

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

In re: THERESA MCDONALD }
 } Docket No. 2025-170
 }

Appearances:

Prosecutor: Zoe Newman, Esq.

Respondent: Did not appear

Hearing Officer: Patricia Gabel

DEFAULT ORDER

A hearing was held in the above matter electronically via the Microsoft Teams Meeting platform on January 27, 2026. This public hearing was held pursuant to a Notice of Hearing. Respondent did not attend and was not represented by counsel.

Findings of Fact

1. The profession of Nursing is regulated by the Board of Nursing pursuant to 26 V.S.A. Chapter 28. The Board has authority to adjudicate allegations of unauthorized practice pursuant to 3 V.S.A. Sec. 127; 3 V.S.A. Sec. 129; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the "ARBN") and the Administrative Rules of the Office of Professional Regulation ["AROPR"].
2. The Respondent is not licensed in any profession in the State of Vermont and was not so licensed during the time period in question.
3. The Specification of Charges was filed in this matter on October 17, 2025, alleging unauthorized practice. A copy of the Specification of Charges is attached to this Default Order.
4. On October 17, 2025, a Notice of Charges was sent to Respondent by certified mail, first-class mail, and email.
5. The address used by the Docket Clerk as Respondent's address was the address set forth in the OPR file. The Prosecutor represented that this address was the address used by Respondent when she applied for employment at the Facility identified in the Specification of Charges as the site where the alleged violations of law occurred.
6. The green receipt associated with the certified mail notice was not returned to the Docket Clerk. Neither the first-class mail nor email notices were returned to the Docket Clerk as undeliverable.
7. No answer has been filed, and Respondent has not provided any communication of good cause for failure to answer.

8. Under AROPR Rule 3.4, a default may be entered when an answer is not filed within the required time period.
9. On November 25, 2025, the Prosecutor filed a Motion for Default and Stay.
10. On December 8, 2025, the Docket Clerk sent a Notice of Hearing for Default Judgment due to Failure to Answer to the Respondent at the same address to which the Specification of Charges was sent. This Notice advised Respondent of the upcoming default hearing to find her in default and advised: "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, by regular mail, and by email. The green receipt associated with the certified mail notice was not returned to OPR. Neither the first-class mail nor email notices were returned as undeliverable.
11. Upon consideration of the Prosecution's presentation and taking official notice of the OPR file, the Hearing Officer of the Board finds Respondent to be in default.
12. 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. AROPR Rule 3.4, 3 V.S.A. Sec. 809(d), and 3 V.S.A. Sec 814(c).
13. It is specifically found that Respondent does hold a Single State License with the State of New York as an LPN under license number 206783, which was first issued on April 10, 1990, and expires on May 31, 2026.
14. It is specifically found that Respondent also holds a Single State License with the State of New Hampshire as Licensed Practical Nurse (LPN), under license number 020125-22, which was first issued on April 10, 2025, and expires on April 10, 2027.
15. It is specifically found that on or about June 6, 2025, Respondent was hired by a skilled nursing facility (Facility) in Caledonia County, Vermont, to work as an LPN.
16. It is specifically found that Respondent worked without the authority of a professional license as an LPN at a skilled nursing facility in Caledonia County, Vermont on the following dates: June 18, 2025, June 23, 2025, June 24, 2025, July 1, 2025, July 4, 2025, July 5, 2025, July 6, 2025, and July 15, 2025.
17. These actions constitute unauthorized practice under 3 V.S.A. Sec. 127.
18. It was the recommendation of the State that the Respondent be deemed to be in default, that there be a finding of unauthorized practice, and that an administrative penalty of \$750 be imposed.

Conclusions of Law

Respondent has received adequate or constructive notice of the charges in this matter as indicated by the Board's file, the testimony of the Docket Clerk, Julie Bowen, and the Prosecution's presentation and representation regarding the address used in Respondent's application for employment at the Facility. Because Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. APPOPR 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 unauthorized practice alleged in the Specification of Charges. The Respondent has, thus, violated 26 V.S.A.

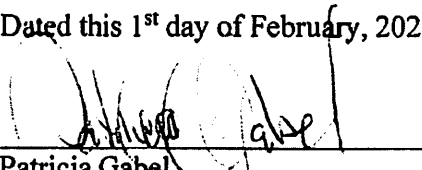
Sec 1584(a)(3), which prohibits “practice(ing) nursing unless duly registered and currently licensed to do so under the provisions of this chapter.”

Proposed Order

In accordance with the above Findings of Fact and Conclusions of Law, and consistent with the recommendation by the State, the Board does find that the Respondent committed unauthorized practice of a profession, and the Board does ORDER that Respondent shall pay a monetary civil penalty of \$750 within 60 days of the date of entry of the Order.

The Hearing Officer of the Board reports the above findings of facts, conclusions of law, and the proposed order to the Board or Director with the recommendation that the Board or Director approve them and enter the Order as above.

Dated this 1st day of February, 2026.


Patricia Gabel
Hearing Officer of the Vermont Board of Nursing

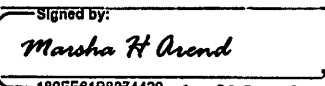
The Vermont Board of Nursing considered the report of findings of fact and conclusions of law on February 9, 2026. After considering the Report, the Hearing Authority takes the following action:

- ☐ 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 in the proposed order above.

