

AGENDA
BOARD OF EXAMINERS FOR NURSING
Department of Public Health
410 Capitol Avenue, Hartford, CT
April 21, 2021 - 8:30 AM

Chair Updates
Open Forum
Additional Agenda Items and Reordering of Agenda
National Council of State Boards of Nursing - Update

MINUTES

March 17, 2021

SCHOOL ISSUES

- *University of Bridgeport – Site Visit (Accelerated Bachelor of Science in Nursing Pre-Licensure Program)*
- *Annual pre-licensure LPN and RN education programs survey*
- *NCLEX test results – Porter & Chester Institute*

CONNECTICUT LEAGUE FOR NURSING – Monthly Update

SCOPE OF PRACTICE

March 2021 Summary

MEMORANDUM OF DECISION

- *Kimberly Lemire, RN* *Petition No. 2019-1237*
- *Kristen Jodoin, RN* *Petition No. 2020-715*
- *Nicholas Lewonczyk, LPN* *Petition No. 2017-50*

MOTIONS FOR SUMMARY SUSPENSION

- | | | |
|--------------------------------|-------------------------------|-------------------------------------|
| • <i>Sara Smith, RN</i> | <i>Petition No. 2021-181</i> | <i>Staff Attorney Joelle Newton</i> |
| • <i>Stacey Kinsley, RN</i> | <i>Petition No. 2020-972</i> | <i>Staff Attorney Joelle Newton</i> |
| • <i>Pamela Franklin, RN</i> | <i>Petition No. 2020-1211</i> | <i>Staff Attorney Linda Fazzina</i> |
| • <i>Amanda L. Claffey, RN</i> | <i>Petition No. 2021-284</i> | <i>Staff Attorney Joelle Newton</i> |
| • <i>David Martin, RN</i> | <i>Petition No. 2021-242</i> | <i>Staff Attorney Linda Fazzina</i> |

CONSENT ORDERS

- | | | |
|---------------------------------|-------------------------------|-------------------------------------|
| • <i>Amy Saunders, LPN</i> | <i>Petition No.: 2019-619</i> | <i>Staff Attorney Joelle Newton</i> |
| • <i>Christopher Banker, RN</i> | <i>Petition No. 2020-582</i> | <i>Staff Attorney Linda Fazzina</i> |
| • <i>Stephanie Kennedy, RN</i> | <i>Petition No. 2020-606</i> | <i>Staff Attorney Linda Fazzina</i> |

HEARINGS

- | | | |
|---------------------------------|-------------------------------|-------------------------------------|
| • <i>Erin Fitzpatrick, LPN</i> | <i>Petition No. 2020-330</i> | <i>Staff Attorney Linda Fazzina</i> |
| • <i>Gustavo Mastarreno, RN</i> | <i>Petition No.: 2020-783</i> | <i>Staff Attorney Joelle Newton</i> |
| • <i>Mercedes Miranda, LPN</i> | <i>Petition No.: 2020-706</i> | <i>Staff Attorney Linda Fazzina</i> |
| • <i>Alexis Young, LPN</i> | <i>Petition No.: 2020-331</i> | <i>Staff Attorney Joelle Newton</i> |

This meeting will be held by video conference. via Microsoft Teams
Board of Examiners for Nursing via Microsoft Teams
Join on your computer or mobile app
[**Click here to join the meeting**](#)
Or call in (audio only)

[+1 860-840-2075](#) - Phone Conference ID: 505 576 940#

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

The **Board of Examiners for Nursing** held a meeting on March 17, 2021 via Microsoft TEAMS.

