



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.

*Patricia P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse           §  
License Number 442665                       §  
issued to ROSEMARY JEAN MCBRIDE       §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 442665, issued to ROSEMARY JEAN MCBRIDE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate (RN) in Nursing from Jersey General Hospital, St. Helier, Jersey Channel Islands, England on November 1, 1971. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1978.
4. Respondent's complete professional nursing employment history is unknown.
5. On or about September 21, 2010, while holding a license as a Registered Nurse in the State of Texas, Respondent received a Stipulation and Final Agency Order from the Colorado State Board of Nursing wherein Respondent's license to practice professional nursing in the State of Colorado was accepted for Voluntary Surrender after failing to participate in the Colorado Board of Nursing Peer Assistance Services Program for abuse of Cocaine and Alcohol. A copy of the Stipulation and Final Agency Order from the Colorado State Board of Nursing

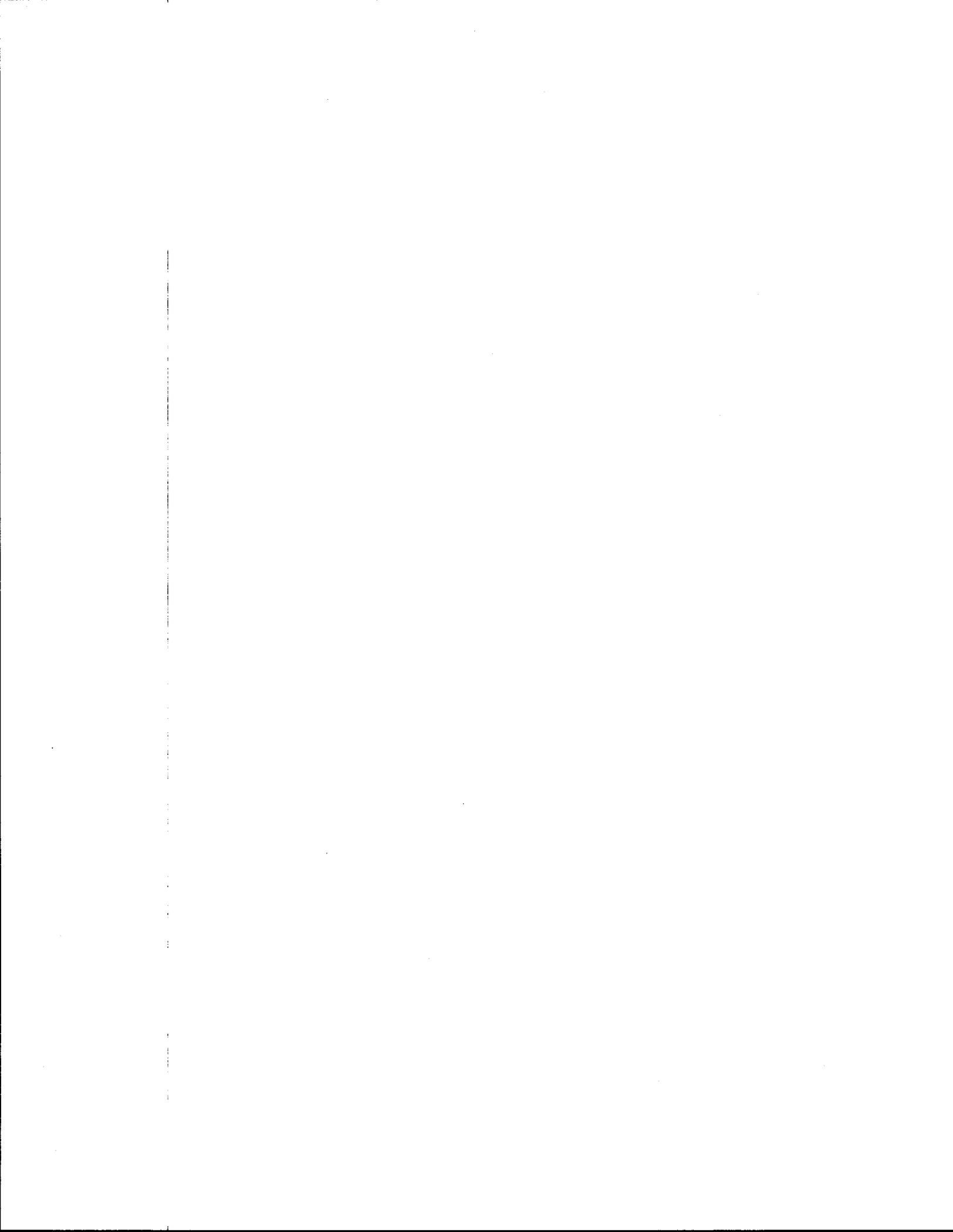


dated September 21, 2010 is attached and incorporated by reference as a part of this Order.

6. Formal Charges were filed on May 4, 2011. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
7. Formal Charges were mailed to Respondent on May 4, 2011.
8. On June 20, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated June 15, 2011, is attached and incorporated herein by reference as part of this Order.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(8), Texas Occupations Code.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.



ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 442665, heretofore issued to ROSEMARY JEAN MCBRIDE, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

---

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

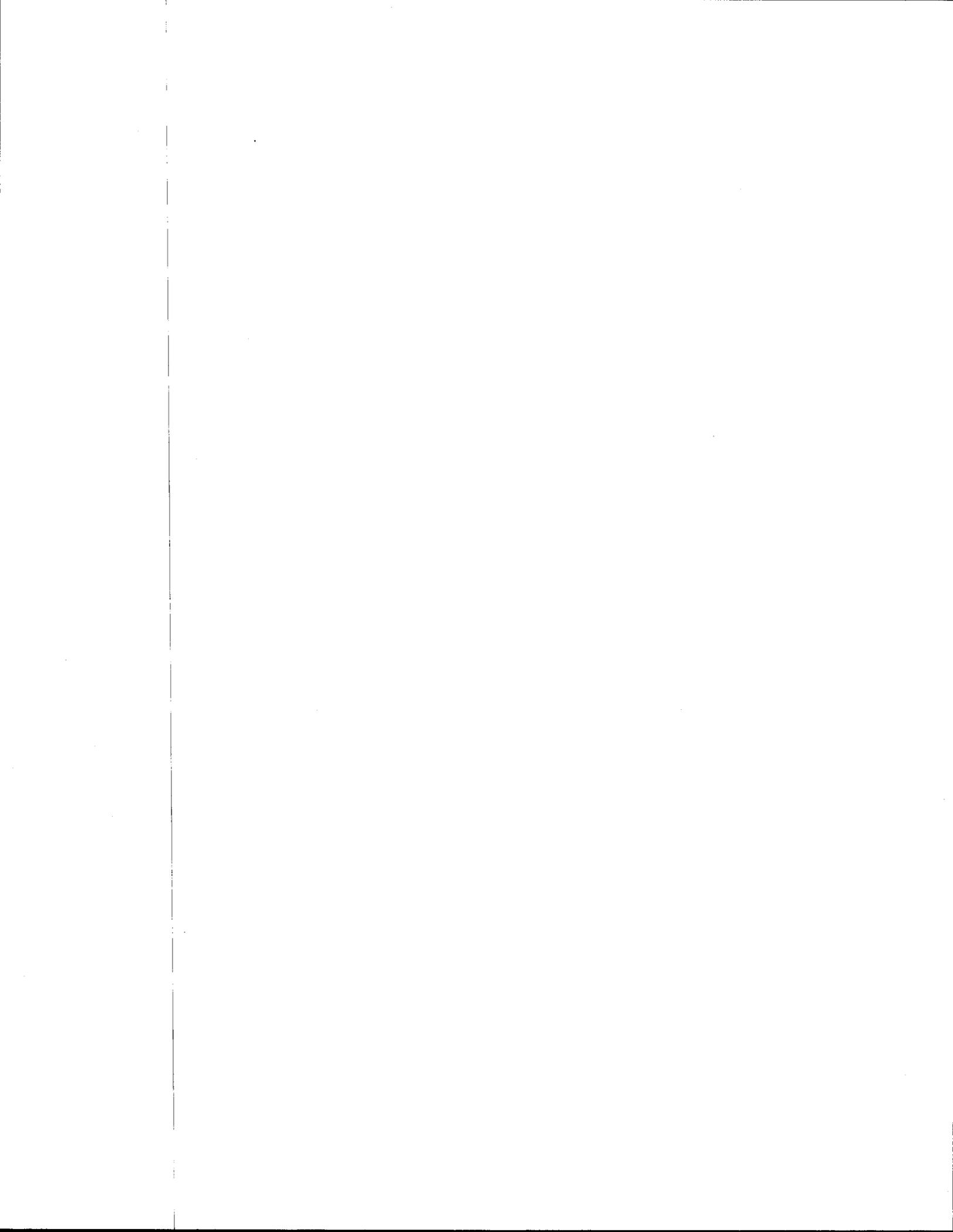
Effective this 18<sup>th</sup> day of July, 2011.



TEXAS BOARD OF NURSING

By:

Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board



Rosemary Jean McBride  
113 Ruxton Ave.  
Manitou Springs, Colorado 80829  
Texas RN License #442665

Voluntary Surrender Statement

May 24, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Rosemary McBride  
Date 6/15/11  
Texas Nursing License Number/s 442665

