

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

In re Sabrina Bull }
License No. 025-0008902 }
Docket No. NU76-0507 }

**FINDINGS OF FACT
CONCLUSIONS OF LAW & ORDER**

On Monday 8 September 2008, the Vermont Board of Nursing (Board) heard this contested case of alleged unprofessional conduct. The State of Vermont brought a Specification of Charges dated 29 April 2008 against Respondent Sabrina Bull. ("Charges") Board members Jeanine Carr, Ellen W. Leff, Donarae Metcalf, Sandra J. Norton, Linda M. Y. Rice (Chairperson), Deborah Robinson, Alan H. Weiss, DeAnn Welch and William White

The Respondent appeared on her own behalf. Edward G. Adrian represented the State of Vermont. Board counsel Kevin F. Leahy presided.

The Board accepted the following into evidence:

- Exhibit 1: Respondent Answer to charges.
- Exhibit 2: Kindred Healthcare performance improvement form w/attached documents.
- Exhibit 3: Patient progress notes.

In addition to the testimony received from the Respondent, the State called Rochelle Parker, administrator of Starr Farm Nursing Home in Burlington, Vermont.

**Findings of Fact &
Conclusions of Law:**

1. The Board licenses the Respondent and may exercise its disciplinary authority if the Board finds that the State has proven allegations of licensee unprofessional conduct. 26 V.S.A. Chapter 28; 3 V.S.A. § 129(a); the Admin. Rules for the Bd. of Nursing and the Admin. Rules for the Office of Prof. Reg.
2. Respondent held a Board issued State of Vermont practical nursing (LPN) license, which she did not renew when it lapsed in January 2008.
3. The events giving rise to this disciplinary case allegedly occurred in May 2007 when Respondent possessed an active license.
4. The primary factual allegation of unprofessional conduct raised in the Charges is that, while employed at Starr Farm Nursing Home (the "Facility") the Respondent:

documented on the [a patient's] nursing assessment form that she had done a skin assessment for [a patient], however in the nursing

notes the Respondent indicated that she did not check [the patients'] groin and right foot dressing as would have been part of a normal skin assessment because the patient refused.

See Charges at ¶5.

5. In a disciplinary hearing, the state has the burden of proof. To satisfy its evidentiary burden, it must "show by a preponderance of the evidence that [a licensee] has engaged in unprofessional conduct." 3 V.S.A. § 129a (c).
6. The Respondent does not dispute the material factual allegations, which the State contents support a finding of unprofessional conduct. The State therefore meets its statutory burden of proof. *Id.*
7. The issue for the Board therefore is whether the facts proved at the hearing, and as more fully explained by the evidence received at the hearing, constitute a violation of the unprofessional conduct statutes that the State, in its Specification of Charges, contends the Respondent violated.
8. The State's charges alleged violations of four (4) unprofessional conduct statutes.
9. There were no specific allegations and/or evidence to support the charges of violating 3 V.S.A. § 129a (a) (3); and 26 V.S.A. § 1582(a) (3) or (7). The Board therefore did not consider those three charges.
10. At the hearing, the State went forward with evidence in support, and the Board considered, one charge of violating 3 V.S.A. § 129a (b)(2) (failure to conform to essential standards of acceptable and prevailing practice may constitute unprofessional conduct).
11. The State's evidence demonstrated that there were essential standards expected of Respondent when conducting an intake assessment, and the evidence further showed the Respondent's failure to follow through and conduct the patient's skin assessment did not conform to either acceptable or prevailing practice.
12. The Board finds that the facts of this case rise to the level of unprofessional conduct and the Board further finds that the unprofessional conduct warrants discipline.
13. In light of the factual findings made by the Board, we rule that the Respondent violated 3 V.S.A. § 129a(b) and the violation in this case constitutes unprofessional conduct.

ORDER

Based on the findings of facts set forth above, the Board of Nursing therefore REPRIMANDS the Respondent's license for failure to conform to the essential standards of acceptable and prevailing practice on a single occasion; and

The Board ORDERS that the Respondent must successfully complete a course, approved by the Board or its designee, in nursing documentation prior to seeking reactivation of her Vermont practical nursing license.

- END -

(signature page to follow)

Vermont Board of Nursing:

By: Linda M. Y. Rice APRN Date: 9-15-08
Linda M. Y. Rice, APRN
Board Chairperson

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9/24/08

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 the decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Secretary of State's Office, National Life Building, FL2, 1 National Life Drive, Montpelier, Vermont 05602-3402 within 30 days of the entry of the order.

For more information about the procedure for filing an appeal, please see the Administrative Rules for the Office of Professional Regulation, which you can find at: <http://www.vtprofessionals.org/opr1/opr/admnrule.pdf> and the Rules are also available at the Office of Professional Regulation.

If you file an appeal, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The appellate officer will review the record (the tape recording, exhibits etc.) created before the board during the hearing of your case. In cases of alleged irregularities in procedure before the board, not shown in the record, proof related to that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.