

**STATE OF VERMONT
BOARD OF NURSING**

In re: Sharon E. MacBride
License No. 026-0024904

}
} Docket No. NU 23-1004
}
}

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Susan Farrell, RN, Chair
Alan Weiss
Sandra Norton, LNA
Deann Welch, LPN
Kenneth W. Bush, RN

Appearances:

for Petitioner, State of Vermont: Edward G. Adrian
for Respondent: Pro se

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on October 10, 2005 at 81 River Street in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The prosecution alleges in its Specification of Charges that Ms. MacBride, a registered nurse, wrote an order for and dispensed Tylenol #3 to J.G. without having obtained a physician order.

Findings of Fact

Based on substantial credible evidence presented, the Board finds as follows:

This respondent is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. §1582(a), 3 V.S.A. §§ 129 and 129a.

2. On October 2, 2004 Ms. MacBride was employed as a registered nurse at the Chittenden County Correctional Center in South Burlington, Vermont. It was her second day at this job.
3. On that date she wrote an order extending a prescription for Tylenol #3 to patient J.G. without having a physician's order. She extended the order for four more days.
4. Ms. MacBride attempted to contact the doctor to obtain his prescription. She was unable to get a reply.
5. Ms. MacBride admitted what she did.
6. A general rule at the Chittenden facility is the prescriptions are only for three days. This is because of patient/inmate turnover.
7. Due to the severity of the wound J.G. had, and knowing that he was to remain in jail for two more weeks, Ms. MacBride changed his dressing. Doing so without a prior medication authorization would have caused him unnecessary pain.
8. The Board finds Ms. MacBride's statement that she would not presume to replace a physician's judgment and prescribe to the credible. At that time it was difficult or impossible for Ms. MacBride to reach the physician whose order was necessary.
9. The Dr.'s order for this prescription came the next day.

Conclusions of Law

1. The State has proved by a preponderance of the evidence that Ms. MacBride has violated 26 V.S.A. § 1582(a)(3) by performance of unsafe or unacceptable patient care. Administrative Rules Board of Nursing Chapter 4, Subchapter 4(II)(B)(2).

Order

Ms. MacBride's license is hereby **reprimanded**.

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, 26 Terrace Street, Montpelier, Vermont 05609-1101 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.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, Chair

Dated: 10/10/05

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/13/05

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

IN RE:)
SHARON E. MACBRIDE) **Docket No: NU 23-1004**
License No. 026-0024904)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Sharon E. MacBride, R.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, 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)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.
2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
3. The inability to practice nursing by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
4. The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter 4, (II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter 4, (II)(B)(2).

Statement Facts

5. The Respondent, Sharon E. MacBride, is licensed in the State of Vermont as a Registered Nurse under license number 026-0024904. The Respondent's license was originally issued on July 15, 1999 and is currently set to expire on March 31, 2007.
6. At all times relevant, the Respondent was employed as an R.N. by Correctional Medical Services, Inc. at the Chittenden Regional Correctional Facility in South Burlington, Vermont.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

7. On October 2, 2004, the Respondent wrote an order for and dispensed Tylenol #3 to client J.G. without having obtained a physician order to do so.

Charges

8. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

(i) 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter 4, (II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter 4, (II)(B)(2); and

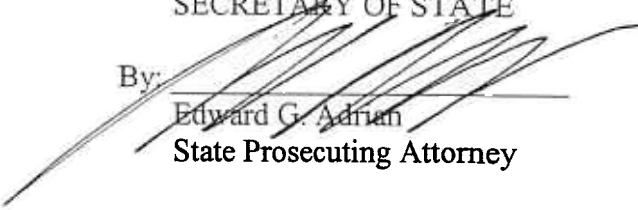
(ii) 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

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

Dated at Montpelier, Vermont this 20 day of June 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

nu.macbride.soc

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