

**State of Vermont
Secretary of State
Office of Professional Regulation
Board of Nursing**

In re: Danielle Smith

License No. 075.0145310

Docket No. 2026-109

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through Prosecuting Attorney Zoe Newman, and Respondent Danielle Smith, who hereby stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (Board) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by nurses pursuant to 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 (ARBN); and the Rules of the Office of Professional Regulation (OPR).

Stipulated Facts

2. Danielle Smith, (Respondent) of Gulfport, Mississippi, is licensed by the State of Vermont as a LNA under license number 075.0145310. This license was originally issued on June 18, 2024, and expires on November 30, 2026.
3. At all relevant times, Respondent worked as an LNA at a nursing and rehabilitation facility (Facility), in Washington County, Vermont.
4. During a nursing shift at the Facility, Respondent used her personal phone to take video while in the Facility dining room with patients.
5. In at least two of these videos, Facility patients are visible and identifiable.
6. In one video, Respondent can be seen charting on her tablet with patient names visible on the screen.
7. Respondent posted the videos described in paragraphs five and six on Snapchat, a social media application.
8. When confronted, Respondent did not deny taking the videos or posting them on social media but did state that the videos had already been automatically deleted from Snapchat.

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.

9. Paragraphs 2 through 8 above are incorporated herein.
10. As a LNA, Respondent is required to comply with provisions of federal or State statutes or rules governing the practice of the profession.
11. 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).
12. A "covered entity" includes Respondent in her capacity as a health care provider working at the Facility. See 45 C.F.R. § 160.103.
13. 45 C.F.R. § 164.506(a) generally allows a covered entity to "use or disclose protected health information for treatment, payment, or health care operations." More specifically, the covered entity may: 1) "use or disclose protected health information for its own treatment, payment, or health care operations;" 2) "disclose protected health information for treatment activities of a health care provider;" 3) "disclose protected health information to another covered entity or a health care provider for the payment activities of the entity that receives the information." 45 C.F.R. § 164.506(c)(1)-(3).
14. Additionally, 45 C.F.R. § 164.306(a) requires covered entities to safeguard protected health information and ensure confidentiality of the protected health information, including protecting against any impermissible disclosures.
15. Paragraphs 2 through 8 demonstrate that Respondent violated 45 C.F.R. § 164.306(a), 45 C.F.R. § 164.502, and 18 V.S.A. § 1881 when Respondent captured video on her personal cell phone showing patients' faces, captured video that included patients' protected health information, and uploaded and shared those videos with individuals outside the Facility, using Snapchat, a non-HIPAA compliant application. None of these acts safeguarded the protected health information and amounted to an impermissible disclosure as Respondent did not have a legitimate business reason for any of these acts.
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. Paragraphs 2 through 8 above are incorporated herein.

18. As a 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.
19. Paragraphs 2 through 8 demonstrate that Respondent failed to exercise independent professional judgment when Respondent captured video on her personal cell phone showing patients' faces, captured video that included patients' protected health information, and uploaded and shared those videos with individuals outside the Facility, using Snapchat, a non-HIPAA compliant application. None of these acts safeguarded the protected health information and amounted to an impermissible disclosure as Respondent did not have a legitimate business reason for any of these acts.
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).

Understandings

21. Respondent admits the facts above are true and the conditions below are necessary to protect the public.
22. Respondent understands that the Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
23. Respondent specifically waives any claim that any disclosures made to the Board during review of this agreement have prejudiced Respondent's right to a fair and impartial hearing if this agreement is not accepted and proceeds to a hearing on the merits before the same Board.
24. Respondent has read and reviewed this entire document and agrees it contains the entire agreement between the parties.
25. Respondent is not under the influence of any drugs or alcohol at the time of signing this Stipulation and Consent Order.
26. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
27. Respondent voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
28. Respondent understands that she is responsible for all compliance costs associated with this Stipulation and Consent Order.
29. Respondent agrees the Board may enter the Order set forth below.

