

SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

In re: MEISHUN HONG CHAU
License No. 075.0136631

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}
} Docket No. 2024-96
}

Appearances:

Prosecutor: Ultan Doyle, Esq.
Respondent: Did not appear

Hearing Officer: George K. Belcher

DEFAULT ORDER

Findings of Fact

1. The Respondent is licensed in Vermont as a Licensed Nursing Assistant (LNA).
2. The Hearing Officer held a hearing in the above matter on September 23, 2024, pursuant to 3 VSA Sec. 129(f). The hearing was held electronically pursuant to the Notice of Hearing. The State requested a Default because the Respondent had not responded to the charges in this case. A notice of the hearing on the default was sent to the Respondent on or about September 5, 2024, by regular mail, email and by certified mail. Neither paper notice was returned as of the date of the hearing.
3. The Specification of Charges was filed in this case on or about 27 June 2024. A copy of the Specification of Charges is attached to this order. The charges were sent to the Respondent at the address which is on file with the Office of Professional Regulation on June 27, 2024, by certified mail, regular mail, and email. The certified mail green card was returned on July 9, 2024. None of the other notifications were returned.
4. No answer has been filed.
5. Under the Administrative Rules of the Officer of Professional Regulation, Rule 3.4, a default may be entered when an answer is not filed within the required time period.
6. It is specifically found that the Respondent accessed patients' medical records without a legitimate reason for doing so.
7. As indicated by the Board's file and the Prosecution's presentation, because Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board may find, based up the finding of Default from this Default Hearing held pursuant to 3 V.S.A. §809(d), that Respondent has engaged in the unprofessional conduct alleged in the Specification of Charges. The Respondent committed unprofessional conduct by violating 3 VSA Sec. 129a(a)(3) [Failing to comply with state statutes or rules regarding the practice of the profession] and 3 VSA Sec. 129a(a)(15) [Failing to exercise independent professional judgement in the performance of licensed activities].

The State recommended that the Respondent's license be WARNED and that she be ordered to complete a three (3) credit course regarding patient confidentiality within ninety days from the

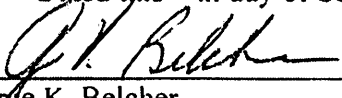
date this order becomes final. In accordance with the above Findings of Fact and Conclusions of Law, and consistent with the recommendation by the State, the Hearing Officer does recommend to the Board that it ORDER that the Respondent's license be WARNED.

Proposed Order

1. The License of the Respondent is **WARNED**.
2. In addition, the Board orders that the Respondent shall, within ninety (90) days from the date this order becomes final, complete a 3-hour course regarding patient confidentiality. The course shall be completed at the sole cost of the Respondent and shall not be credited toward any ongoing licensing education requirements. The course shall be pre-approved by the OPR Enforcement Unit Case Manager or other representative of the Vermont Nursing Board. The Respondent shall certify satisfactory completion of the course in writing to the Office of Professional Regulation.

The Hearing Officer reports the above findings of facts, conclusions of law, and the proposed order to the Board or Director with the recommendation that the Board or Director approve them and enter the Order as above.

Dated this ^{24th} day of September 2024.

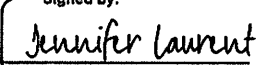

George K. Belcher
Hearing Officer of the Vermont Board of Nursing

The Vermont Board of Nursing, or the Director of the Office of Professional Regulation, considered the report of findings of fact and conclusions of law on 10/14/2024. After considering the report, the Hearing Authority takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- / ☒ Accepts the report, adopts the findings of fact and conclusions of law, and orders the recommended discipline as set forth in the proposed order above.

SO ORDERED.

Vermont Board of Nursing or Director of the Office of Professional Regulation

Signed by:
By: 
Vermont Board of Nursing
EB3741815719473

Date: 10/19/2024

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/20/24

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing or Director of the Office of Professional Regulation. A party aggrieved by a final decision of a board or hearing authority may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 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.



State of Vermont
Office of the Secretary of State
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov

Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary
Kevin A. Rushing, Director

September 5, 2024

Meishun Chau
44 N. Union St.
Burlington, VT 05401-8647

Case: In Re Meishun Chau
License: 075.0136631
Docket No.: 2024-96

NOTICE OF HEARING FOR DEFAULT JUDGMENT

The Tribunal has scheduled a hearing for default judgment to be held on:

Date: September 23, 2024
Time: 9:30 a.m.

You have received notice of the charges and have failed to answer them within 20 days as required by law. Pursuant to 3 V.S.A. Section 809(d), the tribunal is authorized to enter a default judgment, meaning the allegations will be assumed to be true, and an appropriate sanction may be issued.

This hearing will take place remotely. You can participate either online or by telephone.

To join online, go to the OPR public calendar (<https://sos.vermont.gov/opr-event-calendar>) and select the blue meeting link on the date of your hearing. Then select "Click here to join the meeting". Please see the attached Microsoft Teams Meetings Instructions for additional information about how to join your hearing remotely from the OPR public calendar.

If you wish to contest the charges you must contact the office **immediately** at (802) 828-2367 and show good cause for failing to answer the charges against you.