BOARD MEMBERS PRESENT: Patricia C. Bouffard, RN, D.N.Sc. (RN Member, Chair)
Jason Blando - (Public Member)
Mary E. Dietmann, EdD, APRN, ACNS-BC, CNE - (RN Member)
Lisa S. Freeman, BA - (Public Member)
Jennifer C. Long, APRN, MSN, NNP-BC - (APRN Member)
Geraldine Marrocco, Ed.D., APRN, ANP-BC, FAANP -(RN Member)
Gina Reiners, PhD, APRN, PMHNP, PMHCNS - (RN Member)

BOARD MEMBERS ABSENT: Rebecca Martinez, LPN – (LPN Member)

ALSO PRESENT: Stacy Schulman, Legal Counsel to the Board, DPH
Dana Dalton, RN, Supervising Nurse Consultant, DPH
Helen Smith, RN, Nurse Consultant, DPH
Linda Fazzina, Staff Attorney, DPH
Joelle Newton, Staff Attorney, DPH
Diane Wilan, Staff Attorney, DPH
Jeffrey Kardys, Board Liaison, DPH
Agnieszka Salek, Hearings Liaison, DPH

The meeting commenced at 8:36 a.m. All participants were present by video or telephone conference.

CHAIR UPDATES

Nothing to report.

OPEN FORUM

Nothing to report.

APPROVAL OF AGENDA

Gina Reiners made a motion, seconded by Geraldine Marrocco, to approve the agenda as revised. The motion passed unanimously.

NATIONAL COUNCIL STATE BOARDS OF NURSING

Chair Bouffard provided an update from the February 2021 Board of Directors meeting.
Mary Dietmann provided a report of an Education Consultants Group teleconference on March 4, 2021. Topics discussed included a National pre-licensure RN study assessing the impact of COVID-19 on nursing education; practice clinical partnerships; and licensure guidance tools.

Jennifer C. Long arrived at 8:48 a.m.

MINUTES

Gina Reiners made a motion, seconded by Mary Dietmann to approve the minutes from February 17, 2021. The motion passed. Lisa Freeman and Jennifer Long abstained.

SCHOOL ISSUES

- Goodwin University – Approval of Director of the Associate Degree
Janice Watts was present on behalf of Goodwin University.
Mary Dietmann made a motion, seconded by Geraldine Marrocco, to approve Bruce Hoffman as the Director of the Associate Degree Program for Goodwin University. The motion passed with all in favor except Gina Reiners who recused herself.

- Fairfield University – Site Visit (Master's Entry to Practice Nursing (MEPN) pre-licensure program)

Meredith Kazer was present on behalf of Fairfield University.

Helen Smith provided a report of a Department of Public Health site visit to Fairfield University on March 3, 2021 for a facility review prior to the commencement of the Master's Entry to Practice Nursing (MEPN) pre-licensure program. Mary Dietmann made a motion, seconded by Geraldine Marrocco to approve the facilities at Fairfield University for use of this program.

VIRTUAL SIMULATION COMMITTEE UPDATE

Draft Simulation Criteria Guidelines were reviewed.

Gina Reiners made a motion, seconded by Geraldine Marrocco to approve the recommended guidelines as edited. The motion passed unanimously. The guidelines will be forwarded to the Commissioner of the Department of Public Health for review.

CONNECTICUT LEAGUR FOR NURSING – Monthly Update

Audrey Beauvais and Marcia Proto provided an update from the Connecticut League for Nursing on the following matters:

- Connecticut Hospital Association Healthcare Educators Group discussions pertaining to Transition to Practice; Communication; and Clinical Placement
- The annual nurse education survey.
- Office of Workforce Strategy.
- Competency based education

SCOPE OF PRACTICE

Helen Smith, Nurse Consultant, DPH provided a summary of 70 nursing scope of practice inquires received by the Department of Public Health during February 2021.

MEMORANDA OF DECISION

Nicole Holiday, RN, APRN - Petition No. 2019-445

Geraldine Marrocco made a motion, seconded by Mary Dietmann, to reaffirm the Board's decision imposing probation for a period of four years. The motion passed with all in favor except Jennifer Long who abstained.

Laura Kisatsky, RN Petition No. 2020-541

Mary Dietmann made a motion, seconded by Gina Reiners, to reaffirm the Board's revoking the license of Ms. Kisatsky. The motion passed unanimously.

