

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

In re: Patti-Jean Doyle }
License No. 025-0006042 } Docket No. NU 63-0505

**FINDINGS OF FACT
CONCLUSIONS OF LAW & ORDER**

Introduction:

On Monday 8 May 2006 the Board heard this contested case of unprofessional conduct alleged by the State of Vermont. The case was brought against Respondent Patti-Jean Doyle, LPN ("Respondent"). Board members Kenneth W. Bush, Susan O. Farrell (Chairperson), Ellen Leff, Donarae Metcalf, Sandra Norton, Linda Rice, DeAnn Welch and Alan Weiss participated in the hearing of this matter. Board member Laurey M. Tyo recused herself. The Respondent appeared and testified before the Board. Prosecuting attorney Edward G. Adrian represented the State of Vermont. Board counsel Kevin F. Leahy presided.

The State brought a specification of charges (the "Charges" dated 20 January 2006 against Patti-Jean Doyle (the "Respondent") alleging unprofessional conduct for failure to administer medications properly. The Respondent worked at Starr Farm nursing Center (the "Facility"), at the time of the incidents giving rise to this disciplinary action.

Findings of Fact &
Conclusions of Law:

At the hearing of this matter, the Board found as follows:

1. The Respondent does not dispute the facts alleged in the Charges.
2. The salient facts are that patient medical records for the months of April 2005 indicate that on numerous occasions Respondent failed to chart medications as given. On medication records pertaining to Respondent's patients, multiple blank spaces exist where Respondent should have initialed, indicating that the particular medication was not administered.
3. Regarding one particular patient at the Facility, Respondent was the only staff member responsible for administering this resident's Synthroid. Although Respondent charted the medications as given on several occasions, the resident's thyroid stimulating hormone levels were out of the normal reference range in a manner indicating that the patient did not receive the medication as prescribed.

4. Medication, for another resident for whom the Respondent was required to administer medicine, was found in a facility refrigerator long after the medication was scheduled to be administered.
5. Respondent's employer terminated her from her employment because of these errors and omissions.
6. Respondent testified that she found herself under a great deal of pressure in this job situation and that she believes she should have left this position sooner.
7. The Board finds, in light of the facts of this case, that the Respondent has engaged in unprofessional conduct.
8. Viewing the individual charges brought by the State, the Board rules as follows:
 - A. Charge at ¶8(i) 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause). The evidence does not suggest that the Respondent is unable to practice nursing competently. The Respondent did make mistakes in an environment that the Respondent found to be too stressful. The evidence did not indicate that this was indicative of her overall abilities as a licensed practical nurse. This charge is therefore dismissed.
 - B. Charge at ¶8 (ii) (3 V.S.A. § 129a (b)) (failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes . . . failure to conform to the essential standards of acceptable and prevailing practice). The Board finds that the Respondent failed to provide acceptable patient care on multiple occasions constituting unprofessional practice. The Board finds that this meets the definition of, and that the Respondent engaged in, unprofessional practice pursuant 3 V.S.A. § 129a.
 - C. Charge at ¶8(iii) (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). The Respondent did not violate any statutes or administrative rules governing the practice of the profession other than the one for which she is being disciplined. This charge is dismissed.

ORDER

Based on its finding of unprofessional conduct pursuant to 3 V.S.A. § 129a (b), the Board of Nursing therefore **CONDITIONS** the Respondent's license for failure to conform to the essential standards of acceptable and prevailing practice on a single occasion.

The license conditions are set forth in the appendix on the following page.

- END -

Vermont Board of Nursing:

By: Susan O. Farrell
Susan O. Farrell, RN
Board Chairperson

Date: Dec. 20, 2006

OFFICE OF PROFESSIONAL REGULATION
DATE OF ENTRY: 12/21/06

APPENDIX (License Conditions)

The Board of Nursing CONDITIONS Respondent's license for two (2) years from the date of entry of this Order. The CONDITIONS are as follows

Condition 1. Time: Respondent shall be subject to the conditions until Respondent completes two (2) years of supervised nursing practice in which Respondent works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis.

Condition 2. Disclosure: Respondent shall provide a copy of this Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Order or of any subsequent employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of these Conditions and the ability to comply with the conditions in this Order.

