

State of Vermont
Vermont Board of Nursing

In re: Sharon A. Blake
License Number: 026.0024313
Docket Number: 2018-46

Order to Remove Conditions

On October 14, 2019 the Vermont Board of Nursing considered Sharon A. Blake's request for Removal of Conditions imposed pursuant to a Findings and Order effective March 20, 2019, and an Order Amending Prior Order effective May 30, 2019, under Docket Number 2018-46. Sharon A. Blake has met the conditions. After review of the follow-up file, the State does not object to removal of all conditions.

Order:

The Board hereby removes all conditions from Sharon A. Blake's Registered Nurse license.

Vermont Board of Nursing



Ellen Watson, APRN, Chair

Date: October 14, 2019

Date of Entry:

10 / 15 / 19



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

In re: SHARON A. BLAKE
License No. 026.0024313

}
} Docket No. 2018-46 (RN)
}

Participating Board Members:

Ellen Watson, APRN, Chair
Deborah Swartz, RN,
Luana Tredwell, LPN
Douglas Sutton, RN
Krystal Bernier, LPN
William G. White, Jr., Public Member
Jennifer Laurent, APRN
Wendy Thurston, RN

Appearances:

Prosecuting the case: Jennifer B. Colin, Esq.
Respondent: was present and was not represented

Presiding Officer:

George K. Belcher

ORDER AMENDING PRIOR ORDER

This matter came before the Board of Nursing on a Motion to Amend a prior order. The hearing was held on May 13, 2019, at the Office of Professional Regulation in Montpelier, Vermont.

Findings of Fact

Based on the evidence presented to the Board at the hearing and the arguments of the parties, the Board finds as follows:

1. The Board heard a case involving the Respondent on March 11, 2019 and made an order which was entered on March 20, 2019. The Respondent now asks the Board to amend its order to delete any ongoing condition which requires that she disclose that order to future employers.
2. The State opposed the modification of the prior order.
3. The Board reviewed the prior hearing minutes as they related to the prior decision. The Board finds that a continuing condition requiring disclosure to future employers is inconsistent with the decision announced by the Board on March 11, 2019. Accordingly,

the Board considered the matter and decided to delete those parts of the order which, as a license condition, require future disclosure. Of course, the Respondent continues to have a finding of unprofessional conduct as contained in the prior order and that is a record upon her license which might have to be disclosed under certain situations.

4. The State agreed that all conditions for current disclosure and opinion letters had been satisfied by the Respondent.

Based on the above, it is **ORDERED AND ADJUDGED** as follows:

That portion of the prior order dated March 15, 2019 and entered on March 20, 2019 which reads as follows is hereby deleted:

2. "Notification to Employers" Respondent shall provide a copy of this Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of these findings and this Order. Within forty-five (45) days of the date of entry of this Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor or employer to submit to the Board an acknowledgement form approved by the Board, acknowledging receipt of the Order."

In all other respect the prior order continues in force and effect.

SO ORDERED.

Vermont Board of Nursing

Ellen Watson
Ellen Watson, APRN, Chair

28 May 2019
Date

5.30.19
Date of Entry

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 Street, 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
SECRETARY OF STATE
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VERMONT BOARD OF NURSING**

In re: SHARON A. BLAKE

License No. 026.0024313

}
} Docket No. 2018-46 (RN)
}

FINDINGS AND ORDER

Participating Board Members:

Ellen Watson, APRN, Chair
Deborah Swartz, RN,
Luana Tredwell, LPN
Douglas Sutton, RN
Kelly Sinclair, LNA
Krystal Bernier, LPN
Daniel Coane, *ad hoc* public member

Appearances:

Prosecuting the case: Jennifer B. Colin, Esq.
Respondent: was present and was not represented

Presiding Officer:

George K. Belcher

Exhibits:

State Exhibit 1: Lebanon N.H. Police Incident Report

Defendant Exhibits: (All attachments to her answer)

1. Letter from Respondent to Ellen Leff dated 10/17/16
2. Letter of Dr. Neil Marinello to Denise Nies, November 3, 2016
3. Letter of Meredith Kendall, MA to (N.H.) Board of Nursing, 11/5/16
4. Halls of Hope Report 9/16
5. Halls of Hope Report 10/16
6. Mayo Clinic Article "Psychiatric Adverse Effects of Corticosteroids"
7. Letter of Chris Lloyd to Denise Nies, 11/6/16
8. Letter of Irene Hanslin to whom it may concern
9. Amendment to Health Records, Dartmouth Hitchcock
10. State of New Hampshire Criminal Trespass complaint 7/18/16
11. Sharon Blake Letter to Evelyn Nyes (sic) dated 10/31/16

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came before the Board of Nursing on Specification of Charges alleging unprofessional conduct. The hearing was held on March 11, 2019, at the Office of Professional Regulation in Montpelier, Vermont.

