

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

IN RE:)
HEATHER HUNTLEY)
License No. 025.0009343)

Docket No. 2011-740

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through State Prosecuting Attorney Gabriel M. Gilman, and the respondent, Heather Huntley, by and through Attorney Norman Watts, 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.

Statement of Facts

2. Heather Huntley ("Respondent") of White River Junction, Vermont is licensed by the State of Vermont as a Licensed Practical Nurse under license number 025.0009343. This license was originally issued on or about September 21, 2007 and expires on January 31, 2014.
3. At all times relevant, Respondent was employed as a Licensed Practical Nurse at Mt. Ascutney Hospital (the "Facility") in Windsor, Vermont.
4. Respondent accessed the medical records of A.T. on eight occasions between September 19, 2008 and October 5, 2010. Respondent accessed the records to satisfy a personal curiosity and not for any legitimate nursing purpose.
5. Respondent has admitted accessing A.T.'s medical records in the context described above. Respondent acknowledged knowing at the time she accessed the records that it was wrong to do so.

Charges

6. 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:

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Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

- a. 3 V.S.A. § 129a(b)(1) and (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: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and
- b. 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).

Understandings

7. Respondent admits that the facts above are true and agrees that the conditions below are necessary to protect the public.
8. 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.
9. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement prejudice her rights to a fair and impartial hearing if this agreement is not accepted by the Board and the matter proceeds to a contested hearing before the same panel.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
12. 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.
13. 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.
14. Respondent agrees that the Order set forth below may be entered by the Board.

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CONSENT ORDER

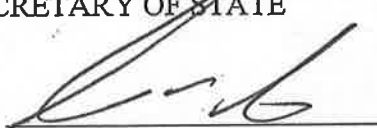
Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby **WARNS** the Respondent's license.
- B. Respondent's license is **CONDITIONED** as follows:
 - a. Respondent shall, within sixty days of this Order, at her own expense, complete a course pre-approved by the Board as reasonably related to nursing ethics, patient privacy and HIPPA compliance. Failure to complete such a course within the prescribed timeframe shall constitute a violation of this Order. Successful completion of the NCSBN Learning Extension course entitled *Patient Privacy* will satisfy this condition.
 - 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: 12/18/12

By: 

Gabriel Gilman
State Prosecuting Attorney

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Prosecuting Attorney
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HEATHER HUNTLEY
RESPONDENT

Dated: 12/7/12

By: 

Heather Huntley

APPROVED AS TO FORM:

Dated: 12/7/12

ATTORNEY FOR RESPONDENT

By: *Norman E. Watts*

Norman E. Watts
Watts Law Firm, P.C.
Woodstock

APPROVED AND SO ORDERED:

Dated: 12/10/12

Date of Entry: 12/18/12

VERMONT BOARD OF NURSING

By: *Jeanne Carr*

Chairperson

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Prosecuting Attorney
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