

**Cross-References to Other State Regulatory Entities’
Confidentiality and Disclosure Provisions**

In the Context of 2025, H.R.6 As Introduced

I. Supreme Court of Vermont—Disciplinary Control of Judicial Officers

The Supreme Court of Vermont (SCOV) “shall have administrative control of all the courts of the state, and disciplinary authority concerning all judicial officers and attorneys at law in the State.” [Vt. Const. Ch. II, § 30](#).

The SCOV has adopted the following Rules of the Supreme Court for Disciplinary Control of Judges that pertain to the confidentiality and disclosure of complaints made against judicial officers:

Rule 6 (general provisions—confidentiality):

* * *

(7) All communications between or among Board members, all meetings of the Board, and all communications between the Board and disciplinary counsel or special counsel shall be confidential. No member of the Board may discuss the substantive internal communications, or the deliberations, of the Board with anyone outside the Board, its staff or its counsel. Except as otherwise provided by these rules, all papers, files, transcripts and communications in proceedings before the Board shall be confidential. After the service of a Formal Complaint upon a judge, the Formal Complaint, all subsequent pleadings, exhibits and rulings of the Board, and any hearing related to the Formal Complaint, shall be public.

(8) No member of the Board or other employee of the judicial department having knowledge of Board investigations shall disclose or use any Board record, file or communication except in the course of official duty. If both the complainant and the judge agree in writing and the Board agrees, confidentiality may be waived.

* * *

(12) If there is publicity concerning an investigation of a judge in a proceeding before the Board resulting in substantial unfairness to the judge, the Board may issue a short statement of clarification or correction.

(13) If there is publicity concerning alleged conduct of a judge claimed to constitute serious violation of the Code of Judicial Conduct or Rules of Professional Conduct, or the law, and after an investigation it is determined by the Board that there is no basis for probable cause to file a Formal Complaint, the Board may issue a short explanatory statement.

(14) In any case in which the subject matter becomes public through independent sources, the Board may issue statements as it deems appropriate in order to confirm the pendency of the investigation, to clarify the procedural aspects of the disciplinary

proceedings, to explain the right of the judge to a fair hearing without prejudgment, and to state that the judge denies the allegations.

* * *

(19)

(a) A complaint shall be filed with the Board by delivering it or by sending it by regular mail to the Chair. In the alternative, a complaint may be filed as an attachment to an email sent to the Chair at the address associated with the Board on the Vermont Judiciary website. The subject line must indicate the case or subject matter of the filing. The Chair shall keep a docket in which the filing of all complaints and their final disposition shall be recorded. This docket shall not be available for inspection as a public record. A copy of each complaint shall be furnished to each member by the Chair.

(b) The Chair shall also keep a separate docket to record all Formal Complaints and their final disposition. This docket shall be available for inspection as a public record.

* * *

(27) The Board, the Professional Responsibility Board, and the Administrative Judge for Trial Courts may exchange any otherwise confidential information that they believe is relevant to each other's responsibilities. The Board shall disclose to the Supreme Court any information that is requested by the Court, including information otherwise deemed confidential under these rules."

Rule 11 (closure reports):

To assure public awareness of the work of the Board, at the conclusion of every matter before the Board, a public Closure Report shall be issued and posted on the judiciary's web site. It shall also be distributed in the same manner as decisions of the Vermont Supreme Court. The Closure Report shall not identify the complainant, the judge, or any other person by name. It shall contain a summary of the complainant's allegations and the resolution of the case. If the case was dismissed, it shall contain the reasons for dismissal. In any case where a Formal Complaint was filed, the Closure Report shall consist of copies of the Formal Complaint and any written decision issued by the Board, which shall both be posted on the web site.

