

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Laurie Gates

License No. 25-7114

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Case File No. NU48-1201

SANCTION HEARING
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, May 13, 2002, at 81 River Street in Montpelier, Vermont. Board members Larry Kingsbury, Alan Weiss, Sandra Norton, Elayne Clift, Pat Rock, Diane Dowgiewicz and Susan Farrell participated in the decision. William Ahlers, Assistant Attorney General, appeared for the State. Laurie Gates ("the Respondent") was not present and was not represented by counsel. Chris Winters was the Presiding Officer.

The Respondent does not deny the allegations contained in the State's Specification of Charges dated January 22, 2002. At a prehearing conference held March 22, 2002, the parties agreed that the alleged facts were uncontested and that the hearing should be as to the appropriate sanction only. The State's Charges are attached and incorporated by reference as findings of fact, in addition to those found below.

Additional Findings of Fact

1. The Respondent took a total of approximately ten checks from her employer, totaling approximately \$7,568.22.
2. The Respondent entered a plea of guilty to ten felony counts of uttering a forged instrument and was convicted of the same on or about January 23, 2002 in Bennington Circuit Court, Docket Number 1700-12-01 Bncr.
3. The Respondent was placed on probation and ordered to pay restitution for her 1998 welfare fraud conviction in New York. The conviction resulted from the fraudulent procurement of approximately \$1127.00 in food stamps.
4. As of September 5, 2001, the Respondent had violated her probation in that her whereabouts are unknown to her probation officer and the court-ordered restitution had not been made.

Conclusions of Law

- A. Pursuant to 26 V.S.A. § 1574(7) and 3 V.S.A. § 129, The Board of Nursing may revoke, suspend, discipline or otherwise condition the license of a nurse who engages in unprofessional conduct as defined by 26 V.S.A. § 1582 and 3 V.S.A. § 129a.
- B. The Respondent committed unprofessional conduct when she engaged in and subsequently was convicted of welfare fraud in 1998 (3 V.S.A. § 129a(a)(9)). She further committed unprofessional conduct when she failed to reveal this conviction on her renewal application (3 V.S.A. § 129a(a)(1) and 3 V.S.A. § 129a(a)(7)).

Order

In light of the above findings and conclusions, the Board hereby REVOKES the Respondent's license, effective as of the date of the hearing.

Appeal Rights

This is a final administrative determination by the Vermont 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: Susan Farrell
Susan Farrell, RN
Chair

Date: May 19, 2002

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 6/10/02

STATE OF VERMONT
BOARD OF NURSING

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75-1636

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SUMMARY SUSPENSION ORDER

On January 14, 2002, this case came before the Board of Nursing for a hearing on the State's request for summary suspension.

Based upon the evidence presented by the parties, the Board finds that the allegations in the request for summary suspension have been established to the necessary degree. Therefore, the Board finds that the public health, safety, or welfare imperatively require emergency action against the Respondent's licenses.

Pursuant to 3 V.S.A. § 814(c), Respondent Laurie Gates' nursing licenses are SUMMARILY SUSPENDED until a hearing on charges has been held and determined, or other resolution of this case.

BOARD OF NURSING

By: Susan Farrell
Susan Farrell
Chair

Dated: Jan. 14, 2002

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 1/16/02