Sincerely,

/s/Julie Bowen
Docket Clerk

Enclosures: *States Request for Default & OPR Calendar Remote Hearing Participation Instructions*

cc: Michael Kupersmith, Esq., Hearing Officer
Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Meishun Chau, Respondent, First Class Mail, Certified Mail, Email



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

IN RE:	)	
Meishun Hong Chau	)	Docket No. 2024-96
License No. 075.0136631	)	

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Deputy Chief Prosecuting Attorney Ultan Doyle, and pursuant to Rule 3.3 of the Administrative Rules of Practice for the Office of Professional Regulation (“ARPOPR”), hereby moves that the Board of Nursing (the “Board”) find Respondent Meishun Hong Chau (“Respondent”) in default for the reasons stated in the following Memorandum of Law.

MEMORANDUM OF LAW

Rule 3.3 of ARPOPR requires a respondent to file an answer to a specification of charges “within 20 days of the date on which the notice of charges was mailed by the Director.” Under the Rules, if a respondent fails to file a timely answer, a default hearing shall be conducted. ARPOPR 3.4. At the default hearing, “the allegations of the charges will be treated as proven and disciplinary action will be taken.” *Id.*

In this matter, Respondent has failed to file a response to the charges and is, therefore, in default. The State filed the Specification of Charges against Respondent on June 27, 2024. Respondent was notified of the charges by letter from the Docket Clerk of the Office of Professional Regulation, sent by both certified and first class mail, on June 27, 2024. *See* ARPOPR 3.2. Respondent’s answer was due on or before July 17, 2024. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional
Regulation 89 Main
Street
3rd Floor
Montpelier.

WHEREFORE, in accordance with ARPOPR 3.3, et seq., the State respectfully requests that the Board schedule a default hearing and find Respondent in default.

DATED at Montpelier, Vermont this 4th day of September, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: Ultan Doyle
Ultan Doyle
Deputy Chief Prosecuting Attorney
Ultan.Doyle@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
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Regulation 89 Main
Street
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Montpelier,



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Office of the Secretary of State
Office of Professional Regulation
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Montpelier, VT 05620-3402
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Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary
Kevin A. Rushing, Director

June 27, 2024

Meishun Chau
44 Union St
Burlington, VT 05401-8647

Case: RE: Meishun Chau
Credential: License # 075.0136631
Docket No: 2024-96

NOTICE OF SPECIFICATION OF CHARGES

The State Prosecuting Attorney has filed the enclosed *Specification of Charges* and has asked the Office of Professional Regulation to take disciplinary action against your license.

You or your attorney must file a written Answer to the charges **within 20 days** of the date of this notice. Enclosed is an Answer form as a suggested format for your response to the charges. Return your Answer to the Docket Clerk and Prosecuting Attorney at the addresses listed on the Answer form. Once your Answer has been received, a hearing will be scheduled.

If you fail to answer the charges **within 20 days**, disciplinary action may be taken against your license by default and without your input. The *Administrative Rules for the Office of Professional Regulation* are available online at <https://sos.vermont.gov/opr/>.

If you have an attorney who has filed a Notice of Appearance with this office, we will continue to send copies of all correspondence to both you and your attorney unless directed otherwise.

Sincerely,

/s/Julie Bowen
Docket Clerk

Enclosures: *Specification of Charges and Answer Form*

Cc: Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Meishun Chau, Respondent, First Class Mail, Certified Mail & Email



SPECIFICATION OF CHARGES

Board Authority

1. The Board has authority to issue warnings or reprimands; suspend, revoke, limit, or 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); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing (the “ARBN”); and the Rules of the Office of Professional Regulation (“OPR Rules”).

Statement of Facts

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8. Respondent also admitted that she created a file folder titled "Floating" which was a list of 28 patients who Respondent said that she had seen in the Emergency Department.
9. Respondent claimed that she created the list of patients in the "Floating" folder at random, but admitted one of the patients on this list was someone she thought she knew.

Violation One: 3 V.S.A. §129a(a)(3) Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession.

10. The State re-alleges and incorporates Paragraphs 2 through 9 above.
11. As an LNA, Respondent is required to comply with provisions of federal or State statutes or rules governing the practice of the profession.
12. The Health Insurance Portability and Accountability Act of 1996 ("HIPAA") is a federal law which states that a covered entity may not use or disclose a patient's protected health information for a purpose other than treatment, payment, or health care operations of the Facility, except when the individual authorizes or as law requires. *See* 45 C.F.R. § 164.502; 18 V.S.A. § 1881(the Vermont Statute incorporating HIPAA protections).
13. A "covered entity" would include Respondent in her capacity as a health care provider working at the Facility. *See* 45 C.F.R. § 160.103,
14. The definition of "use" includes "examination" of individually identifiable health information. *See id.*
15. Paragraphs 2 through 9 demonstrate that Respondent violated 45 C.F.R. §164.502 and 18 V.S.A. §1881 by accessing and examining the confidential medical records of patients without a legitimate business reason for doing to.
16. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(3).

Violation Two: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

17. The State re-alleges and incorporates Paragraphs 2 through 9 above.
18. As an LNA, Respondent is required to exercise her own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
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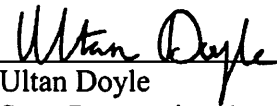
19. Paragraphs 2 through 9 demonstrate that Respondent failed to exercise independent professional judgment by accessing confidential patient information without any legitimate business need for doing so.
20. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Relief Requested

WHEREFORE, the State of Vermont respectfully requests that the Board revoke, suspend, condition, or otherwise discipline Respondent's LNA License.

DATED at Montpelier, Vermont this 27th day of June, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By: 
Ultan Doyle
State Prosecuting Attorney
Office of Professional Regulation
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ultan.doyle@vermont.gov

STATE OF VERMONT



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