FACT-FINDING

Kimberly Lemire RN Petition No. 2019-1237

Attorney Schulman explained the need for the Board to revisit the fact-finding in this matter which was conducted subsequent to a June 17, 2020 hearing.

Mary Dietmann made a motion, seconded by Jennifer Long, to reject the draft Memorandum of Decision which was based on the June 17, 2020 fact-finding. The motion passed with all in favor except Gina Reiners who abstained.

Jennifer Long made a motion, seconded by Geraldine Marrocco, that paragraphs 2, 4 ad 5 of the Statement of Charges be dismissed due to lack of jurisdiction but that Ms. Lemire be found on paragraphs 1, 3, 6, 7, 8 and 9. The motion passed with all in favor except Gina Reiners who abstained.

Jennifer Long made a motion, seconded by Geraldine Marrocco, that Ms. Lemire's license be placed on probation for one year, with monthly employer reports and course work relating to medication administration, documentation, and scope of practice. The motion passed with all in favor except Gina Reiners who abstained.

PRE-HEARING REVIEW

Azra Sarkinovic, R.N - Petition No. 2019-417

Staff Attorney Linda Fazzina was present for the Department of Public Health. Attorney Patrick Filan was present on behalf of Ms. Sarkinovic.

Following a review of stipulated exhibits the consensus of the Board is that this matter be dismissed.

CONSENT ORDERS

Christian Todzia, RN - Petition No. 2017-1072

Staff Attorney, Diane Wilan, Department of Public Health presented a Consent Order in the matter of Christian Todzia, RN. Attorney Andrew O'Shea was present with Mr. Todzia.

Gina Reiners moved, and Jennifer Long seconded, to approve the Consent Order which imposes a probation for a period of two years, a reprimand and a \$1500.00 civil penalty. The motion passed with Chair Bouffard, Jason Blando, Jennifer Long and Gina Reiners voting in favor. Lisa Freeman, Mary Dietmann and Geraldine Marrocco were opposed.

HEARINGS

Kristen Brice, LPN - Petition No. 2017-1072

Joelle Newton, Staff Attorney was present for the Department of Public Health. Respondent was present with Attorney Dennis Mancini.

Following the close of the record the Board conducted fact-finding. Lisa Freeman moved, and Mary Dietmann seconded, that Ms. Brice be found as charged. The motion passed unanimously.

Mary Brown moved, and Geraldine Marrocco seconded, that Ms. Brice's license be placed on probation for two years with conditions that include random urine screening weekly during the first and last six months, once a month for twelve months; employer reports every two months for the entire probation; no home care/independent practice for the first year; and access to the administration of controlled substance is restricted for the first year. The motion passed unanimously.

Allison Krawza, RN - Petition No. 2020-580

Staff Attorney, Linda Fazzina was present for the Department of Public Health. Respondent was not present and was not represented.

Jennifer Long made a motion seconded by Lisa Freeman to grant the Department's oral motion to deem allegations admitted. The motion passed unanimously.

Following close of the hearing the Board conducted fact-finding.

Jennifer Long made a motion seconded by Lisa Freeman, that Ms. Krawza be found as charged. The motion passed unanimously.

Jennifer Long moved, and Lisa Freeman seconded, that Ms. Krawza's license be revoked. The motion passed unanimously.

Natalie Primini LPN – License Reinstatement Request

Staff Attorney Diane Wilan was present for the Department of Public Health. Ms. Primini was present but was not represented.

Following the close of the record the Board conducted fact-finding. Lisa Freeman moved, and Jennifer Long seconded, that Ms. Primini's licensed practical nurse be reinstated to probation, with conditions, for a period of two years. Conditions include random urine screening weekly; monthly employer and therapist reporting; completion of a licensed practical nurse refresher program and passing the NCLEX-PN examination. The motion passed unanimously.

