

**STATE OF VERMONT
BOARD OF NURSING**

In re: Laurel Sickler
License No. 025-9568

}
} Docket No. 2014-39(LPN)
}

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Ellen Watson, APRN, Vice Chair
Alan Weiss, Public Member
Deborah Swartz, RN
Virginia Hudson, RN
Luana Tredwell, LPN
Jennifer Laurent, APRN
Cessilee Franks, LNA, ad hoc

Appearances:

Prosecuting the case: Annika Green
for Respondent: did not appear

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 June 9, 2014 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. Sickler, in violation of Vermont Statutes, was fraudulent or deceitful in her license renewal application.

Findings of Fact

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

1. Ms. Sickler is a licensed practical 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 Ms. Sickler's renewal application filed with OPR on January 13, 2014 Ms. Sickler stated she was in good standing with regard to the Vermont Department of Taxes.
3. A letter from the Department dated January 27, 2014 indicated that on January 27, 2014 Ms. Sickler was not in good standing. No representative from the Tax Department testified at the hearing. No evidence was presented at the hearing to indicate that Ms. Sickler knew she was not in good standing at the time she certified under the pains and penalties of perjury that the information in her application was true.
4. In her Answer Ms. Sickler claimed she did not know at the time she completed her application that she was not in good standing with the Department of Taxes. No evidence shows that she was.
5. Ms. Sickler has no previous disciplinary history with the Board.

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 not proved by a preponderance of the evidence that Ms. Sickler engaged in fraudulent or deceptive procurement or use of a license. This charge is dismissed.
2. **Re: Alleged Violation of 26 V.S.A. § 1595(3):** The Prosecution has not proved by a preponderance of the evidence that Ms. Sickler (3) was fraudulent or deceitful in procuring or attempting to procure a license or in submitting any information or records to the board. This charge is dismissed.

Order

The charges against Ms. Sickler herein are **dismissed**.

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: Ellen Watson
Ellen Watson, APRN, Vice Chair

Date: June 9, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 6/9/14