

**STATE OF VERMONT
BOARD OF NURSING**

In re: Eleanor Q. Perri
License No. 026-30502

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Docket No. 2011-666(RN)

Appearances:

Petitioner, State of Vermont: Gabriel Gilman
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on August 13, 2012 at the Capitol Plaza in Montpelier, Vermont. Ms. Perri did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Perri is licensed as a registered 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 May 16 2012 Ms. Perri was sent a 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. Stamps on the envelope indicate the notice of charges was received and signed for by Ms. Perri.
6. Ms. Perri has not filed an answer to the charges.
7. On July 3, 2012 notice of the Default Hearing scheduled for this date was mailed to Ms. Perri at that same address by certified mail. The file shows that Ms. Perri received and signed the return receipt.
8. Ms. Perri has still not answered the charges.
9. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Perri 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. Perri 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. Perri 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. Perri 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. Perri's license is hereby **Suspended Indefinitely**, effective as of the date of the hearing. Should Ms. Perri apply for reinstatement, the Board at that time will determine whether any conditions can permit her to resume practice while protecting public health and safety.

Appeal Rights

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

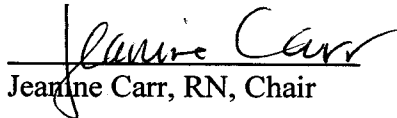
A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2, Montpelier, VT 05620-3402 within 30 days of the entry of this order.

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:


Jeanine Carr, RN, Chair

Date: August 13, 2012

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/14/12

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

IN RE:
ELEANOR Q. PERRI
License No. 026.0030502

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Docket No. 2011-666

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Eleanor Q. Perri, RN:

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. Eleanor Perri (the "Respondent") of Sunbury, Pennsylvania is licensed by the State of Vermont as a Registered Nurse under license number 026.0030502. This license was originally issued on or about January 4, 2005 and is currently set to expire on or about March 31, 2013.
3. On or about June 23, 2009, Respondent entered into a Consent Order with the New York State Board for Nursing. Attachment A. This discipline was the result of the Respondent practicing the profession of nursing beyond her authorized scope when she administered Propofol 10cc to a patient without a clear and complete physician's order as to dose and route of administration. The penalty agreed upon in the Consent Order was one (1) year stayed suspension, one (1) year probation, and a \$3,000 fine.
4. Respondent did not notify the Vermont Board of Nursing of the New York Consent Order.
5. The Board was notified through a NURSY's Speed Memo on or about September 26, 2011.

Charges

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

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. The State incorporates paragraphs 3 through 5, 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).

WHEREFORE, the license of Eleanor Q. Perri should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 15 day of May, 2011.

STATE OF VERMONT
SECRETARY OF STATE

By: 
S. Lauren Hibbert
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602



The University of the State of New York

IN THE MATTER

OF

ELEANOR FROGOSA QUILAO
a/k/a ELEANOR QUILAO PERRI
(Registered Professional Nurse)

ORIGINAL
VOTE AND ORDER
NO. 24391

Upon the application of ELEANOR FROGOSA QUILAO a/k/a ELEANOR QUILAO PERRI, under Calendar No. 24391, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (June 23, 2009): That the application of ELEANOR FROGOSA QUILAO a/k/a ELEANOR QUILAO PERRI, respondent, for a consent order be granted; and that the Associate Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

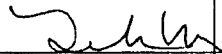
ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and SO ORDERED, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

Attachment A.

ELEANOR FROGOSA QUILAO (24391)
a/k/a ELEANOR QUILAO PERRI

IN WITNESS WHEREOF, I Frank Muñoz,
Associate Commissioner for the
Professions, for and on behalf of the
State Education Department and the
Board of Regents, do hereunto set my
hand, at the City of Albany, this
23rd day of June, 2009.



FRANK MUÑOZ
ASSOCIATE COMMISSIONER
FOR THE PROFESSIONS

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

ELEANOR FROGOSA QUILAO
a/k/a ELEANOR QUILAO PERRI

APPLICATION FOR
CONSENT ORDER

CAL. NO. 24391

who is currently licensed to practice as
a(n) registered professional nurse in the
State of New York.