ADJOURNMENT

Upon a motion by Lisa Freeman, seconded by Geraldine Marrocco, it was the unanimous decision to adjourn this meeting at 1:05 p.m.

BOEN meeting 04/21/2021

University of Bridgeport

1. The Department made a visit to the University of Bridgeport on 03/22/2021 prior to the start of their Accelerated Bachelor of Science in Nursing (ABSN) pre-licensure program that was approved by the BOEN on 08/19/2020. The tour was led by the Director of the School of Nursing, Dr. Linda Wagner. During the tour it was identified that the pertinent Nursing Education Programs and Licensure Requirements, General (20-90-45 to 20-90-50) were met including: maintenance of a system of administrative records, physical facilities: a library with a dedicated librarian for the College of Health Sciences, office spaces, conference rooms, an auditorium, a cafeteria, lounges, classrooms and a ten bed nursing laboratory sufficient to meet the needs of the program, adequate clerical staff support and safeguarding student records/information. The facilities were equipped with advanced technology, a wide range of resources including the two simulation rooms with "patient simulators" awaiting care, a debriefing room, and a "home suite".
2. University of Bridgeport (UB) has provided an update on the pending purchase by Goodwin University, Inc. The legal changes associated with the ownership of UB will not impact the nursing program and the reporting structure will remain the same (reporting structure provided on page 3 on the UB letter from Dr. Im, Interim Provost dated 04/01/2021).

Connecticut League for Nursing (CLN):

CLN has provided the student data for the calendar year 2020 for the annual pre-licensure LPN and RN education programs survey.

Update on the NCLEX test results- regarding Porter & Chester Institute (PCI):

Changes have been made as requested for the candidates that were educated by PCI and the results are as follows:

Rocky Hill campus Day program from 70 % to 82 %

Rocky Hill campus, Evening program from 71% to 54%

Stratford campus, Day program from 86% to 87%

Stratford campus, Evening program from 77% to 73 %

Please note on 06/17/2020 the BOEN placed the PCI Rocky Hill campus Day program on Conditional Approval due to the NCLEX pass rate of 70% and now that pass rate is 82 %.



April 1, 2021

Manyul Im, Ph.D., Interim Provost
University of Bridgeport
126 Park Avenue, Bridgeport, CT 06604

Helen Smith, R.N., M.S.N., Nurse Consultant
Practitioner Licensing & Investigations Section
Healthcare Quality & Safety Branch
Department of Public Health, State of Connecticut
410 Capitol Avenue, Hartford, CT 06134

Subject: Change of Ownership for the University of Bridgeport

Dear Ms. Smith,

On behalf of the University of Bridgeport (UB) and Goodwin University (Goodwin), we would like to provide additional information to the Department of Public Health (DPH) regarding the upcoming sale of UB. Our understanding is that you will be able to share this information with the Board of Examiners for Nursing (BOEN) as the DPH representative. The details provided in this communication result from a collaborative effort between both universities to thoughtfully outline the overall transaction and the relationship between the two institutions.

Summary of Transaction

On or about July 1, 2021, the assets of UB will be purchased by Goodwin University, Inc. (The exact date of the closing will be determined by the schedule of the United States Department of Education.) Once the closing takes place to transfer the ownership, UB will become a corporate entity and a subsidiary of Goodwin.

The corporation will be a Connecticut non-stock, non-profit (501c3) corporation with Goodwin as the sole member. The corporate entity is titled in legal documents as "The New University of Bridgeport." Regardless of UB's legalistic transformation, the institution will continue to be referred to as *The University of Bridgeport* after the sale. For practical purposes, the terms "Old UB" and "New UB" are used to informally differentiate between the pre-sale UB and the post-sale UB.

