

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

In re: Lisa L. Veilleux	}	
License No. 026.0035555	}	Docket No. 2015-455 (RN)
	}	

Appearances:

Prosecutor: Rachel Allen, Esq.

Respondent: Did not appear

Hearing Officer: George K. Belcher

DEFAULT ORDER

The Hearing Officer of the Vermont Board of Nursing held a hearing pursuant to 3 VSA Sec. 129(f) in the above matter on January 6, 2017 at the Office of Professional Regulation in Montpelier, Vermont. Respondent did not attend and was not represented by counsel.

Findings of Fact

1. Respondent is licensed as a Licensed Registered Nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, and the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. Charges were filed in this matter on October 31, 2016. On October 31, 2016 the Respondent was sent a Notice of Charges in this matter by certified mail and first class mail to the address of the Respondent which was on file with the Office of Professional Regulation. The certified mail Notice of Charges was returned to the Office of Professional Regulation on November 9, 2016. The regular mail notice of the charges was returned On November 8, 2016. Both notices were returned with the notations that they were unable to be forwarded.
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. On November 30, 2016 a notice was sent to the Respondent advising of the hearing before the Board to find the Respondent in default and advising that, "If you wish to contest the charges you must contact the office immediately at (802) 828-2367 and show good cause for failing to answer the charges against you." This notice was mailed by certified mail and by regular mail. These notices were likewise returned with notations

- that they were unable to forward.
5. Respondent has not filed an answer to the charges, nor any communication concerning good cause for failure to answer. The Respondent did not appear at the hearing on default. No contact was made by the Respondent to the attorney for the State indicating that the Respondent intended to contest the charges. Upon consideration of the Prosecution's presentation and taking notice of the OPR file, the Hearing Officer of the Board finds Respondent to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board may issue an order of professional discipline. OPR Rule 3.4, 3 V.S.A. § 809(d), and 3 V.S.A. § 814(c). The allegations contained in the charges relate to the Respondent's failure to follow the doctor's written orders concerning keeping a newborn patient under phototherapy lights, and failure to make chart notes of mother/infant contact.
 6. The State recommended that the license of the Respondent be reprimanded and that the Respondent's license be "conditioned" with conditions imposed concerning successful completion of courses.
 7. The record before the Board shows that the Respondent has either failed to keep the Board advised of her current contact information as required under 3 VSA Sec. 129a(a)(14), or has ignored the disciplinary action by the Board. In either event, there is no indication that the Respondent has been involved in this disciplinary action, no indication that she admits or denies the charges involved, and no indication that she would be aware of, or would comply with, any new conditions upon her license. As such, the proposal by the State to simply reprimand her license and impose conditions seems to be a hollow remedy where the Board does not have the active attention of the Respondent.

Conclusions of Law

Respondent has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the Prosecution's presentation. Because Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board may find, based upon the finding of Default from this Default Hearing held pursuant to 3 V.S.A. §809(d), that Respondent has engaged in the unprofessional conduct alleged in the Specification of Charges (violation of 3 VSA Sec. 129a(b)(1) and (2)).

Proposed Order

In accordance with the above Findings of Fact and Conclusions of Law which the Board accepts, the Board does ORDER that the Respondent's license be INDEFINELY SUSPENDED. In the event that the Respondent applies for reinstatement of the suspended license at a later time, then the Board may impose appropriate conditions at that time in its discretion.

The Hearing Officer reports the above facts, conclusions of law, and the finding of DEFAULT to the Board with the recommendation that the Board approve them and enter the Order as above.

Dated this 9th day of January, 2017.

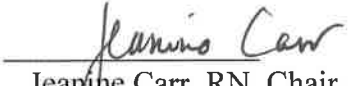

George K. Belcher
Hearing Officer of the Vermont Board of Nursing

The Vermont Board of Nursing considered the report of findings of fact and conclusions of law at its meeting on 3/6/17. After considering the report, the Board takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- ☒ Accepts the report, adopts the findings of fact and conclusions of law, and orders the recommended discipline as set forth above.

SO ORDERED.

Vermont Board of Nursing

By: 
Jeanine Carr, RN, Chair
Vermont Board of Nursing

Date: 3/6/17

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/7/17

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, 89 Main St., Fl. 3, 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.

**STATE OF VERMONT
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BOARD OF NURSING**

IN RE:)
LISA L. VEILLEUX) **Docket No. 2015-455**
License No. 026.0035555)

SPECIFICATION OF CHARGES

Board Authority

1. The Vermont Board of Nursing ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses, pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

General Statement of Facts

2. Lisa L. Veilleux ("Respondent") of Claremont, New Hampshire, is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0035555. This license was originally issued on January 2, 2007, and expires on March 31, 2017.
3. During the relevant time period, Respondent was employed as a RN by Springfield Hospital ("Facility") in Springfield, Vermont.
4. On September 5, 2015, to September 6, 2015, Respondent was responsible for the care of an infant patient ("Patient") who had significant newborn jaundice.
5. On September 5, 2015, at 1200, the physician order in Patient's record stated that Patient was to stay under the phototherapy lights at all times, except during feeding. On September 5, 2015, at 1335, Respondent marked this order as "Noted."
6. Patient did not have a written order for a phototherapy blanket, or bili blanket.
7. On September 5, 2015, Respondent documented that the Patient was not under the phototherapy lights between 0945 and 1200 and between 1500 and 1640. The Patient was not under the phototherapy lights during Respondent's shift for a total of three hours and fifty-five minutes.
8. On September 5, 2015, at 0905, Respondent documented, "infant always on bili blanket but placed in overhead lites."

STATE OF VERMONT



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9. On September 6, 2015, Respondent documented that Patient was not under the phototherapy lights between 0820 and 0944, 1140 and 1426, and 1600 and 1800. The Patient was not under the phototherapy lights during Respondent's shift for a total of six hours and ten minutes.
10. Respondent's documentation did not explain why the Patient was not placed under the phototherapy lights during the times stated in Paragraphs 7 and 9.
11. Respondent's documentation did not indicate whether she discussed the lack of phototherapy with the Patient's medical provider.
12. All nurses caring for Patient were responsible for documenting mother-infant interaction every two hours.
13. Respondent failed to document any mother-infant interaction during her shift on September 5, 2015, or September 6, 2016.

Violation One: 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.

14. The State re-alleges and incorporates Paragraphs 2 through 13 above.
15. For the safety and wellbeing of the patient, nursing notes are relied on by medical providers at the Facility to know what occurred on each shift.
16. The essential standards of acceptable and prevailing practice require a RN to provide care in accordance with physician orders. Whenever such care cannot be provided, a RN must document the reason to notify the provider.
17. The facts alleged in Paragraphs 4 through 13 demonstrate Respondent's failure to practice competently by performing unsafe or unacceptable patient or client care and failing to conform to the essential standard of acceptable and prevailing practice by failing to properly follow the physician order, maintain proper documentation, and failing to properly document mother-infant interaction as instructed.
18. 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 3 V.S.A. § 129a(b)(1) and (2).

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Relief Requested

WHEREFORE, the license of Lisa L. Veilleux should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 31st day of October, 2016.

STATE OF VERMONT
SECRETARY OF STATE

By: 

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