judgment.
7. On or about April 6, 2011, in an interview with Investigator Kelly, S.B., MD, the physician on duty confirmed that the order had been changed without her knowledge of consent and that she was the only doctor working in the emergency department and had not left the department.
8. On or about April 14, 2011 in an interview with Investigator Kelly, P.S., RN, stated that the Respondent acknowledged writing the order on the chart and felt badly about it. When the Respondent inquired what he should do, P.S. advised that he tender his resignation.
9. The Respondent has committed unprofessional conduct because he changed an order on a chart and dispensed medication to a patient without authority. The Respondents actions were beyond his scope of practice, demonstrated a failure to practice competently and a failure to comply with the rules governing the practice of the profession.

Charges

10. 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)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
 - b. 3. V.S.A. § 127 (Person practicing a regulated profession without authority);
 - c. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - d. 3 V.S.A. § 129a(13) (Performing treatments or providing services which the licensee is not qualified to perform or which are beyond the scope of the licensee's education, training, capabilities, experience, or scope of practice).

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Relief Requested

WHEREFORE, the license of Kevin Sheasgreen, RN, should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 9 day of March, 2012.

STATE OF VERMONT
SECRETARY OF STATE

By S. Lauren Hibbert
S. Lauren Hibbert
State Prosecuting Attorney

nu.sheasgreen.soc

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