

**STATE OF VERMONT
BOARD OF NURSING**

In re: Deborah Ann Reyore
License No. 025-8067

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Docket No. NU38-1008
2008-393

Appearances:

Petitioner, State of Vermont: Betsy Ann Wrask
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on July 13, 2009 at the National Life Building in Montpelier, Vermont. Ms. Reyore did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Reyore 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 May 1, 2009 Ms. Reyore 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. On May 27, 2009 the envelope was returned to the Office of Professional Regulation marked "unclaimed."
6. Ms. Reyore has not filed an answer to the charges.
7. On June 22, 2009 Notice of the default hearing scheduled for July 13, 2009 was mailed to Ms. Reyore at that same address by certified mail. Ms. Reyore indicated to OPR that she would not participate in this matter.
8. Ms. Reyore has still not answered the charges.
9. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Reyore 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. Reyore 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. Reyore 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. Reyore 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. Reyore'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: *Jeanine Carr*
Jeanine Carr, R.N., Acting Chair

Date: July 13, 2009

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7/15/09

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

IN RE:

**DEBORAH ANN REYORE
License No. 025.0008067**

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Docket No. NU38-1008/2008-393

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Deborah Ann Reyore, 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. Deborah Ann Reyore (the "Respondent") of Saranac, New York is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0008067. This license was originally issued on or about July 12, 2001 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 Birchwood Terrace Healthcare (the "Facility"), located in Burlington, Vermont.
4. On or about September 26, 2008 in a Mandatory Report of Unprofessional Conduct, Director of Nursing Services S.F. reported that on or about September 22 and 23, 2008, Respondent failed to document administering multiple medications to multiple patients in their corresponding Medication Administration Record (the "MAR"), and that on these same dates, Respondent failed to document any treatments in the corresponding Treatment Administration Record (the "TAR"). As a result, S.F. reported that Respondent was terminated from the Facility on or about September 25, 2008.
5. On or about November 26, 2008 in a telephone interview with State Investigator Jeffrey K. Jones, Sr., S.F. stated that the omissions Respondent made in the MAR on two above-referenced dates included medication, pain assessment, target behaviors, results of finger sticks, and supplemental intakes.

STATE OF VERMONT



Prosecuting Attorney
Office of
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9 Baldwin Street
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6. A review of the Facility's Summary of Investigation concerning Respondent's omissions, created by S.F. and dated September 26, 2008, indicates that there were approximately seventy-four (74) "holes" in the MARs. Moreover, interviews conducted with five (5) alert and oriented residents who had omissions in their MARs indicated that the residents remember receiving medications, but the residents could not be specific if they received all of their medications. At the end of the Summary, S.F. stated that after a telephone conversation with Respondent regarding the omissions, it was apparent to S.F. that "some of the treatments were done and some medications were administered," but it was "also obvious that there were omissions in services."
7. On or about December 1, 2008 in a telephone interview with Investigator Jones, Respondent admitted that she failed to properly maintain the MARs and TARs on the two dates in question, but stated that she had been so busy answering calls for service that she did not have the time to complete the records.
8. By failing to document that she administered medications and provided treatments, Respondent performed unsafe and unacceptable patient care and failed to conform to the essential standards of acceptable and prevailing nursing practice.

Charges

9. 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, Subchapter 4, Rule II(B)(1); and failure to conform to the essential standards of acceptable and prevailing practice pursuant to ARBN Chapter 4, Subchapter 4, Rule II(B)(2);
 - b. 3 V.S.A. § 129a(a)(7) (Willfully making of 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);
 - c. 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
 - d. 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).

STATE OF VERMONT



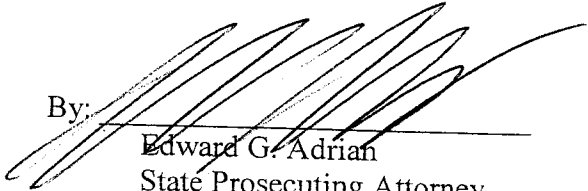
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Relief Requested

WHEREFORE, the license of Deborah Ann Reyore should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

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

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

nu.reyore.soc

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