

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

**IN RE: ELLA NICOLE REILLY
 LICENSE NO. 075.0136265**

DOCKET NO. 2024-91

Appearances:

Prosecutor:	Rachel Heath, 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 Ella Nicole Reilly was licensed as a Licensed Nursing Assistant (“LNA”), under license number 075.0136265.
2. I held a Default Hearing in the above matter on August 20, 2024 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 July 16, 2024, 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 June 24, 2024. Julie Bowen, the Docket Clerk for the Office of Professional Regulation, testified that she sent the Specification of Charges to Respondent by regular mail, certified mail, and e-mail on June 25, 2024. The first class mailing was not returned as undeliverable. The certified mailing receipt was returned, confirming delivery, on July 3, 2024. I find that notice of the Specification of Charges was proper.
5. Ms. Bowen testified that she sent the Notice of Default Hearing to the Respondent on July 16, 2024 by regular mail, certified mail, and e-mail. None of these were returned as undeliverable; the Certified Mail Return Receipt was returned on July 24, 2024, signed for by Respondent, confirming delivery. 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* OPR Rule 3.4.
10. I find that Respondent committed one violation, of 3 V.S.A. § 129a(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board).
11. The State recommended the following sanction:

Indefinite Suspension. Respondent must petition for reinstatement. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost:

- a. Required Coursework. Respondent shall complete 6 hours of pre-approved ethics coursework. For pre-approval, Respondent must submit to the Case Manager the name of each course, the name of the sponsoring organization, and a description of the course content and/or syllabus. Respondent must achieve a passing score on the post-tests for the courses, and submit test results, workbooks completed in full and in a satisfactory manner, and certificates of completion to the Office of Professional Regulation.

The coursework may not be counted toward any continuing education requirement of licensure.

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.

PROPOSED ORDER

Consistent with the above, and the recommendation of the State, the Board of Nursing hereby **ORDERS** that the Respondent, Ella Reilly's license as a Licensed Nursing Assistant is **INDEFINITELY SUSPENDED**.

Respondent must petition for reinstatement.

No sooner than forty-five (45) days prior to requesting reinstatement, Respondent shall, at her own cost, complete 6 hours of pre-approved ethics coursework. For pre-approval, Respondent must submit to the Case Manager the name of each course, the name of the sponsoring organization, and a description of the course content and/or syllabus. Respondent must achieve a passing score on the post-tests for the courses, and submit test results, workbooks completed in full and in a satisfactory manner, and certificates of completion to the Office of Professional Regulation.

The coursework may not be counted toward any continuing education requirement of licensure.

DATED at Montpelier, Vermont this 20th day of August 2024.



Wesley M. Lawrence
Hearing Officer, Vermont Board of Nursing

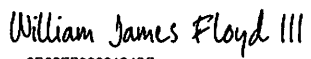
The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the Proposed Order and its basis, above, on September 9, 2024.

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.

Signed by:

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Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION DATE OF ENTRY: 9/9/24

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:	)	
Ella Nicole Reilly	)	Docket No. 2024-91
License No. 075.0136265	)	

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney Rachel Health, 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 Ella Reilly (“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 June 24, 2024. 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, and by email, on June 25, 2025. *See* ARPOPR 3.2. Respondent’s answer was due on or before July 15, 2024. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

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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 Vermont this 16th day of July.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Rachel Heath
Rachel Heath
Prosecuting Attorney
Rachel.heath@vermont.gov

STATE OF VERMONT



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IN RE:)
ELLA NICOLE REILLY) **Docket No. 2024-91**
License No. 075.0136265)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following charges against
Licensed Nursing Assistant Ella Nicole Reilly:

Board Authority

1. 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 Rules”).

Statement of Facts

2. Ella Nicole Reilly (“Respondent”) of Guilford, Vermont is licensed as a Licensed Nursing Assistant (“LNA”) under license number 075.0136265. The State of Vermont first issued this license on January 20, 2020, and the license expires on November 30, 2024.
3. On July 23, 2023, Respondent voluntarily agreed to participate in the Vermont Board of Nursing Alternative to Discipline Program, often referred to as Practice Remediation Program (“PRP”), to remediate a complaint alleging unprofessional conduct.
4. The Alternative Discipline Program protects the safety and welfare of Vermonters by permitting eligible individuals who have had professional practice deficiencies to voluntarily engage in practice remediation without being subject to formal OPR discipline.
5. To qualify for PRP, a licensee must agree to participate in the program and agree that a practice deficiency has occurred.
6. Respondent signed the PRP Agreement” on July 23, 2023 and the Board of Nursing Executive Director signed on October 9, 2023.
7. In the PRP Agreement, Respondent admitted a practice deficiency relating to documenting care that was not provided to patients.

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8. The PRP Agreement required Respondent to, within 90 days, enroll in and successfully complete coursework titled Righting a Wrong: Ethics & Professionalism in Nursing (NCSBN Learning Extension).
9. The PRP Agreement required Respondent to submit "evidence of full compliance with the terms of this Agreement."
10. The PRP Agreement provided in relevant part:

This agreement shall have the force and effect of an Order of the Board. Material violation of the Agreement constitutes unprofessional conduct and may be a basis for the State to commence formal public disciplinary proceedings.

11. On October 11, 2023, the Enforcement Unit Case Manager sent the completed and signed contract to Respondent with instructions on how to complete the requirements of the Program.
12. Respondent failed to complete the required coursework on or before January 9, 2024.
13. On January 17, 2024, the Case Manager sent Respondent another letter stating that she had not yet provided evidence of completing the required coursework and asking her to do so immediately.
14. As of the date of this filing, Respondent still has not provided the Case Manager with evidence that she has completed the required coursework.

Violation One: 3 V.S.A. § 129a(a)(4) Failing to comply with an order of the board or violating any term or condition of a license restricted by the board.

15. The State re-alleges and incorporates paragraphs 2 through 12 above.
16. As a licensee, Respondent is required to comply with any orders of the Board.
17. Paragraphs 2 through 12 demonstrate Respondent failed to comply with an order of the Board when she failed to complete the coursework required in the PRP Agreement.
18. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(4).

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Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board warn, reprimand, suspend, revoke, limit, condition, or otherwise discipline Ella Nicole Reilly's Licensed Nursing Assistant license.

DATED at Vermont this 24th day of June 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: /s/ Rachel Heath
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