

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

IN RE:

CHARLENE MARIE COON
License No. 025-0006237

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Docket No. NU40-1007

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Charlene Marie Coon, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (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. § 1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Charlene Marie Coon, is licensed in the State of Vermont as a licensed practical nurse holding license number 025-0006237. This license was originally issued on or about December 18, 1987 and is currently set to expire on January 31, 2010.
3. At all times relevant, the Respondent was employed as a licensed practical nurse in the U.S. Veteran's Administration Clinic within the Southwestern Vermont Medical Center (the "Facility") located in Bennington, Vermont.
4. On or about November 29, 2004, the Respondent signed the Facility's Confidentiality and Non-Disclosure Agreement.
5. Between the dates of roughly October 19, 2006 and October 27, 2006, the Respondent accessed the hospital records of her ex-husband, H.C., a total of 16 times. H.C. was not Respondent's patient, nor were there any other professional reasons requiring the Respondent to access H.C.'s records. H.C. had given Respondent permission to access his records in or around October 2006.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
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6. On at least two occasions on or about September 20, 2007, the Respondent accessed H.C.'s records via Dr. Peter King's account, in violation of the Facility's policy.
7. On or about November 13, 2007, State Investigator Steve Kennedy spoke with the Respondent, who admitted to accessing H.C.'s records and said she realized it was wrong.

Charges

8. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes, but is not limited to, failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Chapter 4, Rule IV(II)(B)(2);
 - b. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); and
 - c. 3 V.S.A. § 129a(a)(3) (Failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

9. Respondent understands that the Nursing 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.
10. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
13. 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.

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14. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.
15. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

- A. The Board hereby **WARNS** the Respondent's license to practice practical nursing.
- B. 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).
- C. 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: 7/28/08

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]

Edward G. Adrian
State Prosecuting Attorney

Dated: 7/25/08

CHARLENE MARIE COON
RESPONDENT

By: Charlene Marie Coon

Charlene Marie Coon

APPROVED AS TO FORM:

Dated: 7/25/08

ATTORNEY FOR RESPONDENT

By: [Signature]

Stephen L. Saltonstall, Esq.

STATE OF VERMONT



Prosecuting Attorney
Office of
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9 Baldwin Street
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APPROVED AND SO ORDERED:

Dated: 8/11/08

Date of Entry: 8/18/08

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VERMONT BOARD OF NURSING

By: [Signature]

Chairperson

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

IN RE:

**CHARLENE MARIE COON
License No. 025-0006237**

Docket No. NU40-1007

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Charlene Marie Coon, L.P.N.:

Board Authority

1. The Vermont State Board of Nursing (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. § 1582; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

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 - b. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); and
 - c. 3 V.S.A. § 129a(a)(3) (Failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Charlene Marie Coon should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 30th day of June, 2008.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adran
State Prosecuting Attorney

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