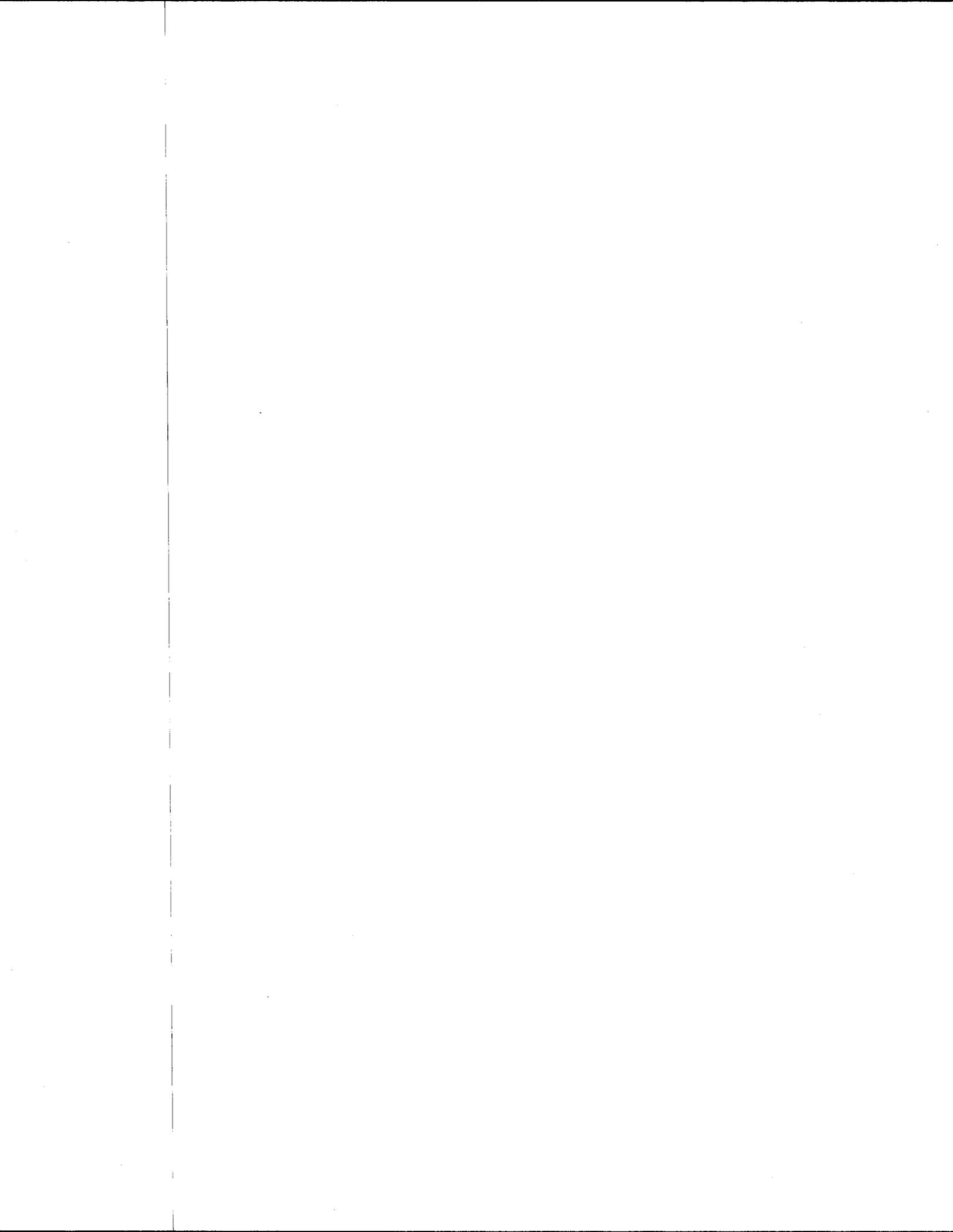
The State of Texas

Before me, the undersigned authority, on this date personally appeared ROSEMARY JEAN MCBRIDE who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 15<sup>th</sup> day of June, 2011.

SEAL

Jimmie Logue  
Notary Public in and for the State of Colorado  
My Commission Expires 07/15/12



**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 442665, Issued to** §  
**ROSEMARY JEAN MCBRIDE, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ROSEMARY JEAN MCBRIDE, is a Registered Nurse holding license number 442665, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### **CHARGE I.**