Findings of Fact

Based on the evidence presented to the Board at the hearing, the Board finds as follows:

1. Respondent is licensed as a Registered Nurse in the State of Vermont. The Respondent's license is set to expire on March 31, 2019. The Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 28, the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. The prosecutor has filed on 15 May, 2018 Specification of Charges concerning the Respondent's nursing license. A copy of the Charges is attached to this Decision and Order. The Respondent filed a letter of answer on July 26, 2018 which was dated May 29, 2018. In her answer, the Respondent did not contest any of the alleged facts in the Specification of Charges. At the hearing, the Respondent agreed to those facts set forth in paragraphs 11, 12, and 13 of the Specification of Charges.
3. The Respondent has been a Registered Nurse in Vermont and New Hampshire since 1972. She has no prior discipline in either jurisdiction of which the Board is aware.
4. The State presented as evidence the testimony of Lebanon Police Officer, Adam Legend. Officer Legend was the lead investigator of an incident in July of 2015 involving the Respondent. His testimony and State Exhibit 1 establish the following facts.
5. The Respondent was working a home care provider in July of 2015, providing home care to patient, S.P. After a disagreement with her home care supervisor, the Respondent was terminated from her employment. Due in part to her anger with the supervisor, the Respondent returned to the home of her patient. When the patient and his current caregiver were not present, she broke into the house by forcing two doors (breaking glass). While in the house, she opened a locked medication "safe" with a key that she had retained, removed the contents (which included opiates and other medications for the patient), and hid the medications in a closet of the house. Although she initially denied entering the home, she later admitted (on or about September 1, 2015) breaking into the home and hiding the medications. She then disclosed the location of the medications.
6. On September 20, 2016 the Respondent pled guilty to the charge of Criminal Trespass in New Hampshire Circuit Court, a Class A Misdemeanor, in connection with this incident.
7. The only job which the Respondent has had since the July 2015 incident is providing home care to a dementia patient as a private duty nurse, without any agency supervision. In this job she does not administer medication. Her job is two days per week.
8. According to the Respondent, she self-reported the July, 2015 incident to the Vermont and New Hampshire Boards of Nursing. She made full restitution to the victim of the

incident and has participated in counselling since the incident. She is under the care of a psychiatrist and takes prescribed medication for bi-polar disorder, but is being treated for mania and depression.

9. It was postulated by the Respondent and Dr. Neil Marinello (her life coach) that the July, 2015 incident was the result of a manic episode induced by a prescription she was taking for a back ailment (Prednisone and Vicodin). This possibility is reinforced by the unlikely event of an initial onset of bi-polar disorder after age 60. (The Respondent had no prior history of bi-polar disorder.)
10. The Respondent presented a number of character witnesses, including her pastor, her life-coach, and several church parishioners who supported her as a caring, capable leader, worthy of trust.
11. It was the position of the State that the incident was a significant breach of professional rules and statutes and that the public must be protected from similar incidents. The State argued that a public record should be made and made available to the public for protection of patients. The State also recommended that there be a condition of supervised practice for at least a year in order to assure the Respondent's safe practice.
12. The Respondent argued: (1) that the incident in question was the result of an adverse reaction to medication; (2) that the incident was inconsistent with her long history as a nurse and inconsistent with her character; (3) that she had addressed this problem appropriately by counselling and medication; and (4) that the Vermont Board of Nursing should not take any disciplinary action in the same fashion as the New Hampshire Board of Nursing. (The Respondent testified that the New Hampshire Board had investigated and the Board had declined to discipline her.) The Respondent was not adverse to a condition upon her license to advise future employers of the July 2015 incident.

Conclusions of Law

1. The burden of proof in a disciplinary matter is upon the State to show by a preponderance of the evidence that the person engaged in unprofessional conduct. 3 VSA Sec. 129a(c).
2. The Board has considered the evidence and the arguments presented. The Board concludes that the Respondent committed unprofessional conduct. The evidence established that the Respondent violated 26 VSA Sec. 1582 (a)(3) [engaged in conduct of a character likely to deceive, defraud or harm the public]; 3 VSA Sec. 129a(a)(15) [failure to exercise independent professional judgment in performance of licensed activities]; and 3 VSA Sec. 129a(a)(10) [Conviction of a crime related to the practice of the profession].
3. Given the serious nature of the events of July 2015 and the breach of professional duty to the patient, professional discipline is appropriate and necessary. These concerns must be balanced against the clear record of the Respondent and her community support.
4. Accordingly the Board does condition the license of the Respondent as follows:

