

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

**IN RE:
DIANE G. BELL, N.P.
License No. 101-0015614**

)
) **Docket No.: NU 04-0899**
)

STIPULATION AND CONSENT ORDER

NOW COME Respondent, Diane G. Bell, N.P., and the State of Vermont, by its Attorney General, William H. Sorrell, Esq., and hereby agree and stipulate to the following statements of Board Authority, Facts and Understandings and further agree and stipulate that following Consent Order may be entered by the State of Vermont Board of Nursing as a final order in this matter.

Board Authority

1. The State of Vermont Board of Nursing (hereinafter "the Board") has authority to issue warnings or reprimands and suspend, revoke, limit, condition or prevent the renewal of a current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a)(5); 3 V.S.A. § 814(d); 26 V.S.A. § 1582(a).

2. Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. § 1582(a)(7).

3. Conduct likely to deceive, defraud or harm the public includes any instance of violating confidentiality by inappropriately revealing information or knowledge about a patient or client. Board of Nursing Administrative Rules, Chapter 4, Rule IV(B)(4)(g).

Facts

4. Respondent is an Advanced Practice Registered Nurse under License Number 101-0015614.

5. Respondent's license has a current expiration date of March 31, 2001.

6. At all times relevant to these charges, Respondent was employed by Fletcher Allen Health Care, Inc. in Burlington, Vermont.

7. On or about November 20, 1998, Respondent received a telephone call from C.W., who was both a patient of Respondent and the mother of H.M. (i.e., the complainant). H.M. also was a patient of the Respondent. Both C.W. and H.M. knew that the other, just like herself, was a patient of Respondent.

8. C.W. telephoned the Respondent after contacting her daughter, H.M., and finding that H.M.'s speech was slurred and she was incoherent. C.W. telephoned Respondent because she was afraid H.M. was under the influence of drugs and was concerned for H.M.'s life. Even before the subject telephone call, C.W. and Respondent both knew that H.M. had a history of drug and alcohol abuse and attempted suicide.

9. Based upon statements made to Respondent by C.W., Respondent was lead to believe that C.W. knew about H.M.'s recent inpatient hospital admission for a suicide attempt involving an overdose of Lithium, a medication that H.M. had been prescribed to aid in the management of her bipolar disorder.

10. Because both C.W. and Respondent were concerned about H.M.'s health and welfare and because the Respondent was lead to believe C.W. knew about H.M.'s recent hospitalization, Respondent revealed certain health information concerning H.M., including that:

- (a) H.M. had attempted suicide;
- (b) H.M. refused to stay in the hospital as requested by her attending physician; and,
- (c) Respondent had not prescribed any medications to H.M. since she attempted suicide.

11. When the above information was released, H.M. was 27 years old and did not live in the same household as C.W.

12. When the above information was released, C.W. was identified by H.M. in the medical records available to Respondent as being H.M.'s "Nearest Relative/Guardian."

13. In speaking with C.W., the Respondent was acting within her employer's Comprehensive Confidentiality Policy. In pertinent part, this policy provides as follows: "A member of a patient's immediate family or other person with whom the patient is known to have a

close personal relationship may be informed by the physician who is responsible for coordinating the patient's care about the patient's diagnosis, treatment and any known prognosis. Any such disclosure must be made in accordance with good medical practice and may be limited or prohibited by the patient him or herself."

14. Prior to the subject telephone conversation between Respondent and C.W., H.M. did not limit or prohibit Respondent or any other health care provider from revealing health information about her to C.W., her mother.

Charges

15. By revealing the information alleged above, Respondent has committed conduct likely to deceive, defraud or harm the public by inappropriately revealing information or knowledge about a patient. 26 V.S.A. § 1582(a)(7); Board of Nursing Administrative Rules, Chapter 4, Rule IV(B)(4)(g).

Understandings

16. Respondent understands that the Board of Nursing must review and accept the terms of the Consent Order set forth below and that if the Board rejects all or any portion of the Consent Order, then this entire document shall be null and void.

17. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

18. Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.

19. Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.

20. Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.

21. Respondent agrees that the Consent Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

A. Based upon the above stipulations, it is **ADJUDGED** as follows:

1. The "Facts" listed above are true; and
2. Respondent has engaged in unprofessional conduct in that she inappropriately revealed information or knowledge about a patient.

B. Based upon the above stipulation and the findings and conclusions of this Board, it is **ORDERED** that:

1. A warning is hereby issued to Respondent that in the future she should take greater care in speaking with relatives of patients to ensure that confidential health information about a patient is not inappropriately revealed.
2. 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)(8).
3. The Stipulation and Consent Order will remain part of Respondent's licensing file and may be used in determining the appropriateness of any sanction that might ensue if any future disciplinary action should be taken against Respondent.

AGREED TO:

**BY: DIANE G. BELL, N.P.
RESPONDENT**

Date: 8-23-00

Diane G. Bell N.P.
Diane G. Bell, N.P.

**AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL**

Date: 8/29/00

George C. Haegel, IV
George C. Haegel, IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: Sept. 11, 2000

Juan Farrell
Chairperson

Date Entered: 9-13-00

Clients: 212454_v1: 4658-00236