

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF NURSE REGISTRATION AND NURSING EDUCATION
THREE CAPITOL HILL
PROVIDENCE, RI 02908

In the Matter of: :
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 :
Angela Marie O'Reilly, RN 55329, :
 :
 :
Respondent. :

OFFICIAL DOCUMENT
BOARD OF NURSE
C17-01 REGISTRATION
& NURSING EDUCATION

ORDER SUSPENDING LICENSE

I. Introduction

The above-entitled matter came before the Board of Nurse Registration and Nursing Education ("Board") pursuant to a Notice of Charges and Administrative Hearing ("Notice") issued on May 16, 2017 by the Board to Angela Marie O'Reilly ("Respondent"). The Respondent holds a license ("License") as a registered nurse in the State of Rhode Island pursuant to R.I. Gen. Laws § 5-34-1 *et seq.* A hearing was scheduled for June 12, 2017 at which time the Respondent did not appear at hearing. Pursuant to Section 5.6 of the *Rules and Regulations Pertaining to Practices and Procedures Before the Department of Health* ("Hearing Regulation"), service may be made by hand-delivery or first class mail and service is complete upon mailing, even if unclaimed or returned, when sent to the last known address of the party. In this matter, notice was sent to the Respondent's last known address by first class and certified mail.¹ Since the Respondent was adequately noticed of hearing, a hearing was held. Additionally, Section 12.9 of the Hearing Regulation provides that a judgment may be entered

¹ See testimony below and Department's Exhibit One (1) (Notice).

based on pleadings and/or evidence submitted at hearing by a non-defaulting party. The Board was represented by counsel.

II. Jurisdiction

The Board has jurisdiction over this matter pursuant to R.I. Gen. Laws § 5-34-1 *et seq.*, *Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs* (“Licensing Regulation”), and the Hearing Regulation.

III. Material Facts and Testimony

Margaret Clifton, Executive Director, Board of Nursing, testified on behalf of the Department. She testified that the Board received a complaint indicating that the Respondent had voluntarily surrendered her registered nursing license in Massachusetts on March 18, 2016. She testified that the statewide licensing database, NURSYS, showed that the Respondent had voluntarily surrendered her registered nursing license in Massachusetts on March 18, 2016 for diverting a controlled substance. She testified that it was also ascertained that the Respondent had been reprimanded in Massachusetts in 2014 for diverting controlled substances. She testified that the investigating committee had tried to contact the Respondent regarding her Rhode Island licensing but received no response. She testified that the Notice was sent to the Respondent’s address on record with the Department. She testified that the investigating committee requested that the Respondent’s License be indefinitely suspended until she became eligible to practice again in Massachusetts. See Department’s Exhibits One (1) (Notice); Two (2) (initial complaint); Three (3) (NURSYS print-out); and Four (4) (February 16, 2017 letter to Respondent); and Five (5) (March 6, 2017 letter to Respondent).

IV. Discussion

The Department argued that the Respondent violated R.I. Gen. Laws § 5-34-24(3) (unfit or incompetent by reason of negligence or habits); R.I. Gen. Laws § 5-34-24(4) (habitually

intemperate or addicted to habit-forming drugs); R.I. Gen. Laws § 5-34-24(6)(iii) (willfully omitted to file or record nursing records and reports required by law); and R.I. Gen. Laws § 5-34-24(6)(v) (willfully disregarding standards of nursing practice and failing to maintain standards of nursing profession by failing to document in medical records patient in care)² by diverting controlled substances.

Based on the pleadings and exhibits and testimony at hearing, it is undisputed that the Respondent while acting as a registered nurse diverted controlled substances resulting in her voluntarily surrendering her registered nursing license in Massachusetts.

Based on the forgoing, the Respondent violated R.I. Gen. Laws § 5-34-24(3), (4), and (6)(iii) and (v).

V. Conclusion

After hearing and based on the forgoing, the Board made the following orders:

1. The Respondent's License is indefinitely suspended.

² R.I. Gen. Laws § 5-34-24 provides in part as follows:

Grounds for discipline of licensees. – The board of nurse registration and nursing education has the power to deny, revoke, or suspend any license to practice nursing; to provide for a non-disciplinary alternative only in situations involving alcohol or drug abuse or to discipline a licensee upon proof that the person is:

- (3) Unfit or incompetent by reason of negligence or habits;
- (4) Habitually intemperate or is addicted to the use of habit-forming drugs;

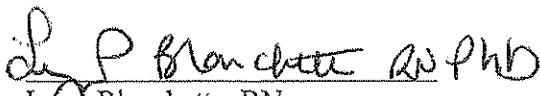
(6) Guilty of unprofessional conduct which includes, but is not limited to, all of the above and also:

- (ii) Willful omission to file or record nursing records and reports required by law;

- (v) Willful disregard of standards of nursing practice and failure to maintain standards established by the nursing profession.

2. In order to re-apply for the License (or be reinstated), the Respondent has to submit a petition in writing to the Board and document her eligibility to practice in Massachusetts without conditions.

By Order of the Board,


Lynn Blanchette, RN
Vice-President

Entered this 26 day of June, 2017.

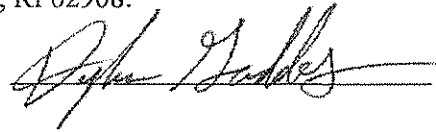
NOTICE OF APPELLATE RIGHTS

PURSUANT TO R.I. GEN. LAWS § 5-34-28, APPEALS OF DECISIONS ARE GOVERNED BY THE ADMINISTRATIVE PROCEDURES ACT, R.I. GEN. LAWS § 42-35-1 *et seq.* THIS DECISION CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF HEALTH PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS DECISION MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.

CERTIFICATION

I hereby certify on this 26th day of June, 2017 that a copy of the within Order and Notice of Appellate Rights was sent by first class mail, postage prepaid and registered mail, return receipt requested to Ms. Angela O'Reilly, 96 Danforth Street, Rehoboth, MA 02769 and via electronic

delivery to her email on record with the Department and by hand-delivery to Julie Sacks, Esquire, Department of Health, Three Capitol Hill, Providence, RI 02908.

A handwritten signature in black ink, appearing to read "Julie Sacks", written over a horizontal line.