SO ORDERED.

Vermont Board of Nursing

By:

Signed by:

_____, _____ Chair
180EE6188974420
Vermont Board of Nursing

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/10/24

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing or Director of the Office of Professional Regulation. A party aggrieved by a final decision of a board or hearing authority 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. Secs. 129(d) and 130a.

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

IN RE:)
Theresa McDonald) **Docket No. 2025-170**

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney Zoe Newman, and pursuant to Rule 3.3 of the Administrative Rules of Practice for the Office of Professional Regulation (“ARPOPR”), hereby moves that the Board of Nursing (the “Board”) find Respondent Theresa McDonald (“Respondent”) in default for the reasons stated in the following Memorandum of Law.

MEMORANDUM OF LAW

Rule 3.3 of ARPOPR requires a respondent to file an answer to a specification of charges “within 20 days of the date on which the notice of charges was mailed by the Director.” Under the Rules, if a respondent fails to file a timely answer, a default hearing shall be conducted. ARPOPR 3.4. At the default hearing, “the allegations of the charges will be treated as proven and disciplinary action will be taken.” *Id.*

In this matter, Respondent has failed to file a response to the charges and is, therefore, in default. The State filed the Specification of Charges against Respondent on October 17, 2025. Respondent was notified of the charges by letter from the Docket Clerk of the Office of Professional Regulation, sent by both certified and first class mail, on October 17, 2025. *See* ARPOPR 3.2. Respondent’s answer was due on or before November 6, 2025. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier,

WHEREFORE, in accordance with ARPOPR 3.3, et seq., the State respectfully requests that the Board schedule a default hearing and find Respondent in default.

DATED this 25th day of November 2025.

STATE OF VERMONT
SECRETARY OF STATE

By: *Zoe Newman*
Zoe Newman
Prosecuting Attorney
Zoe.newman@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier,

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

IN RE:	)	
Theresa McDonald	)	Docket No. 2025-170
License No. N/A	)	

STATE’S SANCTION RECOMMENDATION FOR DEFAULT HEARING

NOW COMES the State of Vermont, by and through Prosecuting Attorney Zoe Newman, and hereby recommends the following sanction against Respondent’s license should she be found in default:

\$750 Fine.

DATED: 11/25/25

STATE OF VERMONT
SECRETARY OF STATE

By: *Zoe Newman*
Zoe Newman
Prosecuting Attorney

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

IN RE:	)	
Theresa McDonald	)	Docket No. 2025-170
License No. N/A	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont (State) and makes the following charges against Theresa MacDonald:

Authority

1. The Board has the authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after a 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. Chapter 28; the Administrative Rules of the Board of Nursing (the ARBN); and the Rules of the Office of Professional Regulation (OPR Rules).

Statement of Facts

2. At no time has Theresa McDonald (Respondent) been licensed by the State of Vermont in any profession.
3. Respondent does hold a Single State License with the State of New York as an LPN under license number 206783, which was first issued on April 10, 1990, and expires on May 31, 2026.
4. Respondent also holds a Single State License with the State of New Hampshire as a Licensed Practical Nurse (LPN), under license number 020125-22, which was first issued on April 10, 2025 and expires on April 10, 2027.
5. On or about June 6, 2025, Respondent was hired by a skilled nursing facility (Facility), in Caledonia, Vermont, to work as an LPN.
6. Respondent worked as an LPN at the Facility on the following dates: June 18, 2025, June 23, 2025, June 24, 2025, June 26, 2025, July 1, 2025, July 4, 2025, July 5, 2025, July 6, 2025, and July 15, 2025.

Violation One: 3 V.S.A. § 127(b)(2)(A) The Attorney General or an attorney assigned by the Office of Professional Regulation may elect to bring an action seeking only a civil penalty of not more than \$5,00.00 for practicing or permitting the practice of a regulated profession without authority before the board having regulatory authority over the profession or before an

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

administrative law officer.

7. The State re-alleges and incorporates Paragraphs 2 through 6 above.
8. 26 V.S.A. § 1584(a)(3) prohibits “practice[ing] nursing unless duly registered and currently licensed to do so under the provisions of this chapter”
9. Paragraphs 2 through 6 above demonstrate that Respondent practiced a regulated profession without authority when Respondent worked as an LPN at the Facility on June 18, 2025, June 23, 2025, June 24, 2025, June 26, 2025, July 1, 2025, July 4, 2025, July 5, 2025, July 6, 2025, and July 15, 2025 without first obtaining an LPN license with the State of Vermont.
10. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unauthorized practice in violation of 3 V.S.A. § 127.

Relief Requested

WHEREFORE, the State requests the Administrative Law Officer assess a civil penalty against Theresa McDonald as permitted by 3 V.S.A. § 127(b)(2)(A).

DATED: October 17, 2025.

STATE OF VERMONT
SECRETARY OF STATE

By: Zoe Newman
Zoe Newman
Prosecuting Attorney
Zoe.Newman@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402