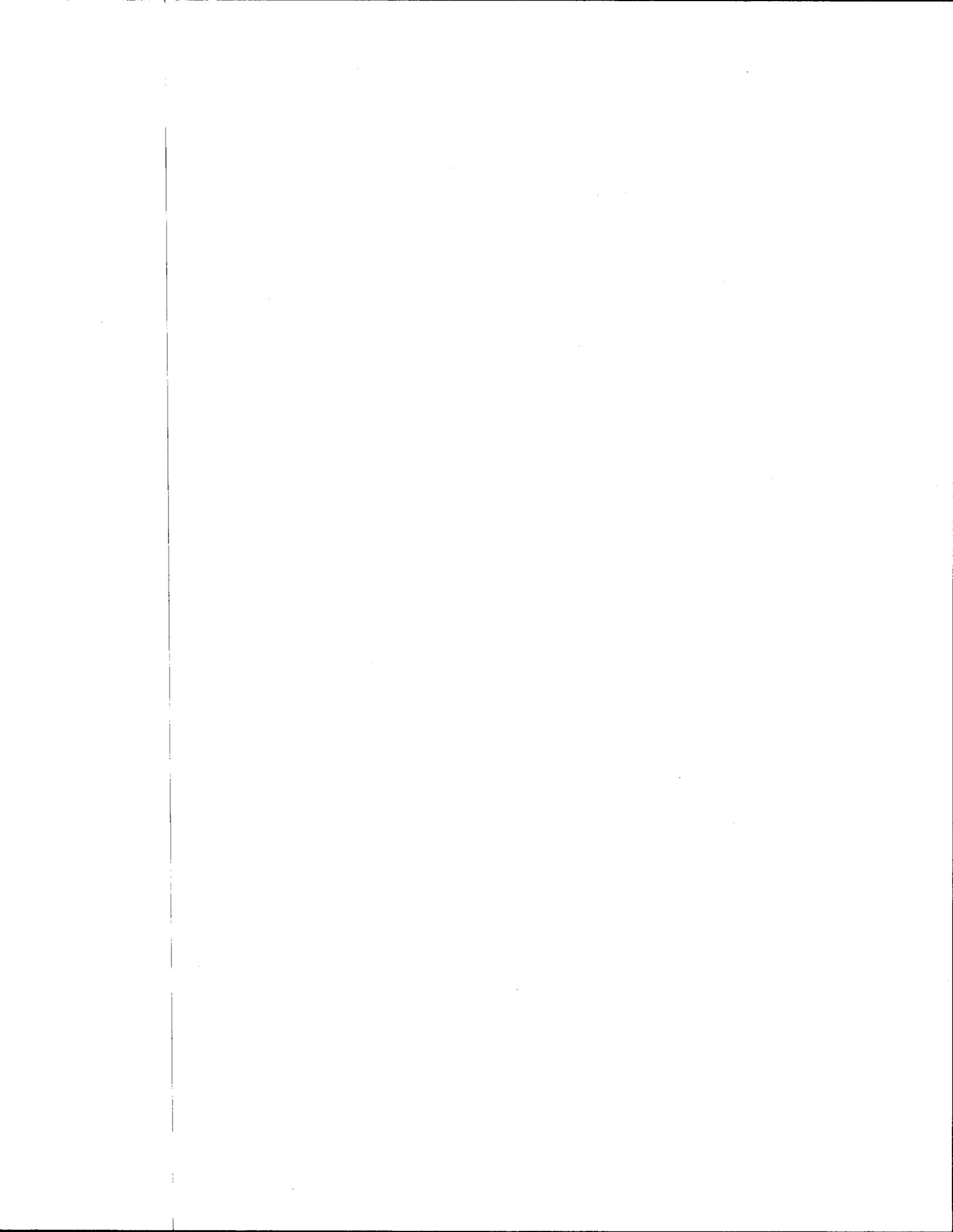
On or about September 21, 2010, while holding a license as a Registered Nurse in the State of Texas, Respondent received a Stipulation and Final Agency Order from the Colorado State Board of Nursing wherein Respondent's license to practice professional nursing in the State of Colorado was accepted for Voluntary Surrender after failing to participate in the Colorado Board of Nursing Peer Assistance Services Program for abuse of Cocaine and Alcohol. A copy of the Stipulation and Final Agency Order from the Colorado State Board of Nursing dated September 21, 2010 