

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

IN RE:)
DALE ELLEN FERGEN WALSH, R.N.) Docket No: NU 63-0301
License No. 026-0022805)

STIPULATION AND CONSENT ORDER

The Respondent, Dale Ellen Fergen Walsh, RN, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Nursing as a final order in this matter.

Board Authority

- A. The Vermont State Board of Nursing ["the Board"] has authority to issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of current or lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a).
- B. Engaging in conduct of a character likely to deceive, defraud or harm the public is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(7).

- C. Conduct likely to deceive, defraud or harm the public means any instance of unprofessional conduct, including violating confidentiality by inappropriately revealing information or knowledge about a patient or client. Board of Nursing Administrative Rule Chapter 4, Rule IV, (B)(4)(g).

Facts

- D. The Respondent (whose address is listed in the database of the Office of Professional Regulation as 3 Stevens Avenue, St. Albans, Vermont 05478) is a Registered Nurse under License Number 026-0022805.
- E. Respondent was originally licensed on May 21, 1996 and Respondent's license has a current expiration date of March 31, 2003.
- F. At all times relevant to these Charges, the Respondent was employed by the Franklin County Home Health Agency in St. Albans, Vermont.
- G. On or around December 1999, the Respondent revealed confidential information concerning a patient or patients, specifically by:
- (1) placing a folder in the garbage which contained:
 - (a) confidential information regarding patients whom had received a flu vaccine; and
 - (b) various flu memorandum and forms.
- H. By way of history, Respondent was given a written warning from her employer for the conduct above in paragraph "G".

I. On or around December 1999, the Respondent revealed confidential information concerning a patient or patients, specifically by:

(1) discussing previous patients with a current patient, specifically, that she had provided care to a particular patient.

Charges

J. By releasing the above information, the Respondent has:

1. Committed conduct likely to deceive, defraud or harm the public, specifically violating confidentiality by inappropriately revealing information or knowledge about a patient or client. 26 V.S.A. §1582(a)(7); Board of Nursing Administrative Rule Chapter 4, Rule IV, (B)(4)(g).

Understandings

K. The Respondent understands that the Board of Nursing must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.

L. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

M. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.

- N. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- O. The Respondent is voluntarily waiving her right to a contested hearing before the Board of Nursing.
- P. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Nursing.

Consent Order

A. Based on the above stipulations, it is **ADJUDGED** as follows:

- (1) The "Facts" listed above are true; and
- (2) The Respondent has engaged in unprofessional conduct in that the Respondent has:
 - (a) engaged in conduct of a character likely to harm the public.

B. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

C. The Respondent's license is hereby **REPRIMANDED**.

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 the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

Date: 6/12/01

BY: DALE -ELLEN FERGEN WALSH
RESPONDENT

Dale-ellen Fergen Walsh
Dale-Ellen Fergen Walsh

AND BY:

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Date: 6/13/01

George C. Haegele IV
George C. Haegele IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF NURSING

Date: 7-9-01

Diane Dougiewicz
Chairperson

Dated entered: 7.13-01