Example of the SCOV's Judicial Conduct Board Closure Report:

JUDICIAL CONDUCT BOARD



TELEPHONE: (802) 777-9198

P.O. Box 310
RUTLAND, VT 05701-0310

BARBARA R. BLACKMAN, ESQ.
CHAIR

May 17, 2022

CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 21.007

This Complaint is the result of a probate case where the Complainant alleged that the Judge caused unnecessary delay in the administration of an estate.

The Judicial Conduct Board conducted an initial inquiry, including thorough review of the docket entries, review of the applicable Rules of Procedure, and a review of a response from the Judge.

Pursuant to Rule 8 (2) of the Rules of Supreme Court for Disciplinary Control of Judges, the Board hereby issues Respondent Judge a non-public written warning. The Board concludes that the conduct is potentially a violation of the Code if proved but is not established by clear and convincing evidence; the conduct is potentially a violation of the Code, but on its own, discipline is not warranted; and the Board concludes that a Formal Complaint is not warranted. The Board recognizes the difficulty presented in scheduling hearings during the Covid-19 Pandemic as well as the challenges caused by converting to the Odyssey system. Regardless, the Board finds that the delay here was unjustified. This written warning is intended to alert Respondent Judge that the conduct might rise to the level of a violation requiring action if it occurred on multiple occasions. The Board encourages Respondent Judge to give greater attention when scheduling matters.

To the extent the Complaint alleges ethical impropriety or a violation of the Code of Judicial Conduct, the Board has determined there is no cause for further proceedings. *Rules of the Supreme Court for the Disciplinary Control of Judges, Rule 11.*

Accordingly, the Complaint in Docket No. 21.007 is DISMISSED.

JUDICIAL CONDUCT BOARD

By: 
Barbara R. Blackman, Chair

21.007 Closure Report

II. Office of Professional Regulation—Professional Regulation of Approximately 53 Professions

The Office of Professional Regulation (OPR) regulates the approximately 53 professions set forth in [3 V.S.A. § 122](#).

[3 V.S.A. § 131](#) (accessibility and confidentiality of disciplinary matters) provides which aspects of complaints against OPR's regulated professionals are public:

(a) It is the purpose of this section both to protect the reputation of licensees from public disclosure of unwarranted complaints against them, and to fulfill the public's right to know of any action taken against a licensee when that action is based on a determination of unprofessional conduct.

(b) All meetings and hearings of boards shall be subject to the Open Meeting Law.

(c) The Secretary of State, through the Office of Professional Regulation, shall prepare and maintain a register of all complaints, which shall be a public record and which shall show:

(1) with respect to all complaints, the following information:

(A) the date and the nature of the complaint, but not including the identity of the licensee; and

(B) a summary of the completed investigation; and

(2) only with respect to complaints resulting in filing of disciplinary charges or stipulations or the taking of disciplinary action, the following additional information:

(A) the name and business addresses of the licensee and complainant;

(B) formal charges, provided that they have been served or a reasonable effort to serve them has been made, and all subsequent pleadings filed by the parties;

(C) the findings, conclusions, rulings, and orders of the board or administrative law officer;

(D) the transcript of the hearing, if one has been made, and exhibits admitted at the hearing;

(E) stipulations filed with the board or administrative law officer; and

(F) final disposition of the matter by the appellate officer or the courts.

(d) Neither the Secretary nor the Office shall make public any other information regarding unprofessional conduct complaints, investigations, proceedings, and related records except the information required to be released under this section.

* * *

(g) Nothing in this section shall prohibit the disclosure of any information regarding unprofessional conduct complaints, or investigations thereof, in response to an order from a court of competent jurisdiction, or to State or federal law enforcement or regulatory agencies, provided the receiving agency or department:

(1) agrees to maintain the confidentiality and privileged status of the information as provided in subsection (d) of this section; and

(2) has jurisdiction over the subject matter in question.

