

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE:	Dea Waterhouse	)	
	Case File No. NU45-0104	)	DEFAULT ORDER
	License No. 26-12963	)	

Introduction

The Board of Nursing held a default hearing in the above matter on August 9, 2004 at 81 River Street in Montpelier, Vermont. Board members Sandra Norton, Ellen Leff, Donarae Metcalf, Pat Rock and *ad hoc* member Margaret Luce participated in the decision. State Prosecuting Attorney Edward Adrian appeared for the State. Dea Waterhouse ("the Respondent") did not attend.

Findings of Fact

1. The Respondent was sent notice of the Charges against her to her last known address by certified mail and first class mail on May 19, 2004.
2. The return receipt for the certified mailing was returned to the Office of Professional Regulation, signed for by the Respondent on May 21, 2004.
3. Notice of the default hearing was mailed to the same address by certified and regular mail on July 16, 2004.
4. The return receipt for the default notice certified mailing was returned to the Office of Professional Regulation, signed for by the Respondent on July 22, 2004.
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5. After 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 14, 2004 (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. 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 the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the

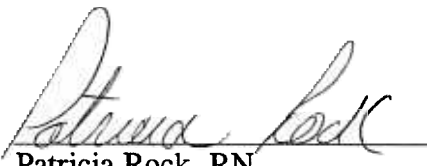
unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby REVOKED.

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: 
Patricia Rock, RN
Acting Chair

Date: 8-13-04

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/23/04

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

IN RE:)
DEA COLOUTTE WATERHOUSE) **Docket No: NU 45-0104**
License No. 026-0012963)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Dea Coloutte Waterhouse, R.N.:

Board Authority

1. The Vermont State Board of Nursing ("Board") has authority to approve consent orders, issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(3).
3. Whether or not committed in this state, being convicted of a crime related to the practice of nursing or a felony which evinces an unfitness to practice nursing is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(2).
4. Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(7).
5. Engaging in conduct of a character likely to deceive, defraud or harm the public includes diverting supplies or equipment for personal or other unauthorized use pursuant to ARBN, Chapter 4, Rule IV(II)(D)(4).
6. The inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Facts

7. The Respondent, Dea Coloutte Waterhouse, is licensed in the State of Vermont as a Registered Nurse under License Number 026-0012963, which is currently set to expire on March 31, 2005.

8. On January 7, 2004, Respondent was convicted in the United States District Court, District of Vermont, Case No. 1:03-cr-99-01 of one count of Medicaid Fraud, a felony, in violation of 18 U.S.C. §1347. This conviction was based upon an Information which charged the Respondent with taking monies, services and supplies from Sager Nursing Home, where the Respondent had been employed, for her own personal use.

9. Upon information and belief, Respondent received a sentence of six months of house arrest, five years of federal probation and a repayment of fifty-five thousand dollars to the federal government as a result of the convictions.

Charges

A. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:

(i) 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); and

(ii) 26 V.S.A. §1582(a)(2) (whether or not committed in this state, being convicted of a crime related to the practice of nursing or a felony which evinces an unfitness to practice nursing); and

(iii) 26 V.S.A. §1582(a)(7) (engaging in conduct of a character likely to deceive, defraud or harm the public) which includes diverting supplies or equipment for personal or other unauthorized use pursuant to ARBN, Chapter 4, Rule IV(II)(D)(4); and

(iv) 26 V.S.A. §1582(a)(3) (inability to practice nursing competently by reason of any cause).

Relief Requested

WHEREFORE, the license of Dea Coloutte Waterhouse should be revoked, suspended, reprimanded, or otherwise disciplined.

Dated at Montpelier, Vermont this 14th day of May 2004.

STATE OF VERMONT
SECRETARY OF STATE

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

By: _____

Edward G. Adrian

State Prosecuting Attorney

nu.waterhouse.soc

STATE OF VERMONT



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