is attached and incorporated by reference as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

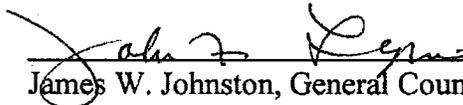
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).



NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Stipulation and Final Agency Order from the Colorado State Board of Nursing dated September 21, 2010.

Filed this 4<sup>th</sup> day of May, 20 11.

TEXAS BOARD OF NURSING

  
\_\_\_\_\_

James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

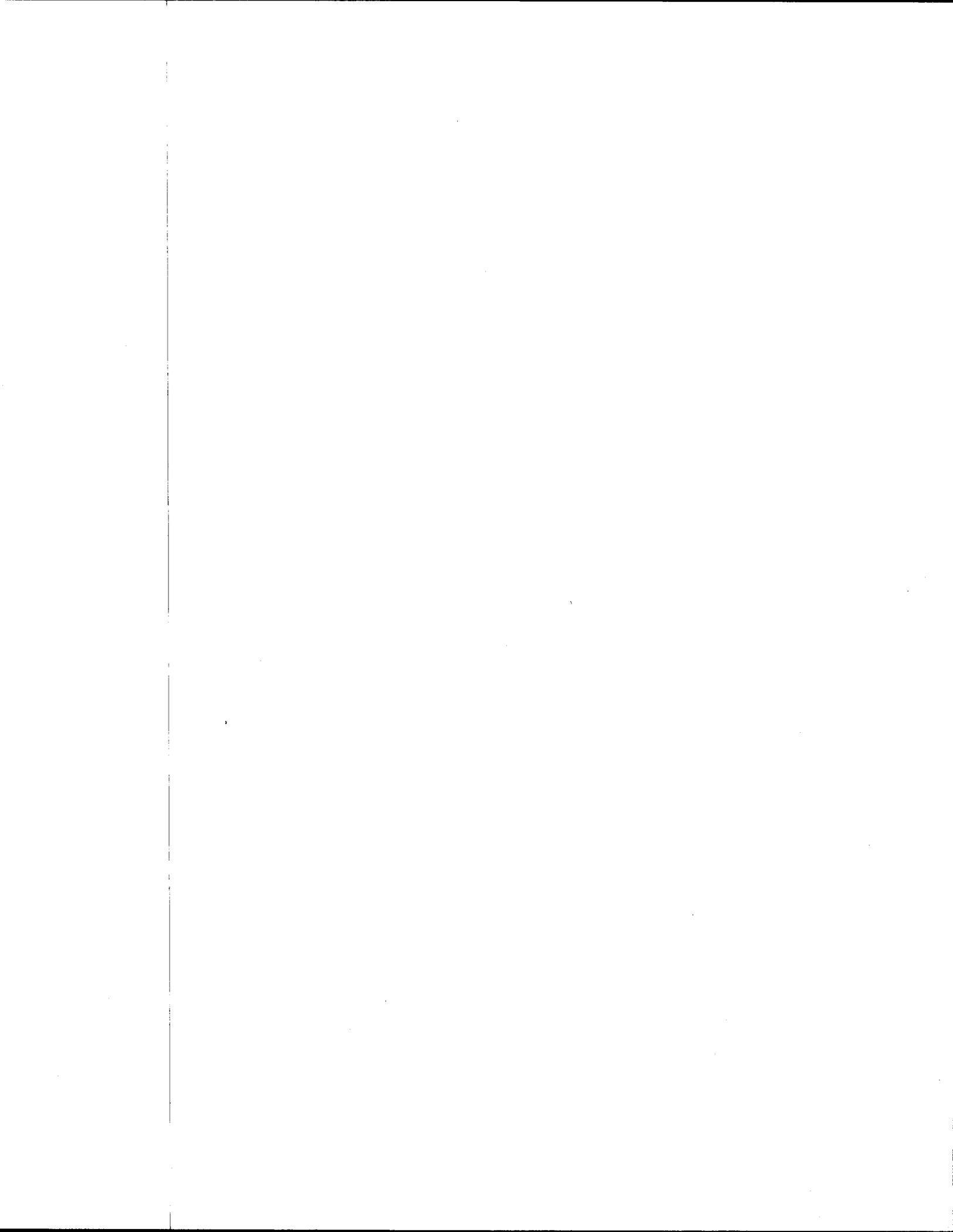
Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512)305-7401

