

**STATE OF VERMONT
BOARD OF NURSING**

IN RE:

Byron Van Hyfte
License No. 101-21443

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Case File No. NU55-0102

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, November 4, 2002 at 81 River Street in Montpelier, Vermont. Board members Alan Weiss, Sandra Norton, Pat Rock, Susan Farrell, De-Ann Welch, Elayne Clift, Laurey Tyo and Susan Cota participated in the decision. George Haegele, Assistant Attorney General, appeared for the State. Byron Van Hyfte ("the Respondent") was present. Chris Winters was the Presiding Officer.

Findings of Fact

1. The Respondent is an Advanced Practice Registered Nurse ("APRN") holding license number 101-21443 issued by the State of Vermont.
2. At all times relevant, the Respondent was an independent contractor under contract with Springfield Hospital in Springfield Vermont as a Certified Nurse Anesthetist.
3. On six occasions between October 19, 2001 and November 2, 2001, the Respondent failed to record the administration of the controlled substance Versed on the anesthesia record.
4. The Respondent did sign out the medications on the pharmacy drug inventory card.
5. The Respondent, during the relevant time period, had just returned to Springfield Hospital after working at another hospital for several months.
6. The drug Versed is given to patients to relieve their anxiety prior to surgery and is given in the holding room 10-15 minutes before entering the operating room.

7. The Respondent starts his patient record in the operating room, after the patient has been anesthetized.
8. The six recording omissions were discovered as the result of a department-wide audit performed at Springfield Hospital.
9. The Respondent has been a registered nurse for almost thirty years and has never had his integrity or conduct called into question.

Opinion

The Nursing Board has a responsibility to act on complaints of unprofessional conduct when they are supported by the evidence, regardless of motivation or source. The Board heard much testimony regarding politics at the Respondent's place of employment and the possible motives behind this complaint. Neither is relevant to the Board's decision, which is based on the Respondent's admission and the State's evidence showing that on six occasions in less than a two week period, there were omissions in patient records as to the administration of a controlled substance.

Conclusions of Law

- A. Pursuant to 26 V.S.A. § 1574 and 3 V.S.A. § 129, The Board of Nursing may revoke, suspend, discipline or otherwise condition the license of a nurse who engages in unprofessional conduct as defined by 26 V.S.A. § 1582 and 3 V.S.A. § 129a and its Administrative Rules.
- B. The Respondent committed unprofessional conduct by failing to record the administration of a medication, namely, Versed, on six occasions between October 19 and November 2, 2001. This is in violation of 26 V.S.A. § 1582(a)(3) and Board Administrative Rules Chapter 4, Rule IV(B)(2) and (3) evidencing an inability to practice nursing competently by performing unsafe or unacceptable nursing care; and failing to conform to the essential standards of acceptable and prevailing nursing practice.

Order

In light of the above findings and conclusions, the Board hereby issues a WARNING to the Respondent, effective as of the date of the hearing. Further conduct of this nature will likely result in more severe disciplinary action.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell, RN
Chair

Date: Nov. 18, 2002

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 11/21/02