-----X

ELEANOR FROGOSA QUILAO a/k/a ELEANOR QUILAO PERRI states:

That on or about September 29, 2005 I was licensed to practice
as a registered professional nurse in the State of New York,
having been issued license number 566726 by the New York State
Education Department.

I am currently registered with the New York State Education
Department to practice as a registered professional nurse in the
State of New York from an address at 1650 DeKalb Avenue, Apt. 3R,
Brooklyn, New York 11237-4002.

That I have been charged with one (1) specification of
professional misconduct, a copy of which is annexed hereto, made a
part hereof, and marked as Exhibit "A".

I do not contest the aforesaid specification of professional
misconduct, charging me with practicing the profession of nursing
beyond its authorized scope (administering the non-controlled

ELEANOR FROGOSA QUILAO
a/k/a ELEANOR QUILAO PERRI

medication Propofol 10cc to a patient without a clear and complete physician's order as to dose and route of administration).

I hereby agree to the penalty that my license to practice as a registered professional nurse in the State of New York be suspended for one (1) year; that execution of said suspension be stayed; that I be placed on probation for one (1) year under the terms set forth in the exhibit annexed hereto, made a part hereof and marked as Exhibit "B", said probation to commence upon my return to the practice of nursing in the State of New York; and that I be fined the sum of three thousand dollars (\$3,000.00), said fine to be paid by certified or bank cashier's check, made payable to the order of the New York State Education Department, to be delivered to the Director, Office of Professional Discipline, New York State Education Department, 475 Park Avenue South -- Second Floor, New York, New York 10016-6901, within six (6) months after the effective date of the service of the Order to be issued in this matter.

I further agree to notify the New York State Education Department of my return to the practice of nursing in the State of New York, by certified mail, return receipt requested, addressed to the Director, Office of Professional Discipline, New York State Education Department, as aforesaid, at least seven (7) days prior to my return to the practice of nursing in the State of New York.

ELEANOR FROGOSA QUILAO
a/k/a ELEANOR QUILAO PERRI

I hereby make this application to the Board of Regents and request that it be granted.

I understand that in the event that the Board of Regents denies the application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that in the event the Board of Regents grants my application, as set forth herein, an Order may be issued in accordance with the same. I understand that if and when the Board of Regents grants this application, the entire application shall become a matter of public record.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Eleanor Perri
Respondent

EXHIBIT "A"

ELEANOR FROGOSA QUILAO
a/k/a ELEANOR QUILAO PERRI

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with practicing the profession of nursing as a registered professional nurse beyond its authorized scope, within the purview and meaning of New York Education Law section 6509(2), in that:

On and about May 23, 2007 while employed and practicing the profession of nursing as a registered professional nurse at Wyckoff Heights Medical Center, Brooklyn, New York, Respondent administered the non-controlled medication Propofol 10cc via intravenous bolus to patient G.P., without a clear and complete physician's order as to the dose and route of administration.

EXHIBIT "B"

TERMS OF PROBATION

ELEANOR FROGOSA QUILAO
a/k/a ELEANOR QUILAO PERRI

CALENDAR NO. 24391

1. That Respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing Respondent's profession;
2. That Respondent shall submit written notification to the New York State Education Department, addressed to the Director, Office of Professional Discipline, New York State Education Department, 475 Park Avenue South -- Second Floor, New York, New York 10016-6901, of any employment and/or practice, Respondent's residence, telephone number, or mailing address, and of any change in Respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
3. That Respondent shall have quarterly performance reports submitted to the New York State Education Department, addressed to the Director, Office of Professional Discipline, as aforesaid, from Respondent's employer, evaluating Respondent's performance as a registered professional nurse in Respondent's place of employment, said reports to be prepared by Respondent's supervisor or employer;
4. That Respondent shall, within the first six (6) months of the probationary period, at Respondent's expense, successfully complete the New York State Nurses Association course in medication administration and pharmacology, or a live equivalent course, previously approved, in writing, by the New York State Education Department, to update the knowledge and skills of Respondent; and shall submit written proof of such successful completion within 30 days after the completion of the plan to the New York State Education Department, addressed to the Director, Office of Professional Discipline, as aforesaid;
5. That Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the NYSED, addressed to the Director, Office of Professional Discipline, as