Attachments: Stipulation and Final Agency Order from the Colorado State Board of Nursing dated September 21, 2010.

D/2010.12.28





**Dora**  
Department of Regulatory Agencies

Division of Registrations  
Rosemary McCool  
Director

State Board of Nursing  
Kennetha Julien  
Program Director

Bill Ritter, Jr.  
Governor

Barbara J. Kelly  
Executive  
Director

---

**MEMORANDUM**

---

To: Texas Board of Nursing  
Attn: Barbara Darling, Admin. Asst. III  
Ad-Tech Assistant Supervisor  
333 Guadalupe, Ste. 3-460  
Austin, TX 78701

From: Charlene Douglas   
Complaint Specialist  
303-894-2323  
charlene.douglas@dora.state.co.us

Date: October 18, 2010

Subject: ROSEMARY JEAN MCBRIDE, RN

---

**RN License No:** 97242      **Status:** Surrendered      **Date of Expiration:** 09/21/10

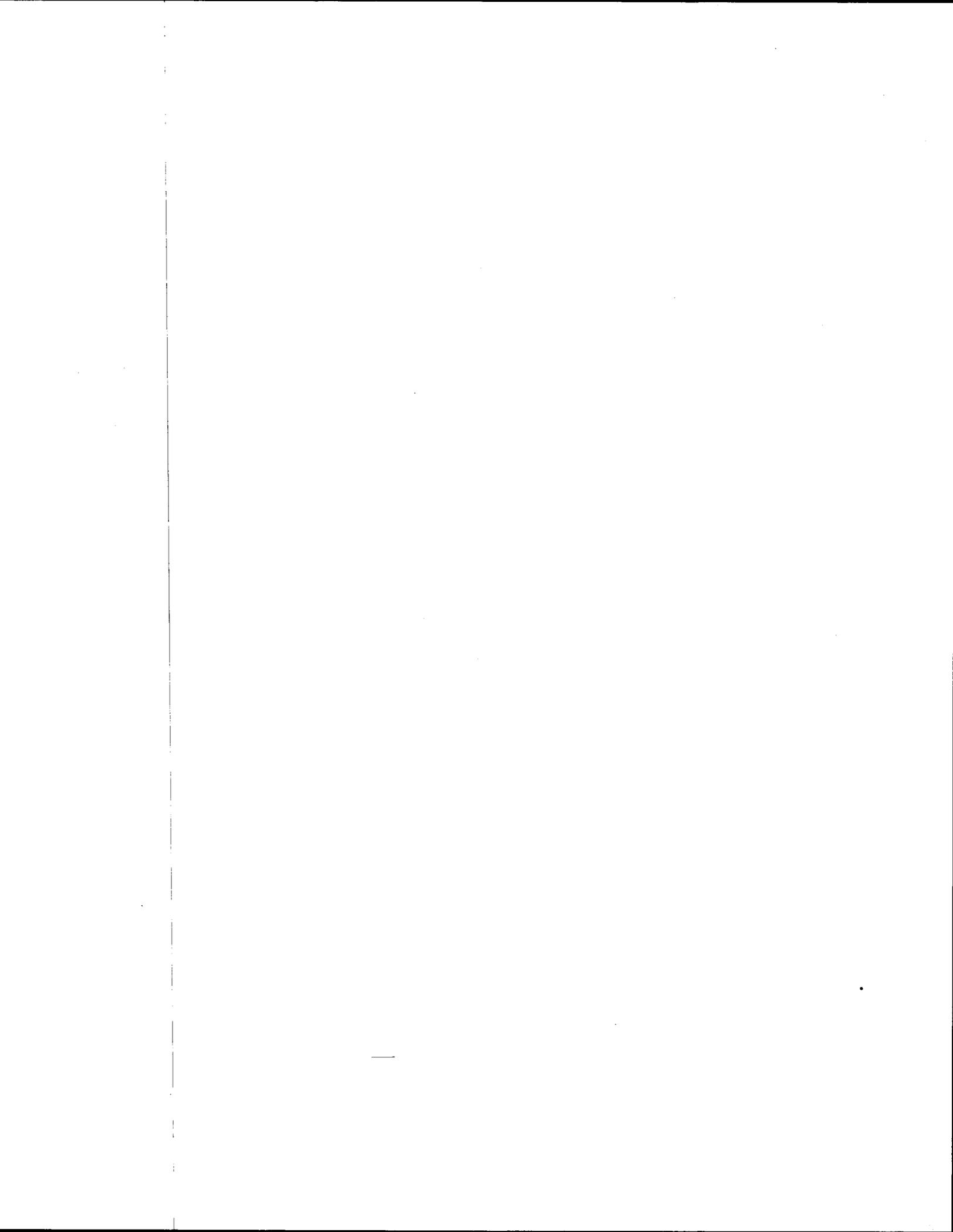
---

The Stipulation and Final Agency Order ("Stipulation") you requested on the above licensee is attached. The matter has gone to hearing and the Stipulation contains the Board's decisions relating to the Findings of Fact, Conclusions of Law, and Sanction. It became effective on September 21, 2010.

If you wish information in addition to what is contained in the Stipulation, you may request an appointment to review the licensing file or you may place specific questions in writing to the Board for its response.

*For future requests, please note: Disciplinary documents with an effective date from January 1, 1999, forward can now be viewed online. Visit the Board of Nursing home page at [www.dora.state.co.us/nursing](http://www.dora.state.co.us/nursing) and click on "View Registrations Online Disciplinary Documents ROD)" to search and view documents.*