Example of regular OPR closing report (no charges):

**STATE OF VERMONT
OFFICE OF PROFESSIONAL REGULATION
REPORT OF CLOSED INVESTIGATION**

Board: Nursing
Case File #: 2014-467
Date Opened: 07/30/2014

SECTION I. NATURE OF THE COMPLAINT

Unprofessional conduct: Failure to practice competently – Allegedly ordered latex catheters knowing a patient had a latex allergy and argued with the patient

SECTION II. SUMMARY OF THE INVESTIGATION

The Complainant and two witnesses were interviewed. The Respondent submitted a written statement. Relevant documents were reviewed.

The Complainant was a patient of a home health agency where the Respondent worked as an RN. The Complainant reported informing the Respondent of the Complainant's latex allergy, which the Respondent failed to record in the medical record. Subsequently, the Respondent ordered catheters containing latex for the Complainant.

The Complainant's privately hired caregiver was interviewed. This witness stated that the Respondent ordered non-latex catheters, and then switched to catheters containing latex. The caregiver notified the agency that the Complainant had a severe latex allergy and was told that latex allergy was not recorded in the Complainant's record. This witness also reported that the Respondent was disrespectful and didn't listen to the patient's and caregiver's concerns.

The second witness was VP of Clinical Operations at the agency. This witness indicated that a latex allergy was not noted in the Complainant's record until after the caregiver called the agency. The record showed that the Complainant had been using latex catheters at various times without reported problems during the months prior to the call from the caregiver.

The Respondent reported no notation of a latex allergy in the Complainant's previous agency or hospital records. The Respondent did not state whether or not the Complainant mentioned a latex allergy to the Respondent, although the Respondent reported reviewing the allergy list with the Complainant. The Respondent reported ordering catheters for the Complainant, but did not state whether or not they contained latex. The Respondent reported that the Complainant did not complain of or have symptoms of an allergy to the catheters. The Respondent stated that the Complainant developed a rash from the catheters after the Respondent was no longer providing care for the Complainant. The Respondent stated that the Complainant believed that the Respondent had reported the caregiver to the State Adult Protective Services, which the Respondent denied doing.

SECTION III. RECOMMENDATION

The Investigative Team recommends that this case be concluded without further action. The Investigative Team found that the investigation was unable to substantiate charges of unprofessional conduct.

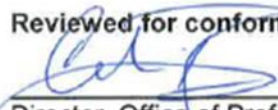
Sections of the statute considered: 3 V.S.A. §129a (b) (1) and (2)

FOR THE INVESTIGATING TEAM

 2-19-2015
Case Manager Date

cc: J Laurent, Board Member; J Lewis, Investigator; L Hibbert, Prosecuting Attorney

Reviewed for conformance to 3 V.S.A. to 3 V.S.A. § 131 and approved for release.

 2/23/15
Director, Office of Professional Regulation Date

3/9/15
Date Closed by Board

Example of OPR “strong” closing report (no charges, but unprofessional conduct concluded; may be reopened in future):

**STATE OF VERMONT
OFFICE OF PROFESSIONAL REGULATION
REPORT OF CLOSED INVESTIGATION**

Board: Nursing
Case File #: 2014-566
Date Opened: 09/04/2014

SECTION I. NATURE OF THE COMPLAINT

Unprofessional conduct: Failure to practice competently – Allegedly was rough and rude with patients and yelled at a confused patient to stay in bed.

SECTION II. SUMMARY OF THE INVESTIGATION

The Complainant, Respondent, and three witnesses were interviewed. Relevant documents were reviewed.

The Complainant was Director of Patient Care Services at the facility where the Respondent worked as an RN. The Complainant and witnesses reported concerns with the Respondent's uncaring demeanor with patients. The three witnesses were a nurse manager, supervisor, and charge nurse. One witness had provided counseling to the Respondent to have a softer approach with patients. A second witness related that patients frequently advised that the Respondent did not provide timely or appropriate care or that the Respondent was mean to them. This witness also reported that the Respondent's co-workers complained that they needed to take on additional patients, because the Respondent couldn't complete a task or assignment. The third witness observed the Respondent yelling at a patient in a loud, very stern and disciplinary tone.