Based on the above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **CONDITIONS** Respondent's license. The conditions will continue indefinitely and will be as follows:
1. Opinion Letters as to Safety Within forty-five (45) days of this Order the Respondent must, at her own cost, obtain opinion letters from both her treating psychiatrist and her counselor at HCRS who verify receipt of this Board Order. The opinion letters must indicate that, in the opinion of the author, the Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients by reason of her mental condition. In the event that the Respondent cannot meet the 45 day deadline despite her best efforts, she may petition the Board for one extension for good cause. In the event this condition is not satisfactorily met, the matter shall return to the Board for additional and/or alternate remedies, including potential license suspension.
 2. Notification to Employers Respondent shall provide a copy of this Order to all employers in any current or future setting in which Respondent practices as a nurse and inform them of these findings and this Order. Within forty-five (45) days of the date of entry of this Order or of any subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor or employer to submit to the Board an acknowledgement form approved by the Board, acknowledging receipt of the Order.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
- C. This Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

SO ORDERED.

Vermont Board of Nursing

Ellen
Ellen Watson, APRN, Chair

3-15-2019
Date

3.20.19
Date of Entry

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 Street, 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
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:	)	
Sharon A. Blake	)	Docket No.
License No. 026.0024313	)	

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Sharon A. Blake:

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); 3V.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.

Statement of Facts

2. Sharon A. Blake ("Respondent") of Hartland, Vermont is licensed by the State of Vermont as a Registered Nurse ("RN") under license number 026.0024313. This license was originally issued on October 2, 1998 and expires on March 31, 2019.
3. Respondent is also a licensed RN in the State of New Hampshire.
4. In 2015, Respondent was employed as a private duty nurse for a single patient in a home health position in Lebanon, New Hampshire.
5. Respondent was terminated from the private duty position in July 2015.
6. In July 2015, after her employment was terminated, Respondent forcibly entered the patient's home when she knew the patient would not be there.
7. While in the home, Respondent used a key she still possessed to access an armored, locked storage box, which the patient used as a medicine cabinet.
8. Respondent emptied the contents of the medicine cabinet into a bag and hid the bag in a place in the patient's home for the purpose of making it difficult for the patient's caregiver to find.
9. The contents from the medicine cabinet that Respondent hid in the bag included medicines for the patient.

STATE OF VERMONT



Prosecuting Attorney
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89 Main Street
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Montpelier, VT
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10. A couple of weeks after hiding the contents of the medicine cabinet, Respondent contacted the patient's caregiver and told the caregiver about hiding the contents of the box and where they were hidden.
11. Thereafter, Respondent was arrested in New Hampshire for the conduct described above and charged with misdemeanor Criminal Trespass in violation of New Hampshire Revised Statutes 635:2.
12. On September 20, 2016, Respondent pled guilty to Criminal Trespass in New Hampshire Circuit Court, 2nd Circuit, District Division, Lebanon in Case No. 452-2016-CR-01192.
13. When interviewed by OPR Investigator Jeff Jones, Respondent indicated she was on prednisone, tramadol and Vicodin for a back injury in July 2015 at the time of the conduct at issue and stated that being on steroids made her feel "crazy."

Violation One: 3 V.S.A. §129a(a)(10) Conviction of a crime related to the practice of the profession.

14. The State re-alleges and incorporates Paragraphs 2 through 13 above.
15. As an RN, Respondent is prohibited from engaging in criminal conduct related to the practice of nursing.
16. Paragraphs 2 through 13 above demonstrate that Respondent was convicted of misdemeanor Criminal Trespass after gaining unauthorized forcible entry into a former client's home in violation of New Hampshire RSA 635:2.
17. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(10).

Violation Two: 3 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

18. The State re-alleges and incorporates Paragraphs 2 through 13 above.
19. As an RN, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
20. Paragraphs 2 through 13 demonstrate that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public by intentionally gaining forcible and unauthorized entry into a former patient's home and hiding the patient's medicines to make it difficult for the patient's caregiver to find.
21. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. §1582(a)(3).

STATE OF VERMONT



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Violation Three: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

22. The State re-alleges and incorporates Paragraphs 2 through 13 above.
23. As an RN, Respondent is required to exercise her own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
24. Paragraphs 2 through 13 demonstrate that Respondent failed to exercise independent professional judgment by intentionally gaining forcible and unauthorized entry into a former patient's home and hiding the patient's medicines to make it difficult for the patient's caregiver to find.
25. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Relief Requested

WHEREFORE, the license of Sharon A. Blake should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 15th day of May, 2018.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

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STATE OF VERMONT



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