

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

**IN RE: LILLIE BIDDLE
 LICENSE NO. 025.0135930**

DOCKET NO. 2023-68

Appearances:

Prosecutor:	George L. Hasselbeck, Esq.
Respondent:	Did not appear

Hearing Officer: Wesley M. Lawrence

ORDER ON MOTION FOR DEFAULT

Based on the evidence before me, I find as follows:

1. At all relevant times, Respondent, Lillie Biddle, was licensed in Vermont as a Licensed Practical Nurse.
2. I held a Default Hearing in the above matter on July 19, 2023 pursuant to 3 V.S.A. §129(f) and 3 V.S.A. §809(d). This public hearing was held electronically via Microsoft Teams pursuant to a Notice of Hearing.
3. On June 27, 2023, the State moved for Respondent to be found in default because she has not responded to the Specification of Charges in this matter.
4. The State filed the Specification of Charges in this matter on April 17, 2023. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent on April 18, 2023 by regular mail, certified mail, and e-mail. The first class mailing was not returned as undeliverable. The e-mailed version of the Specification of Charges was rejected as undeliverable. The certified mailing was returned, as “unclaimed.” Nevertheless, I find that notice of the Specification of Charges was proper.
5. Ms. Bowen testified that she sent the Notice of Hearing for Default Judgment to the Respondent on June 27, 2023 by regular mail, certified mail, and e-mail (to the same e-mail address as attempted on April 18, 2023). None of these were returned as undeliverable; though there is no record of Respondent signing for the certified mailing. I find that notice of the Default Hearing was proper.

6. Respondent has not filed an answer, has not acknowledged in any way the Specification of Charges, and did not appear for the Default Hearing in this matter.
7. Under the Administrative Rules of the Office of Professional Regulation, Rule 3.4, a default may be entered when an answer is not filed within the required time period.
8. I find Respondent to be in default based on Ms. Bowen's testimony, the State's Motion for Default, Specification of Charges, presentation of evidence, and by taking official notice of the Office of Professional Regulation file. The allegations contained in the Specification of Charges are therefore treated as the facts upon which the Board of Nursing may issue an order of professional discipline. *See* OPR Rule 3.4, 3 V.S.A. §809(d), and 3 V.S.A. §814(c).
9. I shall treat the factual allegations in the Specification of Charges as proven. *See* O.P.R. Rule 3.4.
10. I find that Respondent violated 3 V.S.A. §129a(a)(3)¹ (failing to comply with provision of federal or state statutes or rules governing the practice of the profession) and 3 V.S.A. §129a(b)(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: (2) failure to conform to the essential standards of acceptable and prevailing practice).
11. The State recommended that the Respondent's license be suspended on an indefinite basis.
12. I find that this is an appropriate sanction.
13. Accordingly, the Board of Nursing may find, based on the finding of Respondent's default, that Respondent's license may be sanctioned consistent with the above.

¹ This was charged as a violation of "26 V.S.A. §129a(a)(3)," though obviously a reference to Title 3's provision.

PROPOSED ORDER

Consistent with the above, and the recommendation of the State, the Board of Nursing hereby **ORDERS** that the Respondent's license be **SUSPENDED INDEFINITELY**. Such suspension shall continue until Respondent petitions for reinstatement and the Board reinstates their license. At such time, the Board may impose conditions on such license, as deemed appropriate.

I hereby forward the above Proposed Order to the Board of Nursing with the recommendation that the Board approve it.

DATED at Montpelier, Vermont this 24th day of July 2023.



Wesley M. Lawrence
Hearing Officer, Vermont Board of Nursing

The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the Proposed Order and its basis, above, on August 14, 2023.

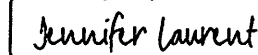
After considering the Proposed Order and its basis, above, the Board of Nursing takes the following action:

- ☐ Rejects the Hearing Officer's recommendation, and schedules the matter for hearing.
- ☐ Schedules the matter for additional evidence.
- ☒ Accepts the Hearing Officer's recommendation and orders the recommended discipline as set forth in the Proposed Order above.

SO ORDERED,

Vermont Board of Nursing or Director of the Office of Professional Regulation.

DocuSigned by:



EB1741915719477

Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: 8/14/23

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board or hearing authority may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Floor 3, 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.

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BOARD OF NURSING**

IN RE:	)	
Lillie Biddle	)	Docket Nos. 2023-68
License No. 025.0135930	)	

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney George L. Hasselback, and pursuant to Rule 3.3 of the Administrative Rules of Practice for the Office of Professional Regulation (“ARPOPR”), hereby moves that the Board of Nursing (the “Board”) find Respondent Lillie Biddle (“Respondent”) in default for the reasons stated in the following Memorandum of Law.

MEMORANDUM OF LAW

Rule 3.3 of ARPOPR requires a respondent to file an answer to a specification of charges “within 20 days of the date on which the notice of charges was mailed by the Director.” Under the Rules, if a respondent fails to file a timely answer, a default hearing shall be conducted. ARPOPR 3.4. At the default hearing, “the allegations of the charges will be treated as proven and disciplinary action will be taken.” *Id.*

In this matter, Respondent has failed to file a response to the charges and is, therefore, in default. The State filed the Specification of Charges against Respondent on April 17, 2023. Respondent was notified of the charges by letter from the Docket Clerk of the Office of Professional Regulation, sent by both certified and first class mail, on April 18, 2023. *See* ARPOPR 3.2. Respondent’s answer was due on or before May 7, 2023. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

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Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier.