The most significant change for UB is that it will soon have a parent organization. In this case, having a parent organization will positively influence UB's financial operations and provide program support with guidance on policies and procedures. The faculty, curriculum, laboratory facilities, and ancillary supports for the nursing program will remain unchanged. Significantly, UB will remain an independent institution with regional accreditation by the New England Commission of Higher Education (NECHE) under their *Policy on Pilot Projects*. NECHE has approved the sale of UB (letter attached).

Positive Impacts for Students

The student perspective regarding the transaction is a significant area of importance. In support of transparency, Goodwin has held several “town hall” style meetings for any interested students to learn about how the change will be conducted. The need to preserve the UB brand for current students and alumni was evident from the first early discussions. Further, had UB ceased to operate or transformed into a different institution altogether, the current students would face the burden of transferring from UB to a different institution. Goodwin's plan to purchase UB and have it continue operating as an independent institution accommodates both of those concerns.

There are many additional advantages to UB stakeholders as a result of the transaction:

No Disruption for Students. The Office of Postsecondary Education Identification (OPE), part of the U.S. Department of Education, assigns an identification number to approved institutions to participate in federal financial aid programs. If UB were to cease operations or become a different institution, students would need to reconstruct their financial aid packages in order to continue. In the current arrangement, the OPE ID number will remain the same, and no financial aid changes will be needed. Students will not have to transfer anywhere, and international students, in particular, will not face disruption.

Diplomas Granted by UB. Students who are presently studying at UB will earn a diploma from UB. There will be no change of course for students who are working hard to achieve this goal.

No Changes to Sponsoring Institution. Specialized accreditors, such as CCNE, can have a higher degree of comfort with the knowledge that UB will remain as the sponsoring institution; they will continue to work with the same individuals they have come to know.

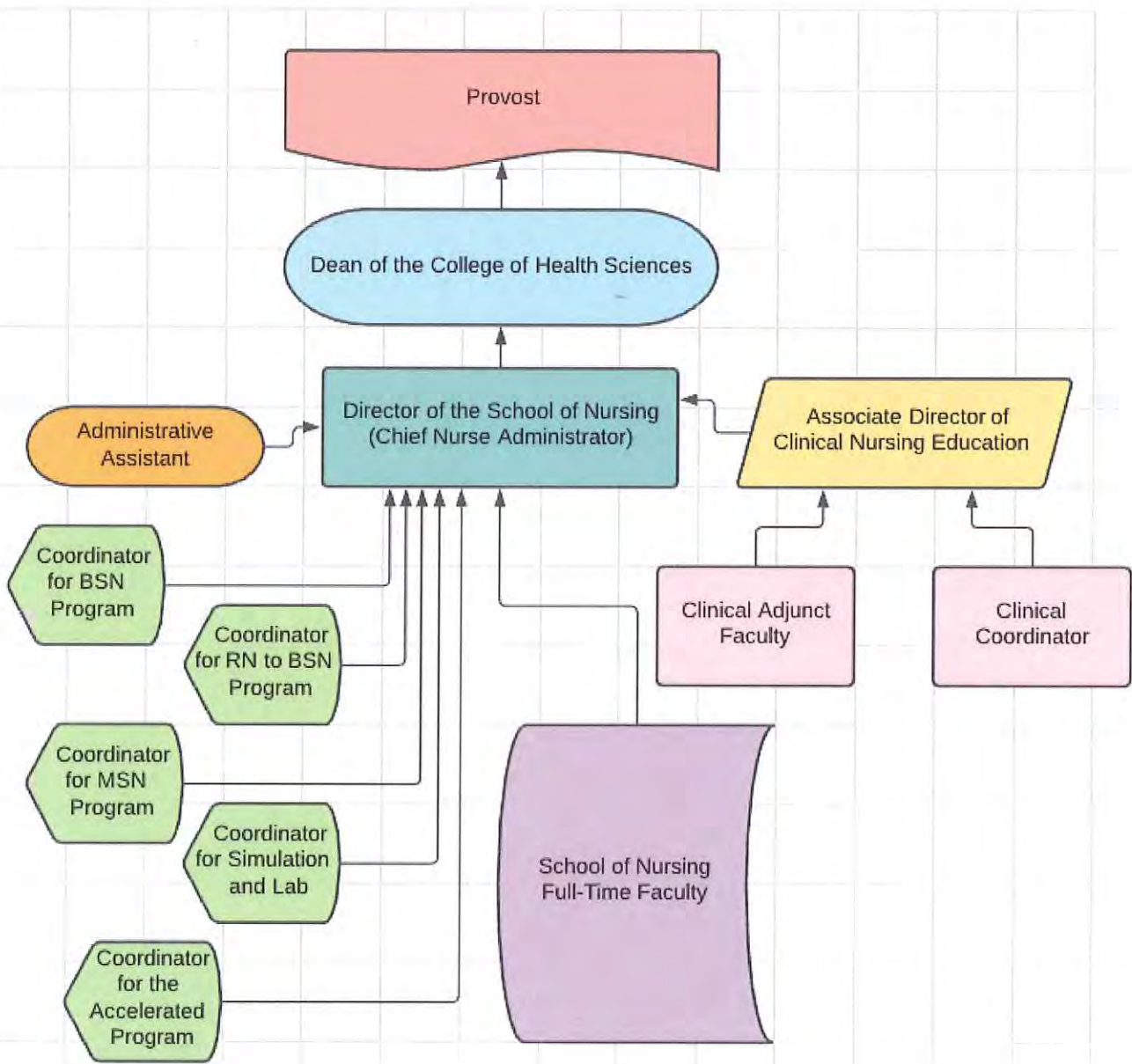
Overall, Goodwin plans to purchase UB and serve as a parent organization. UB will remain an independent, NECHE-accredited institution with its own Board of Trustees, administration, and federal OPE ID number. All UB programs will remain under the direction of UB administration and program leadership. Many positive impacts exist for students in light of the transaction, which is necessary for UB to continue operations as an institution of higher education.

