

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

IN RE:

MARION CAROL MOHRI

License No. 026.0013197

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Docket No. 2009-427

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney BetsyAnn Wrask, and the Respondent, Marion Carol Mohri, 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.

Statement of Facts

2. Marion Carol Mohri (the "Respondent") of Lyndonville, Vermont is licensed by the State of Vermont as a Registered Nurse under license number 026.0013197. This license was originally issued on or about August 31, 1979 and is currently set to expire on or about March 31, 2011.
3. At all times relevant, Respondent was employed as a Registered Nurse at St. Johnsbury Health and Rehabilitation (the "Facility"), located in St. Johnsbury, Vermont.
4. On or about November 6, 2002, Respondent signed the Facility's confidentiality policy. This policy stated in part that all information concerning residents must be kept confidential; that no resident information can be released without the consent of the resident, his or her guardian, and/or the attending physician; and that good judgment must be used to respect the residents' right to privacy. Moreover, this policy stated that medical records are open only to authorized staff and the resident to whom the records pertain or his or her legal guardian, unless otherwise approved by the resident or guardian.

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5. On or about June 9, 2009, Respondent entered the Facility on her day off; made a copy of Resident O.B.'s medical records, for whom she did not provide care and without O.B.'s permission; and took it home with her.
6. On or about February 4, 2010 in an interview with State Investigator Karl Packer, Respondent admitted that she went to the Facility on her day off; copied O.B.'s skin assessment sheet; and took the copy home with her. Respondent advised that O.B. was being provided care in a unit in which she did not work.
7. In this same interview, Respondent explained that on or about May 25, 2009, Respondent went to another unit and overheard another nurse discussing with the Director of Nursing Resident O.B., who had a burn on his back. Respondent stated that this resident's burn would need to be reported to the State, but that Respondent did not think that it would get reported. Respondent stated that she checked with this unit several more times thereafter to see if there was anything happening regarding O.B.'s burn. Respondent stated that she met with the Facility's administrator on or about June 7, 2009 and discussed with him Resident O.B. Respondent stated she felt the administrator was not fully informed about the extent of O.B.'s burn. Therefore, Respondent stated that on or about June 9, 2009, she entered the Facility on her day off and made a copy of O.B.'s record to review it at home and to ensure the administrator would be able to see the copy at a meeting on a later date.
8. By copying Resident O.B.'s medical record and taking it home with her without O.B.'s consent, Respondent violated HIPAA; the Facility's confidentiality policy; and 3 V.S.A. § 129a(b)(1) and (2).
9. Respondent was thereafter required to return to the Facility the copy of O.B.'s medical record, which Respondent did.

Charges

10. 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. 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).

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Understandings

11. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent does not dispute that the State could prove these charges by a preponderance of the evidence if this matter went to a hearing and agrees to the discipline below.
12. 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.
13. 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.
14. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
15. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
16. 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.
17. 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.
18. 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** Respondent's license to practice registered 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.

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AGREED TO:

Dated: 8-24-10

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Betsy Ann Wrask
State Prosecuting Attorney

MARION CAROL MOHRI
RESPONDENT

Dated: Aug 23, 2010

By: Marion C. Mohri
Marion Carol Mohri

APPROVED AND SO ORDERED:

Dated: 9-13-10

Date of Entry: 9-14-10
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VERMONT BOARD OF NURSING

By: [Signature]
Chairperson

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