WHEREFORE, in accordance with ARPOPR 3.3, et seq., the State respectfully requests that the Board schedule a default hearing and find Respondent in default.

DATED at Montpelier, Vermont this 27th day of June, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: _____



George L. Hasselback
Prosecuting Attorney
George.hasselback@vermont.gov

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Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier,

**STATE OF VERMONT
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IN RE:)
Lillie Biddle) **Docket No. 2023- 68**
License No. 025.0135930)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Lillie Biddle:

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. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation ("OPR").

Statement of Facts

2. Lillie Biddle ("Respondent") of Lake Charles, Louisiana is licensed by the State of Vermont as a Licensed Practical Nurse ("LPN") under license number 025.0135930. This license was originally issued on October 28, 2021 and expires on January 31, 2024.
3. Respondent was also previously licensed to practice "practical nursing" by the Louisiana State Board of Practical Nurse Examiners ("the LA Board") under license number 20152595 from January 16, 2015 until July 29, 2022.
4. Between January 1, 2020 and January 22, 2020, Respondent worked as an LPN at Christus Ochsner St. Patrick Hospital ("the Facility").
5. During that time period, the Facility's administration discovered there were numerous (more than twenty) discrepancies in the Respondent's documentation relating to her administration of narcotic medication.
6. Specifically, these inconsistencies included the amounts of narcotics removed from the Pyxis not being consistent with the documentation of administration, numerous examples of lack of documentation of administration of medications, and Respondent failing to utilize a bar code scanner on medications or patients.

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

7. The Facility's administration requested a meeting with Respondent to address these discrepancies, but Respondent failed to attend.
8. Subsequently, a representative of the Facility's HR department met with Respondent, but she had no explanation for her failure to document medications properly.
9. A drug screen was ordered by the Facility, but the Respondent refused to participate.
10. The Facility subsequently terminated the Respondent on February 12, 2020.
11. These discrepancies were all reported to the LA Board by the Facility.
12. The LA Board investigated these discrepancies, charged Respondent for her actions, and conducted a hearing on the matter on February 18, 2022.
13. During the investigation of these discrepancies by the LA Board and/or her testimony at the hearing, Respondent admitted to "pre-pouring medications" instead of properly administering medications as soon as they were withdrawn from the medical cart.
14. The Respondent did not have any explanation for any of the discrepancies, including not having any explanation for what happened to certain medications that she withdrew from the medical cart but did not administer to patients.
15. The LA Board determined that these acts and other unrelated conduct constituted violations of the Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A (4)(e, f, and g).
16. The LA Board determined that these acts and other unrelated conduct constituted violations of the Louisiana Administrative Code, Title 46, Part XLVII, Nurses, Subpart 1, Practical Nurses, Section 306 T (3 and 8(a, b, g, h, i, j, p, q, r, s, and t)).
17. Based upon these findings, on July 29, 2022, the LA Board suspended Respondent's Louisiana license for a period of no less than one year, and imposed several conditions upon the eventual reinstatement of that license, should she seek such reinstatement.

Violation One: 26 V.S.A. § 129a(a)(3) Failing to comply with provision of federal or State statutes or rules governing the practice of the profession.

18. The State re-alleges and incorporates Paragraphs 2 through 18 above.
19. As an LPN, Respondent must comply with provisions of federal or State statutes or rules governing the practice of the LPN profession.

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20. Paragraphs 2 through 18 above demonstrate that Respondent violated the statutes and/or rules governing the practice of the profession in the State of Louisiana, as determined by the Louisiana State Board of Practical Nurse Examiners in its July 29, 2022 Order.
21. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 26 V.S.A. § 129a(a)(3).

Violation Two: 3 V.S.A. § 129a(b)(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: (2) failure to conform to the essential standards of acceptable and prevailing practice.

22. The State re-alleges and incorporates Paragraphs 2 through 18 above.
23. Under Vermont law, an LPN must practice competently by conforming to the essential standards of acceptable and prevailing practice.
24. As an LPN, Respondent is subject to the standards of acceptable care and prevailing practice, which require an LPN to not “pre-pour” medications, fail to account for the whereabouts of missing narcotics, and/or fail to properly document the administration of narcotic medications.
25. Paragraphs 2 through 18 above demonstrate that Respondent failed conform to the essential standards of acceptable and prevailing practice when Respondent “pre-poured” medications, failed to account for the whereabouts of missing narcotics, and/or failed to properly document the administration of narcotic medications.
26. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(b)(2).

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

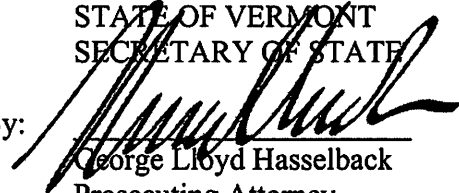
Relief Requested

WHEREFORE, Respondent's license should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Vermont, this 17 day of April 2023.

STATE OF VERMONT
SECRETARY OF STATE

By:



George Lloyd Hasselback
Prosecuting Attorney
(802) 828-0350
george.hasselback@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402