**Dora**  
Department of Regulatory Agencies

**Division of Registrations**  
Rosemary McCool  
Director

**State Board of Nursing**  
Kennetha Julien  
Program Director

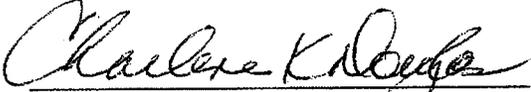
Bill Ritter, Jr.  
Governor

Barbara J. Kelly  
Executive  
Director

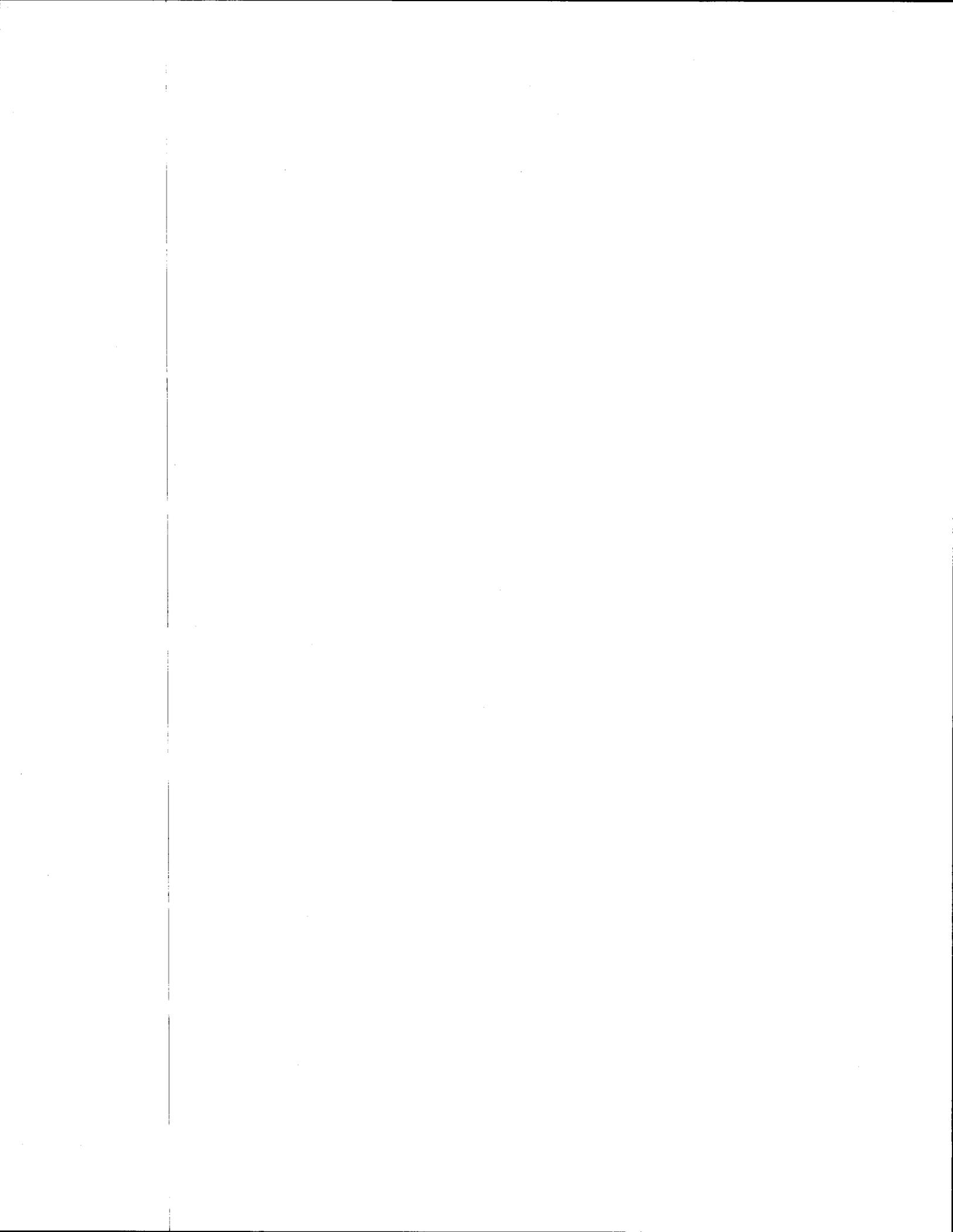
CERTIFICATE OF SERVICE

I hereby certify that the attached is a true and correct copy of the Stipulation and Final Agency Order regarding the license to practice as a professional nurse of Rosemary Jean McBride in the State of Colorado.

In testimony whereof, I sign my name and affix the seal of this Board at Denver, Colorado, on this 18th day of October, 2010.

  
Charlene K. Douglas, Complaint Specialist





BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

Case No. 2010-004515

---

**STIPULATION AND FINAL AGENCY ORDER**

---

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE PROFESSIONAL NURSING IN THE STATE OF COLORADO OF ROSEMARY JEAN MCBRIDE, RN, LICENSE NO. 97242,

RESPONDENT.

---

IT IS HEREBY STIPULATED by and between the State Board of Nursing, Inquiry Panel B (the "Board"), and Rosemary Jean McBride, RN ("Respondent"), as follows:

1. Respondent was licensed to practice as a professional nurse in the State of Colorado on October 1, 1991, has been licensed at all relevant times herein, and is now so licensed.

2. The Board has jurisdiction over the person of Respondent and the subject matter of this Stipulation and Final Agency Order ("Order").

3. It is the intent of the parties and the purpose of this Order to provide for a settlement of all matters set forth in case number 2010-004515 only, without the necessity of holding a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe, or affect this Order.

4. Respondent understands and acknowledges that:

a. Respondent has the right to be represented by an attorney of Respondent's choice, and Respondent has voluntarily chosen to proceed without representation;

b. Respondent has the right to a formal disciplinary hearing pursuant to sections 12-38-116.5 and 24-4-105, C.R.S.;

c. By entering into this Order, Respondent knowingly and voluntarily waives the right to a hearing, admits the facts contained in this Order, and relieves the Board of its burden of proving such facts;

d. By entering into this Order, Respondent knowingly and voluntarily waives the right to present a defense by oral and documentary



evidence, and to cross-examine witnesses who would testify on behalf of the Board; and

e. By entering into this Order, Respondent knowingly and voluntarily waives the right to seek judicial review of this Order.

5. Respondent admits the following:

a. Respondent is addicted to or has abused cocaine and alcohol and is diagnosed with a major depressive disorder.

b. On November 16, 2009, Respondent voluntarily signed a rehabilitation contract with the nursing peer assistance or nurse alternative to discipline program as administered by Peer Assistance Services ("PAS").

c. The requirements of Respondent's rehabilitation contract with PAS included, but were not limited to, abstain from mood altering drugs/alcohol, participate in an outpatient treatment program, meet with therapist bi-monthly, meet with psychiatrist quarterly, submit random urine screens according to a randomized schedule, attend two peer support groups monthly, attend three 12-step meetings weekly, and provide reports.

d. From December 2009 to May 2010, Respondent failed to submit urine samples and provided samples that were dilute and could not be tested. She also failed to provide documented evidence of treatment and 12-step meeting attendance.

e. Respondent withdrew from PAS on May 10, 2010.