Order

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **WARNS** Respondent's license.
- B. The Board hereby **CONDITIONS** Respondent's LNA license commencing on the date of entry. The **CONDITIONS** shall be as follows:
1. Re-issuance of License. Upon the commencement of these conditions and the renewal of Respondent's license, if expired, Respondent shall be issued a license labeled "conditioned."
 2. Length of Time of Conditions Imposed. The conditions shall remain in place until Respondent has completed all conditions as ordered.
 3. Monitoring. The Office of Professional Regulation, through the Enforcement Case Manager, shall be responsible for monitoring Respondent's compliance with these Conditions. All reports and/or correspondence regarding compliance with these conditions shall be submitted to the Case Manager in accordance with the Conditions listed below.
 4. Required Coursework. Respondent shall, within sixty (60) days following the entry of this Order, at her own expense, complete six (6) hours of pre-approved courses, which must include the following topics: 1. HIPAA Compliance and Patient Privacy (minimum Four hours), and 2. Ethics (minimum two hours). For pre-approval, Respondent must submit to the Case Manager the name of each course, the name of the sponsoring organization, and a description of the course content and/or syllabus. Respondent must achieve a passing score on the post-tests for the courses, and submit test results, workbooks completed in full and in a satisfactory manner, and certificates of completion to the Office of Professional Regulation.

Failure to complete the courses within the prescribed timeframe shall constitute a violation of this Order. The coursework may not be counted toward any continuing education requirement of licensure.
 5. Interview with the Board or its Designee. Respondent shall appear in person for interviews with the Board or its designee upon request.
 6. Out-of-State Practice. Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board or its designee. The Board will approve out-of-state practice provided Respondent can still comply with the requirements of this Consent Order. If Respondent receives discipline on a professional license held in another state during the conditioned period, Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.
 7. Notification of Place of Employment/Personal Address/Telephone Number. Within ten (10) days of the date of entry of this Default Order, Respondent shall notify the Board, in writing, of Respondent's current place of employment, personal address, and telephone number. Respondent shall

further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

8. Notification to Other States. In the event Respondent is licensed in Nursing in any other state(s), Respondent must inform the licensing board of the state(s) in which Respondent is licensed of the conditional status of Respondent's Vermont license within thirty (30) days of the date of entry of this Order.
 9. Costs. Respondent shall bear all costs of complying with this Default Order.
 10. License Renewal. This Order does not automatically extend the license and Respondent must comply with the requirements for license renewal.
 11. Violation of this Order. If Respondent violates this Order, the Board, after giving Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is resolved.
 12. Completion of Conditional License Period. Respondent shall submit a petition to the Docket Clerk to remove any and all conditions from Respondent's license. The State will support or oppose Respondent's petition. The Board will conduct a hearing if necessary. Respondent bears the burden and must present proof that Respondent has fully complied with the terms of this Order and these conditions are no longer necessary to protect the public.
- C. Pursuant to 3 V.S.A. § 125(b)(11), a Disciplinary Action Surcharge in the amount of two-hundred and fifty dollars (\$250.00) is assessed against Respondent. Respondent shall remit payment within six (6) months of the date of entry of this Order. Payment of the surcharge may be on a payment plan if needed. Failure to remit payment may result in the non-renewal of Respondent's license/registration.
- D. Notwithstanding any provision above, the Respondent must continue to meet all requirements for maintaining a license, license renewal and license reinstatement.
- E. This 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 Stipulation and Consent Order applies to all licenses this [jurisdiction/Board] issues to Respondent, including future licenses, as provided in 3 V.S.A. § 129(l).
- G. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 8/5/2026

**STATE OF VERMONT
SECRETARY OF STATE**

Signed by:

Zoe Newman

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**Zoe Newman Prosecuting
Attorney**

Respondent

Dated: 8/5/2026

Signed by:

D. Smith

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Danielle Smith

APPROVED AND SO ORDERED:

Dated: 8/10/2026

Signed by:

Board of Nursing
William James Floyd III

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Chairperson

Date of Entry: 8/11/26