

BEFORE THE ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

In the Matter of:) CASE NO. 2018-RCE-0075
NICOLE J. FREUDEN, RCP Holder of License No. 004432	 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND NON-DISCIPLINARY ORDER
For the Practice of Respiratory Care In the State of Arizona)))

The Arizona State Board of Respiratory Care Examiners ("Board") is the duly constituted authority for licensing and regulating the practice of respiratory care in the State of Arizona pursuant to A.R.S. § 32-3501, *et seq.* Nicole J. Freuden, RCP ("Respondent") is the holder of License Number 004432 which enables her to practice respiratory care in the State of Arizona.

At its June 20, 2019 regular meeting, the Board reviewed the above-captioned matter and voted to issue a Non-Disciplinary Order for Continuing Education to Respondent as a final resolution to this case. Respondent did not appear before the Board and was not represented by counsel.

FINDINGS OF FACT

- 1. The Arizona State Board of Respiratory Care Examiners is the duly constituted agency for licensing and regulating of the practice of respiratory care in the State of Arizona pursuant to A.R.S. § 32-3501, et seq.
- 2. Nicole J. Freuden, RCP ("Respondent"), is the holder of License Number 004432 which enables her to practice respiratory care in the State of Arizona.
- 3. Respondent's current license to practice respiratory care was issued in 1997 and expires on April 16, 2021.
- 4. Under A.R.S. § 32-3501, *et seq.*, the Board possesses jurisdiction over the subject matter and over Respondent as a licensee of the Board.
- 5. On March 22, 2019, Respondent self-reported an employer reprimand on her application for renewal.

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On or about January 13, 2018, Respondent took a phone call from an attorney 6. requesting patient test results on behalf of an ordering physician. Respondent states she prepared a cover sheet to fax the results directly to the ordering physician, but the cover sheet contained the contact information for the attorney she had spoken with. The patient's Protected Health Information ("PHI") was ultimately faxed by another hospital employee to the unauthorized individual whose contact information was provided by Respondent on the cover sheet. This release of this patient's PHI was not authorized, nor was it provided to an authorized individual or entity, which is a violation of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

CONCLUSIONS OF LAW

- The conduct described in the Findings of Fact constitute grounds for disciplinary 1. action pursuant to A.R.S. §§ 32-3552(A)(1) and (3) and violate the provisions of A.R.S. § 32-3501(9)(i) which states, "Any conduct or practice which is contrary to recognized standards of ethics of the respiratory therapy profession or any conduct or practice which does or might constitute a danger to the health, welfare or safety of the patient or the public."
- The conduct described in the Findings of Fact constitute grounds for disciplinary 2. action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(k), which states, "Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate a provision of this chapter."
- The conduct described in the Findings of Fact constitute grounds for disciplinary 3. action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.A.C. R4-45-214 (15), which states, "Violating the confidentiality of information concerning a patient."

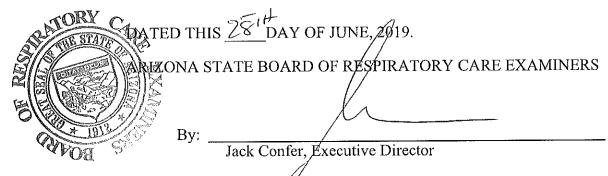
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED THAT Nicole J. Freuden, RCP, holder of License Number 004432, shall take and complete at least three (3) total hours of approved CONTINUING EDUCATION UNITS ("CEU") in the areas of HIPAA and patient privacy. Respondent shall complete the ordered

CEU within ninety (90) days from the effective date of this Order. These CEU cannot have been completed prior to the date of this Order and shall be in addition to the twenty (20) hours required by the Board for license renewal. Respondent bears all costs associated with complying with the terms of this Order.

NOTICE

In order to be eligible for judicial review pursuant to Title 12, Chapter 7, Article 6, you are required to exhaust your administrative remedies by filing a motion for rehearing or review of the Board's decision within thirtyfive days after these Findings of Fact, Conclusions of Law, and Order are mailed to you at your last known address, or thirty days after they are personally served upon you. Pursuant to A.R.S. § 411092.09(B), you are notified that failure to file a motion for rehearing or review at the Board's office by that date has the effect of prohibiting you from seeking judicial review of the Board's decision



Original Consent Agreement and Nondisciplinary Order filed this Tay June, 2019 with the:

Arizona Board of Respiratory Examiners 1740 West Adams Street, Suite 3406 Phoenix, Arizona 85007

Copy of the foregoing send by Electronic, Certified and Regular mail this 287 day of June, 2019 to:

Nicole J. Freuden Address of Record