

7-27-01

P/R 5014

OFFICE OF PROFESSIONAL REGULATION
VERMONT BOARD OF NURSING

IN RE: Patricia Smith)
Case File No. NU14-0800) DEFAULT ORDER
License No. 25-7874)

Introduction

The Board of Nursing held a default hearing in the above matter on July 9, 2001 at 81 River Street in Montpelier, Vermont. Board Members Louise Lamphere, Larry Kingsbury, Pat Rock, Linda Rice, Diane Dowgiewicz, Susan Cota and Ad Hoc Member Margaret Luce participated in the decision. Assistant Attorney General William Ahlers appeared for the State. The Respondent was not present.

The Board took official notice of its own files in making the default determination.

Findings of Fact

1. The Respondent was sent notice of the Charges against her by certified mail to her last known address on June 1, 2001. The certified mail receipt was returned to the Office of Professional Regulation on June 6, 2001, marked "Box closed, no order."
2. The Respondent has not answered the charges against her.
3. Upon hearing the State's presentation and taking notice of its own file, the Board found the Respondent to be in default. The allegations contained in the State's Specification of Charges dated May 31, 2001 (copy attached) are therefore treated as the facts on which the Board's order is based.

Conclusions of Law

The Respondent has received adequate notice of the charges against her as indicated by the Board's file and the State's presentation. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in a default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent 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, the license of the Respondent is hereby REPRIMANDED, effective as of the date of entry of this Order, below.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Diane Dowgiewicz
Diane Dowgiewicz
Acting Chair

Date: 7-12-01

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7-27-01

STATE OF VERMONT
BOARD OF NURSING

IN RE:

Patricia K. Smith
License No: 25-7874

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Docket No. NU14-0800

SPECIFICATION OF CHARGES

1. The Vermont Board of Nursing has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses and nursing assistants pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§1574, 1582, 1595 and 1598; the Board of Nursing's Rules and the Office of Professional Regulation's Rules.
2. At all times relevant, Respondent Patricia K. Smith, of Barre, Vermont, was a licensed practical nurse, holding temporary license number 25-7874, issued by the State of Vermont. This license was originally issued on about February 15, 2000 and it lapsed on about May 15, 2000.
3. Upon information and belief, Respondent received a nursing degree in 1998, and has been licensed in Iowa and Kansas.
4. By working as a licensed practical nurse at Berlin Health & Rehabilitation Center, of Barre, Vermont, from about February 2000 to about August 26, 2000, Respondent was employed as a licensed practical nurse in the State of Vermont at times after her temporary license had expired.
5. The above act(s), omission(s) and/or circumstance(s) violate: Nursing Board Rules: Chapter 4, Rule IV, B.4.i (practicing professional or practical nursing in Vermont without a current Vermont license to practice, unless the practice is specifically excepted by §§ 1583, 1601, Exceptions) and 26 VSA §1584(a)(3) (It shall be a violation of this chapter...to: Practice nursing unless duly registered and currently licensed to do so...), which constitutes unprofessional conduct and also violates: 3 VSA § 129a(a)(3) (failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

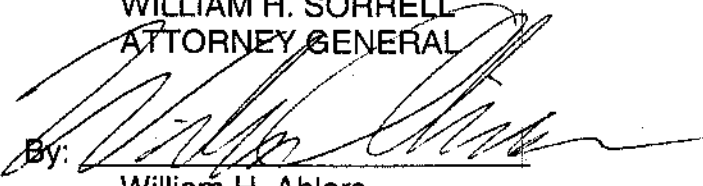
WHEREFORE, the license of Patricia K. Smith should be revoked, suspended or otherwise disciplined.

Dated this 31ST day of May, 2001 at Montpelier, Vermont.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: 

William H. Ahlers
Assistant Attorney General