ELEANOR FROGOSA QUILAO
a/k/a ELEANOR QUILAO PERRI
CALENDAR NO. 24391

aforesaid, no later than the first three months of the period of probation;

6. That Respondent shall submit written proof to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board of Regents, said proof of the above to be submitted no later than the first two months of the period of probation;
7. That Respondent shall make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department, unless otherwise agreed to by said employee, for the purpose of said employee monitoring Respondent's terms of probation to assure compliance therewith, and Respondent shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
8. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Education Department may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents.

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

ELEANOR FROGOSA QUILAO
a/k/a ELEANOR QUILAO PERRI

who is currently licensed to practice as
a(n) registered professional nurse in the
State of New York.

-----X

APPLICATION FOR
CONSENT ORDER

CAL. NO. 24391

The undersigned agree to the above statement and to the
proposed penalty based on the terms and conditions thereof.

Dated: 03/03 , 2009

Eleanor Perri
Respondent

Dated: , 2009

William J. Perri
Attorney for Respondent

Dated: 3/14/09 , 2009

Immaculate Mary RN
Member of the State Board
for Nursing

Dated: 4/9 , 2009

Raimund H. Stene
Director
Office of Professional Discipline

The undersigned, a member of the Board of Regents who has
been designated by the Chairman of the Regents Committee on
Professional Practice to review this Application for a Consent
Order, has reviewed said Application and recommends to the Board
of Regents that the Application be granted.

Dated: 4/27 , 2009

[Signature]
Member, Board of Regents

/jw-d



The University of the State of New York

IN THE MATTER

OF

ELEANOR FROGOSA QUILAO

a/k/a ELEANOR QUILAO PERRI

(REGISTERED PROFESSIONAL NURSE)

STATE OF NEW YORK)

SS.:

COUNTY OF ALBANY)

Michael A. Kinley

being duly sworn, deposes and says:

I am over the age of twenty-one years and am an employee of the New York State Education Department, Office of Professional Discipline, 80 Wolf Road, Suite 204, Albany, New York 12205-2643.

On the 25th day of June, 2009, I personally delivered to the Stuyvesant Plaza Post Office the Duplicate Original Vote of the Board of Regents and Order under Calendar No. 24391 and the Report of the Regents Review Committee or Application for Consent or Surrender, or Report of the designated Regent in a summary suspension proceeding as applicable, by Certified Mail - Return Receipt Requested to the respondent herein named at 1650 DeKalb Avenue, Apt. 3R, Brooklyn, New York 11237-4002 & Gerard Heubel, Esq., Wilson, Elser, Moskowitz, Edelman & Dicker, 3 Gannett Drive, White Plains, New York 10604.

Certified Mail Receipt No. 700208600006464114101165

The effective date of the Order being the 30th day of June, 2009.

Sworn to before me this

15th day of July, 2009

Elizabeth A. Blest

ELIZABETH A. BLEST

NOTARY PUBLIC, STATE OF NEW YORK

REG. NO. 01BL6037347

QUALIFIED IN ALBANY COUNTY

COMMISSION EXPIRES FEB. 14, 2010

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7002 0860 0000 6464 1141

Postage	\$ 1.39
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	4.50
Total Postage & Fees	\$ 10.99

Postmark
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Sent To Eleanor Frogosa Quillao, R.N.
 a/k/a Eleanor Quillao Perri
 Street, Apt. No., or PO Box No. 1650 DeKalb Avenue
 Apt. 3R
 City, State, ZIP+4
 Brooklyn, New York 11237-4002
 PS Form 3800, April 2002 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7002 0860 0000 6464 1165

Postage	\$ 1.39
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.49

Postmark
Here

Sent To Gerard Heubel, Esq.
 Wilson, Elser, Moskowitz, Edelman
 Street, Apt. No., or PO Box No. & Dicker
 3 Gannett Drive
 City, State, ZIP+4
 White Plains, New York 10604
 PS Form 3800, April 2002 See Reverse for Instructions