

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

IN RE:
CARRIE E. DOPKINS
License No. 026.0029785

Docket No. 2015-508

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Carrie E. Dopkins, RN, 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 (the "ARBN"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Carrie E. Dopkins (the "Respondent") of Manchester Center, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0029785. This license was originally issued on July 9, 2004 and is currently set to expire on March 31, 2017.
3. At all relevant times, Respondent was employed as an RN by Southwestern Vermont Health Care in Bennington, Vermont.
4. On May 19, 2015, Respondent accessed the electronic medical record of Patient 1, who was also an employee of the Facility.
5. Respondent did not have a medical need to know this information.
6. Respondent told Patient 1's husband about the upcoming appointment of Patient 1.
7. On or about May 19, 2015, Respondent accessed the records of Patient 2.

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8. Respondent did not have a medical need to know this information. She was not currently treating Patient 2.
9. On May 19, 2015, Respondent accessed the electronic medical records for Patient 3 without a medical need to know.
10. Respondent did not have a medical need to know this information. She was not currently treating Patient 2.
11. Respondent stated she accessed the records of Patient 2 and Patient 3 because she was curious.

Violation One: 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, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: . . . or (2) failure to conform to the essential standards of acceptable and prevailing practice.

12. The State re-alleges and incorporates paragraphs 2 through 11 above.
13. The essential standards of practice require that a nurse respect the confidentiality of medical records; including but not limited to, only accessing medical records when he or she has a treatment relationship with the patient and access to the records is necessary for the treatment.
14. When Respondent accessed a co-worker's medical records without any nexus to treatment she violated the essential standards of the practice of nursing.
15. When Respondent accessed the records for Patient 2 and Patient 3 without valid medical reason she violated the essential standards of the practice of nursing.
16. The essential standards of practice require that if a nurse has access to confidential information he or she must appropriately safeguard the information from third parties.
17. When Respondent told Patient 1's husband of her upcoming appointment she violated the essential standards of the practice of nursing.
18. 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 3 V.S.A. § 129a(b)(2).

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Violation One: 3 V.S.A. § 129a(a)(3) Failure to comply with state and federal rules governing the profession incorporating 45 C.F.R. 164.502 (Uses and disclosures of protected health information).

19. The State re-alleges and incorporates paragraphs 2 through 11 above.
20. Covered entities are required to only use or disclose protected health information in limited situations including to the individual patient or for treatment, payment or health care operations. 45 C.F.R. 164.502(a)(1).
21. As a health care provider Respondent is a covered entity. 45 C.F.R. 160.103(a)(1).
22. Respondent used protected health information when she accessed Patient 1, Patient 2 and Patient 3's records for her own personal curiosity instead of the purpose of treatment.
23. Respondent disclosed protected health information when she told Patient 1's husband of her upcoming appointment.
24. 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 3 V.S.A. § 129a(a)(3).

Understandings

25. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
26. 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.
27. 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.
28. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
29. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
30. 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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31. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
32. 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 of Nursing hereby **WARNS** the Respondent's license.
- B. Respondent's license is **CONDITIONED** as follows:
- a. Respondent shall, within ninety days of this Order, at her own expense, complete a course pre-approved by the Board as reasonably related to patient privacy. Failure to complete such a course within the prescribed timeframe shall constitute a violation of this Order.
 - b. Upon receipt of satisfactory evidence that Respondent has completed the described course, the Board or its designee shall terminate the conditions upon Respondent's license and restore the license to unencumbered status.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.
- D. 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).
- E. 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:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 11/22/16

By: S. Lauren Hibbert
S. Lauren Hibbert
State Prosecuting Attorney

CARRIE E. DOPKINS
RESPONDENT

STATE OF VERMONT



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Dated: 11/7/16

By: Carrie E. Dopkin
Carrie E. Dopkins

APPROVED AS TO FORM:

Dated: 11/9/16

By: Patrick J. Bernal, Jr. Esq.
Patrick J. Bernal, Jr. Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 12/12/16

By: Jeanne Carr
Chairperson

Date of Entry: 12-14-16

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