

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE:	Nancy McDonald	)	
	Case File No. NU62-0303	)	DEFAULT ORDER
	License No. 26-16373	)	

Introduction

The Board of Nursing held a default hearing in the above matter on November 10, 2003 at 81 River Street in Montpelier, Vermont. Board members De-Ann Welch, Sandra Norton, Sue Cota, Alan Weiss, Susan Farrell, Linda Rice, Donarae Metcalf, Elayne Clift and Laurey Tyo participated in the decision. State Prosecuting Attorney Edward Adrian appeared for the State. The Respondent did not attend.

Findings of Fact

1. The Respondent was sent notice of the Charges against her to her last known address by certified mail and first class mail on September 18, 2003.
2. The certified mailing was returned to the Office of Professional Regulation ("the Office") as undeliverable mail on September 23, 2003. The regular mailing was not returned.
3. Notice of the default hearing was mailed to that same address by certified and regular mail on October 27, 2003.
4. The Respondent has not contacted the Office or the State Prosecuting Attorney regarding her failure to answer the charges against her.
5. After taking notice of its own file, the Board found the Respondent to be in default. The allegations contained in the State's Specification of Charges dated September 12, 2003 (copy attached) are therefore treated as the facts on which the Board's order is based.

Conclusions of Law

The Respondent has received adequate notice of the charges against her as indicated by the Board's file. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the

unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby INDEFINITELY SUSPENDED, effective as of the date of the hearing. Such suspension shall remain in place until such time as the Respondent petitions the Board for reinstatement, addressing these charges and how reinstatement will not pose a threat to the public health safety and welfare. Such petition will be granted at the Board's discretion and subject to any conditions the Board deems appropriate.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell, R.N.
Chair

Date: Nov. 21, 2003

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/1/03

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

IN RE:
NANCY JANE MCDONALD
License No: 026-0016373

Docket No: NU 62-0303

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Nancy Jane McDonald, 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. §129a; 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).

Facts

2. At all times relevant to these charges, the Respondent was licensed as a Registered Nurse in the State of Vermont under license number 026-0016373.
3. The Respondent's license was originally issued on December 23, 1985 and the Respondent's license is currently set to expire on March 31, 2005.
4. The Respondent was employed at Professional Nurses Service, Inc. in Winooski, Vermont at all times relevant.
5. On or about December 31, 2002, the Respondent was scheduled to work at a patient's home during the hours of 8:00 a.m. to 4:00 p.m. The patient was a newborn baby with health issues. At approximately 11:00 a.m., the Respondent's supervisor called the patient's father. The father informed the supervisor that the Respondent was not working that day.
6. The Respondent never called her supervisor to inform the supervisor that the Respondent would not be showing up for work.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

7. On or about January 2, 2003, the Respondent was scheduled to work at the same patient's home during the hours of 9:00 a.m. to 5:00 p.m.
8. At approximately 9:30 a.m. on that day, the Respondent's supervisor made an unannounced "on-site" visit and found that the Respondent had not shown up for work at her scheduled time.
9. The patient's mother informed the supervisor that the Respondent had called the patient's mother at approximately 9:15 a.m. to inform the mother that she would be late for work.
10. At no time did the Respondent call her supervisor to inform the supervisor that the Respondent would be late for work.
11. The Respondent's supervisor attempted to locate the patient's medical chart, however, it was not at the patient's home as it should have been in case of an emergency.
12. On January 2, 2003 at approximately 10:00 a.m., the Respondent's supervisor made a trip to the Respondent's home and found the Respondent still there.
13. The supervisor learned that the patient's chart had been kept inside of an oven on the front porch of the Respondent's home.
14. The Respondent's employee record contains documentation relative to the Respondent's failure to arrive at scheduled shifts at another patient's home on multiple occasions.

Charges

15. The above acts, omissions and/or circumstances described in the paragraphs above, constitute grounds for discipline because Respondent violated:
 - a. 26 V.S.A. §1582(a)(7) (Conduct of a character likely to deceive, defraud, or harm the public), which includes leaving a nursing assignment without properly advising appropriate personnel, pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(D)(6); and
 - b. 26 V.S.A. §1582(a)(3) (Inability to practice nursing competently), which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing ("ARBN") Chapter 4, Rule IV(II)(B)(1), and the failure to conform to the essential standards of acceptable and prevailing nursing practice

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

pursuant to the Administrative Rules of the Board of Nursing
("ARBN") Chapter 5, Rule IV(II)(B)(2).

WHEREFORE, the Respondent's license should be revoked,
suspended, reprimanded, or otherwise disciplined.

Dated at Montpelier, Vermont this 12th day of September 2003.

STATE OF VERMONT

SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

nu.mcdonald.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602