

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

In re Steve C. Lyle }
License No. 026-0033988 }
Docket No. NU34-1106 }

DEFAULT ORDER

Upon the filing of a *Notice of Hearing for Default Judgment* by the Secretary of State, the Nursing Board heard this matter on Monday 8 October 2007 at the Secretary of State's Office of Professional Regulation, in the National Life Building at Montpelier, Vermont.

Findings of Fact

1. Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129 and 129a; 26 V.S.A. Chapter 28; Administrative Rules for the Board of Nursing ("Nursing Rules") and the Administrative Rules for the Office of Professional Regulation ("OPR Rules").
2. The State filed a Specification of Charges dated 27 July 2007 (the "Charges"), which allege unprofessional conduct against the Respondent.
3. The Office of Professional Regulation ("OPR") served notice of the charges via certified and first class mail at the address Respondent provided to OPR pursuant to 3 V.S.A. §129a (14). The notice of charges contained instructions detailing the Respondent's legal obligation to answer the charges and explaining the consequences of failure to file a timely response. OPR also served a notice of this default hearing to the Respondent by certified mail.
4. The Respondent did not answer the charges within the legally prescribed time as required by OPR Rule 3.3 or at any time thereafter.
5. Upon hearing the State's presentation and taking notice of its own file pursuant to 3 V.S.A. § 810(4), the Board finds the Respondent to be in default. The factual allegations contained in the State's specification of charges (copy attached) are therefore treated as proven and serve as the factual basis for the Board's order. OPR Rule 3.4; 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

The Respondent received adequate and legal notice of the charges as evidenced by the Board's file and the State's presentation of the case to the Board. Because the Respondent failed to answer the charges of unprofessional conduct, the Board finds the Respondent in default and will treat the State's factual allegations as established pursuant to OPR Rule 3.4. The Board concludes, in this default hearing held pursuant to 3 V.S.A. § 809(d), that the Respondent has engaged in unprofessional conduct as alleged by the State of Vermont.

Order

In accordance with the above findings of fact and conclusions of law and effective the date of this order, the Board of Nursing issues a WARNING to the Respondent.

- END -

(signature page to follow)

Vermont Board of Nursing:

By: Laurie M. Tyo
Laurie Tyo, RN
Board Secretary

Dated at: Montpelier, Vermont 8 October 2007.

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/10/07

Appeal Rights

This is a final administrative determination by the Board of Nursing. 3 V.S.A. § 812.

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, National Life Building, North, FL 2 Montpelier, Vermont 05620-3402, within 30 days of the entry of the order.

If a party files an appeal, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The appellate officer shall review the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, the appellate officer may receive additional evidence related to the allegations of procedural defects in the record created before the board. 3 V.S.A. § 130a.

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

IN RE:

STEVE C. LYLE

License No. 026-0033988

Docket No: NU34-1106

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Steve C. Lyle, R.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, Steve C. Lyle, is licensed in the State of Vermont as a registered nurse under license number 026-0033988. This license was originally issued on or about August 7, 2006 and lapsed on March 31, 2007.
3. At all times relevant, the Respondent was employed as a traveler nurse at Brattleboro Memorial Hospital (the "Facility") located in Brattleboro, Vermont.
4. On or about September 14, 2006, the Respondent signed a narcotics sheet indicating that he witnessed registered nurse E.M. waste one (1) Oxycodone tablet. When the Respondent's supervisor, P.W., confronted the Respondent about the incident, the Respondent admitted to P.W. that the Respondent had not actually witnessed the waste. The Respondent advised P.W. that the narcotics count was off and he signed the document in order to correct the count and move on.

Charges

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

STATE OF VERMONT



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

- ii. 26 V.S.A. § 1582(a)(7) (engages in conduct of a character likely to deceive, defraud or harm the public) which includes, but is not limited to, falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN Chapter 4, Rule IV(II)(D)(3);
- iii. 26 V.S.A. § 1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes, but is not limited to, failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2);
- iv. 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. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); and
- v. 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 Steve C. Lyle should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 27th day of July 2007.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.lyle.soc

STATE OF VERMONT



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