

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

**In re: Brooke Bourdeau
License no. 026.0152093**

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Docket No. 2024- 88

Pre-Charge Stipulation and Consent Order

The matter captioned above arises from a complaint made to the Office of Professional Regulation. The parties to the case hereby agree to an expedited resolution of the matter as follows:

Stipulated Facts and Violations

1. Brooke Bourdeau ("Respondent") of Milton, Vermont is licensed as a Registered Nurse ("RN") under license number 026.0152093. The State of Vermont first issued this license on July 25, 2023, and the license expires on March 31, 2025.
2. The State of Vermont previously licensed Respondent as Licensed Practical Nurse ("LPN") under license number 025.0136238 from July 13, 2022 to January 31, 2024.
3. On or about June 5, 2023, while working as an LPN at a senior housing facility in Shelburne, Vermont, Respondent sent a snapchat message about a resident incident to a friend, who was not an employee of the facility and was not eligible to receive the information under HIPAA. The message included a picture of the resident and the resident's name.
4. As a result, the facility terminated her employment.
5. These acts constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(3) Failure to comply with provisions of federal or State statutes or rules governing the practice of the profession, incorporating 45 C.F.R. § 164.502 (the Health Insurance Portability and Accountability Act of 1996 ("HIPAA")) and 18 V.S.A. § 1881 (the state law incorporating HIPAA protections)).

Understandings

6. Respondent admits the facts above are true and the conditions below are necessary to protect the public.
7. Respondent understands that this Pre-Charge Stipulation and Consent Order will be reviewed and the tribunal may accept or reject the Order set forth below. If the tribunal rejects all or any portion of the Order, then this entire document shall be null and void.

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Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

8. Respondent specifically waives any claim that any disclosures made to the tribunal during its review of this agreement prejudice Respondent's right to a fair and impartial hearing if this agreement is not accepted and proceeds to a merits hearing before the same tribunal.
9. Respondent has read this document fully and agrees it contains the entire agreement between the parties.
10. This Pre-Charge Stipulation and Consent Order is entered into voluntarily by Respondent after the opportunity to consult with legal counsel. Respondent has not been coerced by anyone into signing this Pre-Charge Stipulation and Consent Order.
11. Respondent voluntarily waives the right to a contested hearing and waives any right to appeal this Pre-Charge Stipulation and Consent Order.
12. Respondent is of sound mind and is not under the influence of drugs or alcohol when signing this Pre-Charge Stipulation and Consent Order.
13. Respondent agrees the Order set forth below may be entered, will be a binding Order upon Respondent, and will be made public.
14. Respondent understands that Respondent is responsible for all compliance costs associated with this Pre-Charge Stipulation and Consent Order and any violation of this Order may result in additional disciplinary action.

ORDER

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

- A. The Board of Nursing hereby **CONDITIONS** Respondent's license commencing with the date of entry of this Pre-Charge Stipulation and Consent Order:
 1. Re-issuance of License. Upon the commencement of these conditions, Respondent shall be issued a license labeled "conditioned."
 2. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
 3. Required Coursework. Respondent shall, at her own expense and within ninety (90) days of the date of entry of this Pre-Charge Stipulation and Consent Order, satisfactorily complete a minimum of eight-hours of coursework pre-approved by the Enforcement Case Manager that pertains to HIPAA, social media use in nursing, and ethics. Respondent must provide satisfactorily completed workbooks (if any) and certificates of completion to the Case Manager.

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*Coursework may not be counted toward any continuing education requirement of licensure.

- B. Upon compliance with and completion of all required conditions, Respondent must petition to remove any or all conditions from the license and demonstrate full compliance with the Order.
- C. Respondents shall pay an **ADMINISTRATIVE PENALTY** in the amount of \$500.00. This Penalty shall be paid within six months of the date of entry of this Order.
- D. Notwithstanding any provision above, Respondent must continue to meet all requirements to maintain licensure, for license renewal, and for license reinstatement.
- E. This Pre-Charge Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).
- F. This Pre-Charge Stipulation and Consent Order will remain part of Respondent's licensing file and may be considered relative to any future disciplinary matter.

AGREED TO:

**STATE OF VERMONT
SECRETARY OF STATE**

Dated: 5/28/2024

By: DocuSigned by:
Rachel Heath
FC9240D7D282428...
Rachel Heath
Prosecuting Attorney

RESPONDENT

Dated: 5/28/2024

By: DocuSigned by:
Brooke Bourdeau
CS98398503847C...
Brooke Bourdeau

APPROVED AND SO ORDERED:

Dated: 7/9/24
Date of Entry: 7/9/24

By: DocuSigned by:
Jennifer Laurent
ED1741815718477...
Board Chairperson

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