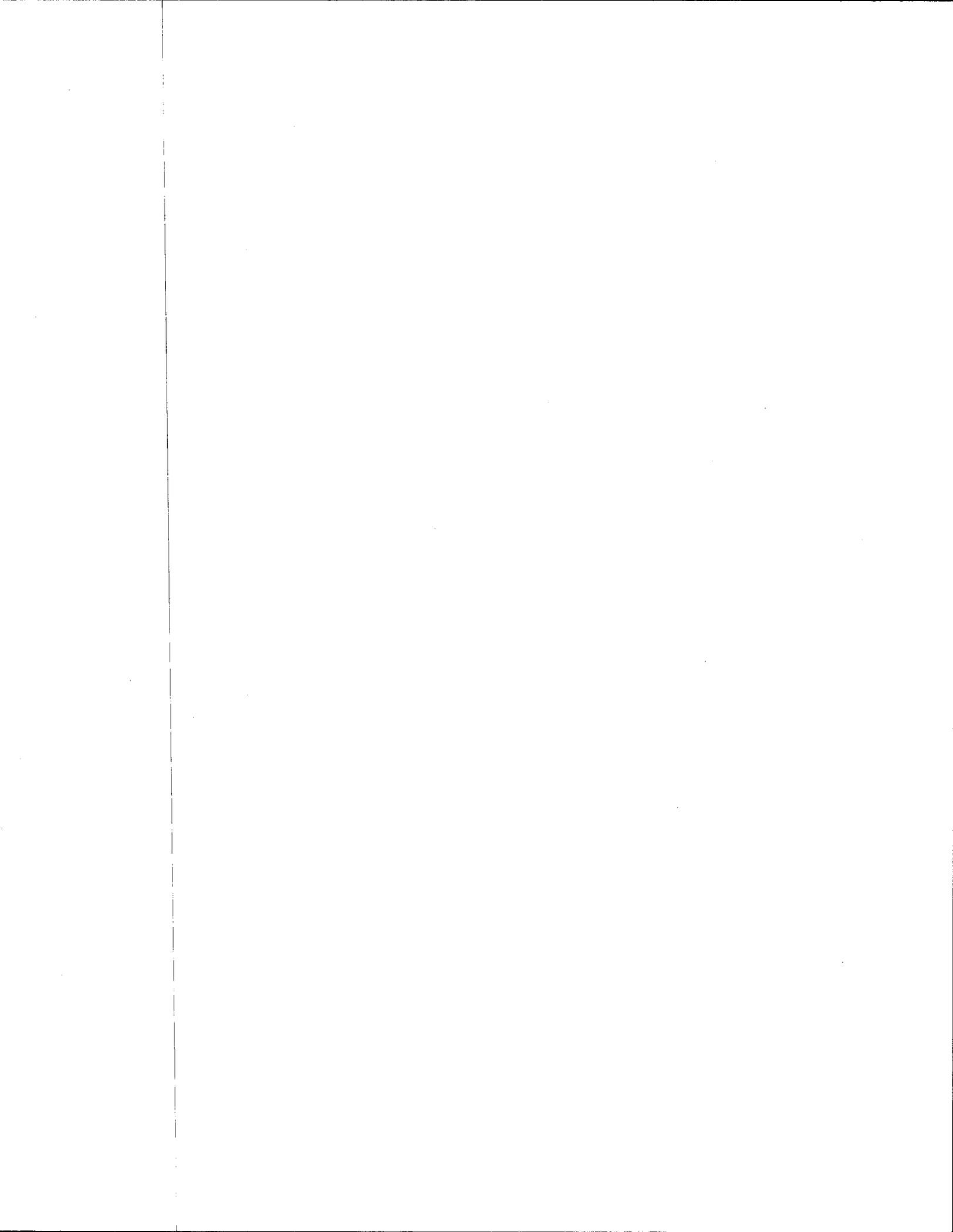
6. By virtue of the admissions in paragraph 5 above, Respondent admits, and the Board hereby finds, that Respondent is subject to discipline pursuant to section 12-38-117(1)(i), C.R.S.

7. The Board is authorized by section 12-38-116.5(4)(c)(III), C.R.S., to order appropriate disciplinary sanctions as set forth in this Order.

8. The Board is authorized to suspend, revoke, impose an administrative fine, or otherwise discipline any licensee as provided in section 12-38-108(1)(b.5), C.R.S., for any of the following:

**12-38-117. Grounds for discipline.** (1) "Grounds for discipline," as used in this article, means any action by any person who:

- (i) Excessively uses or abuses alcohol, habit-forming drugs, controlled substances, as defined in section 12-22-303, or other drugs having similar effects, or is diverting controlled substances, as defined in section 12-22-303, or other drugs having similar effects from the licensee's place of employment; except that the board has the



discretion not to discipline the licensee if such licensee is participating in good faith in a program approved by the board designed to end such excessive use or abuse.

9. Respondent hereby relinquishes the license and the right to practice as a professional nurse in the State of Colorado, and requests that this Order be accepted by the Board with the same force and effect as an order entered as a result of a formal disciplinary hearing. Additionally, while this Order is in effect, Respondent agrees to not practice professional nursing in the State of Colorado pursuant to the Nurse Licensure Compact, sections 12-60-3201 and -3202, C.R.S. The Board finds that it is in the public interest to accept said relinquishment with the full force and effect of a revocation ordered by the Board. Respondent tenders the license simultaneously with execution of this document.

10. Respondent understands that if Respondent applies for licensure at any future time, Respondent will be required to comply with all licensure criteria which exist at the time of the application, including re-examination, if necessary.

11. Both parties acknowledge that the terms of this Order were mutually negotiated and determined.

12. Both parties acknowledge that they understand the legal consequences of this Order, both parties enter into this Order voluntarily, and both parties agree that no term or condition of this Order is unconscionable.

13. This Order shall become an order of the Board when accepted by the Board and signed by an authorized Board representative.

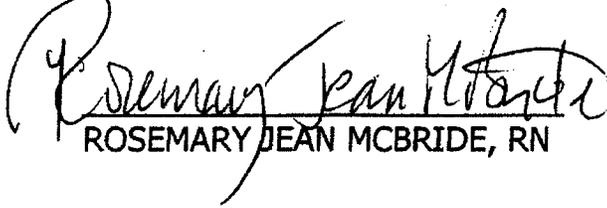
14. Upon becoming effective, this Order shall become a permanent part of the record and shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Order shall be reported to the National Council of State Boards of Nursing, the Healthcare Integrity and



Protection Data Bank, and as otherwise required by state or federal law.

RESPONDENT

STATE BOARD OF NURSING

  
ROSEMARY JEAN MCBRIDE, RN

  
KENNETHA JULIEN  
Program Director  
State Board of Nursing  
1560 Broadway, Suite 1370  
Denver, Colorado 80202

Effective Date: This 21 day of  
September, 2010.