Condition 3. Employer Reports: Within one (1) month of the date of entry of this Order and monthly thereafter, Respondent shall cause every employer Respondent has worked for during the relevant period to submit to the Board an evaluation of Respondent's performance and dates worked during that period. This report shall be submitted in writing on forms issued by the Board.

Condition 4. School: In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Order and ability of the program to comply with the conditions in the Order during clinical experience.

Condition 5. Information Access: Respondent shall sign a consent form, upon request of the Board, to authorize Respondent's employer to provide information requested by the Nursing Board or its designee during the period this Order is in effect.

Condition 6. Supervision: Respondent shall practice only in a setting where Respondent has on-site supervision for the entire shift by a licensed registered nurse in good standing.

Condition 7. Prohibited Employment: Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Order.

Condition 8. License Renewal: In the event Respondent's license is scheduled to expire during the period this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualifications to practice as a nurse in the State of Vermont.

Condition 9. Costs: Respondent shall bear all costs of complying with this Order.

Condition 10. Violation of the Order: If Respondent violates the terms of this Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may take further disciplinary action. If a complaint or charges are filed against

Respondent during the term of this Order, the conditional license period may be extended until the matter is final.

Condition 11. Completion of Conditional License Period: Upon completion of the conditional license period, Respondent may petition the Board to remove any and all license conditions. After formal review by the Board, Respondent's nursing license may be formally restored by the Board. Respondent shall demonstrate, to the Board's satisfaction that Respondent fully complied with all the terms of this Order. If the Respondent demonstrates that she has complied with all of his conditions, then any and all conditions shall be removed.

Condition 12. This Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a Board may appeal the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of the 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 based on 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.

To request a stay of the Board's decision, please refer to the attached stay instructions.

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

IN RE:)
PATTI-JEAN DOYLE) **Docket No: NU63-0505**
License No. 025-0006042)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Patti-Jean Doyle, L.P.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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. §1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Patti-Jean Doyle, is licensed in the State of Vermont as a licensed practical nurse under license number 025-0006042. This license was originally issued on or about November 18, 1986 and is currently set to expire on January 31, 2006.

3. At all times relevant to these charges, the Respondent was employed as a licensed practical nurse at Starr Farm Nursing Center (the "Facility") located in Burlington, Vermont.

4. Respondent was terminated from employment at the Facility on or about April 22, 2005 due to concerns regarding her failure to document medications as given and her failure to administer medications.

5. Patient medication records for the month of April 2005 indicate that on numerous occasions Respondent failed to chart medications as given. On medication records pertaining to Respondent's patients of April 21, 2005 and April 22, 2005, multiple blank spaces can be observed where Respondent should have initialed, indicating that the particular medication had been administered.

6. Respondent was the only staff member responsible for administering Synthroid to resident G.C. Although Respondent charted the medications as given on several occasions, G.C.'s outpatient TSH (Thyroid Stimulating Hormone) levels were out of

STATE OF VERMONT



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the normal reference range of 0.35–0.50, indicating that the medication was not given, regardless of what Respondent had charted.

7. Respondent was responsible for administering a vitamin B12 shot to patient B.B. once a month. In April of 2005, B.B.'s vitamin B12 medication, which Respondent should have administered in March, was discovered in a refrigerator at the Facility. Respondent had not administered the medication, nor had she charted it as given.

Charges

8. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

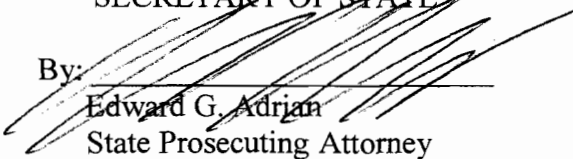
- i. 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes performing unsafe or unacceptable patient care and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(1) and (2);
- ii. 3 V.S.A. §129a(b)(1) and (2) (failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes: 1) performance of unsafe or unacceptable patient or client care; and/or 2) failure to conform to the essential standards of acceptable and prevailing practice); and
- iii. 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Patti-Jean Doyle should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 20 day of January 2006.

STATE OF VERMONT
SECRETARY OF STATE

By: 
Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



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