

**STATE OF VERMONT
BOARD OF NURSING**

In re: Regina Leigh Lamare
License No. 025-9115

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Docket No. NU60-1108
2008-442

Appearances:

Petitioner, State of Vermont: Edward G. Adrian
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on June 8, 2009 at the National Life Building in Montpelier, Vermont. Ms. Lamare did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Lamare is licensed as a practical nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On March 31, 2009 Ms. Lamare was sent notice of Charges in this matter by certified mail to her last known address. A copy of the Specification of Charges is attached to this Default Order.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. The return receipt dated April 13, 2009 shows that the notice was received. Ms. Lamare has not filed an answer to the charges.
6. On May 21, 2009 Notice of the default hearing scheduled for June 8, 2009 was mailed to Ms. Lamare at that same address by certified mail. The file shows no return on this mailing.
7. Ms. Lamare has still not answered the charges.
8. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Lamare to be in Default. The allegations contained in the State's Specification of Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Lamare has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the State's presentation. Because Ms. Lamare has failed to answer the charges, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Lamare 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, Ms. Lamare's license is hereby **Suspended Indefinitely** effective as of the date of the hearing.

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 this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2, 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.

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

Vermont Board of Nursing

By: Ellen Leff
Ellen Leff, R.N., Chair

Date: June 8, 2009

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 6/16/09

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

IN RE:

**REGINA LEIGH LAMARE
License No. 025.0009115**

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Docket No. NU60-1108/2008-442

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Regina Leigh Lamare, LPN:

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. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Regina Leigh Lamare (the "Respondent") of Plattsburgh, New York is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009115. This license was originally issued on or about December 28, 2006 and is currently set to expire on or about January 31, 2010.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse at Starr Farm Nursing Home (the "Facility"), located in Burlington, Vermont.
4. On or about November 11, 2008 in a Statement of Complaint to the Board, Director of Nursing Services L.M. reported that the Facility had received a complaint from a family questioning whether Respondent had given all medications ordered to a resident. Therefore, L.M. reported that the Facility counted medication cards for Respondent's next medication pass, before and immediately after Respondent's shift, and found that Respondent had signed off on – but had not administered – sixteen (16) medications to a total of nine (9) residents. L.M. stated that the medications were not popped from their blister packs. As a result, L.M. reported that Respondent was suspended on or about November 1, 2008 pending an investigation, and terminated from the Facility on or about November 5, 2008.
5. In a summary of the above-described incident included with her Statement of Complaint, L.M. reported that Respondent's failure to administer medications and

STATE OF VERMONT



**Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107**

falsification of documents occurred on or about October 30, 2008, and that nurses' notes on the residents involved, subsequent to the incident, indicated no adverse effects occurred related to Respondent's omissions. Moreover, the summary indicated that Respondent acknowledged responsibility for the errors/omissions.

Charges

6. 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:
- a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performance of unsafe or unacceptable patient care pursuant to ARBN Chapter 4, Rule IV(II)(B)(1); and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2);
 - b. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN Chapter 4, Rule IV(II)(D)(3);
 - c. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records);
 - d. 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, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
 - e. 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).

Relief Requested

WHEREFORE, the license of Regina Leigh Lamare should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 23rd day of March, 2009.

STATE OF VERMONT
SECRETARY OF STATE

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.lamare.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107