The Respondent could not recall ever being rude to a patient. With respect to the reported yelling at a confused patient, the Respondent admitted using a loud voice. The Respondent reported being concerned about the patient's safety and trying to get the patient's attention. The Respondent reported never refusing to answer patient call lights, but due to recent surgery, the Respondent may have been slower than others to respond. The Respondent reported taking another job where the Respondent felt like a valued team member.

SECTION III. RECOMMENDATION

The Investigation Team has concluded that the Respondent's conduct could be found to be unprofessional conduct, which violates acceptable standards within the profession (3 V.S.A. §129a (b)). However, at this time the Investigative Team recommends that this case be closed without formal prosecution.

This recommendation reflects the Investigative Team's belief that, alone, the facts and circumstances regarding this complaint do not warrant a public prosecution or imposition of a sanction and permanent public record. The Investigative Team believes that the disciplinary process thus far will continue to be sufficient deterrent to similar conduct in the future.

If this recommendation is adopted by the Board, the complaint against the Respondent will therefore be closed without filing of charges. The Board and Licensee are advised that should there be further complaints against this Licensee, this Investigation may be renewed and referred for prosecution.

Sections of the statute considered: 3 V.S.A. §129a (b) (1) and (2)

FOR THE INVESTIGATING TEAM

 2-12-2015
Case Manager Date

cc: D Sutton, Board Member; J Jones, Investigator; L Hibbert, Prosecuting Attorney

Reviewed for conformance to 3 V.S.A. to 3 V.S.A. § 131 and approved for release.

 2/13/15
Director, Office of Professional Regulation Date

3/9/15
Date Closed by Board

III. Vermont Criminal Justice Council (VCJC)—Professional Regulation of Law Enforcement Officers

The Vermont Criminal Justice Council professional regulates law enforcement officers as set forth in [20 V.S.A. chapter 151, subchapter 2](#) (unprofessional conduct).

[20 V.S.A. § 2409](#) (accessibility and confidentiality) provides which aspects of complaints against law enforcement officers are public; it is similar to OPR:

(a) It is the purpose of this section both to protect the reputation of law enforcement officers from public disclosure of unwarranted complaints against them and to fulfill the public's right to know of any action taken against a law enforcement officer when that action is based on a determination of unprofessional conduct.

(b) All meetings and hearings of the Council shall be subject to the Open Meeting Law.

(c) The Executive Director of the Council shall prepare and maintain a register of all complaints, which shall be open to public inspection and copying, except as may be exempt under the Public Records Act, and which shall show:

(1) with respect to any complaint, the following information:

(A) the date and the nature of the complaint, but not including the identity of the law enforcement officer; and

(B) a summary of the completed investigation; and

(2) only with respect to a complaint resulting in filing of charges or stipulations or the taking of disciplinary action, the following additional information:

(A) the name and business addresses of the law enforcement officer;

(B) formal charges, provided that they have been served or a reasonable effort to serve them has been made;

(C) the findings, conclusions, and order of the Council;

(D) the transcript of the hearing, if one has been made, and exhibits admitted at the hearing;

(E) any stipulation filed with the Council; and

(F) any final disposition of the matter by the Vermont Supreme Court.

(d) The Council, its hearing officer, and Council staff shall keep confidential any other information regarding unprofessional conduct complaints, investigations, proceedings, and related records except the information required or permitted to be released under this section.

* * *

(f) Nothing in this section shall prohibit the disclosure of any information regarding unprofessional conduct complaints pursuant to an order from a court of competent jurisdiction, or to a State or federal law enforcement agency in the course of its investigation, provided the agency agrees to maintain the confidentiality of the information as provided in subsection (d) of this section.

* * *

VCJC:

- [Register of Complaints](#); and
- [Register of VCJC Actions](#).