

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

IN RE:
VICKI L. SMITH
License No. 026.0085138

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Docket No. 2012-728

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Vicki L. Smith, 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. Vicki L. Smith (the "Respondent") of Ticonderoga, New York is licensed by the State of Vermont as a Registered Nurse under license number 026.0085138. This license was originally issued on or about March 29, 2012 and expired on or about March 31, 2013.
3. At all times relevant Respondent was employed as a Registered Nurse at Fletcher Allen Health Care (the "Facility") located in Burlington, Vermont.
4. On or about November 6, 2012, based on information from a patient's family, the facility's Human Resource Director L.M. conducted an audit of a patient's electronic health record. The audit revealed that Respondent accessed the patient's records without a valid medical reason to do so. When confronted Respondent admitted that she did access the patient's records. Respondent stated she was looking for the patient's room number since she knew the patient's family. Respondent subsequently admitted that she read through the patient's chart because she wanted to provide support to the patient's family.

Violations

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

5. 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)(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: (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

- 6. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
- 7. 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.
- 8. 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.
- 9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- 11. 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.
- 12. 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.
- 13. 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:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
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- 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 and/or HIPPA. 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: 8/19/13

By: S2 H
S. Lauren Hibbert
State Prosecuting Attorney

VICKI L. SMITH
RESPONDENT

Dated: 8/14/13

By: Vicki L. Smith RN
Vicki L. Smith

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 9/9/13

By: Jeanne Carr
Chairperson

Date of Entry: 9/9/13