Specialized Accreditation

The leadership of the specialized programs at UB have been working with their respective accreditors to ensure a smooth transfer of sponsorship. Importantly, the transfers are from Old UB to New UB, *not* to Goodwin; the institutions remain independent. The response from the accreditation groups has been overwhelmingly positive. Many programs, including Chiropractic, Physician Assistant, and Nutrition, have already received approval to transfer sponsorship from Old UB to New UB. Some accreditors require pre-approval to transfer sponsorship, while others request that proposals are submitted post-sale.

Changes to the Nursing Program as a Result of the Sale

The legal changes associated with the ownership of UB will not impact the nursing program. There will be no changes to curriculum, admissions, enrollment, facilities, clinical affiliations, or number of faculty and staff positions in the nursing program as a result of the sale. All faculty and staff have been invited to apply for their positions with New UB as the new employer; a human resources process is currently underway. The reporting structure will also not change from pre-sale to post-sale. Specifically, the role of the Director of Nursing/Chief Nurse Administrator (CNA) will continue to report to Dean of the College of Health Sciences, who reports to the Provost. The Coordinators and Full-Time Faculty all report to the CNA. The following chart identifies the reporting structure for the UBSN:



The University of Bridgeport and Goodwin University hope that this informational letter addresses all aspects of the upcoming transaction. We welcome the opportunity to clarify any questions that may arise and appreciate all assistance during this transformative time in the history of both institutions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Manyul Im', written in a cursive style.

Manyul Im, Ph.D, Interim Provost and Vice President of Academic Affairs
University of Bridgeport

A handwritten signature in black ink, appearing to be 'Danielle Wilken', written in a cursive style.

Danielle Wilken, Ed.D, Provost and Dean of Faculty
Goodwin University

George W. Tetler, Chair (2022)
Worcester, MA

Russell Carey, Vice Chair (2023)
Brown University

Eleanor Baker (2021)
Falmouth, ME

Peter L. Ebb (2021)
Trustee Member, Boston, MA

Gregory W. Fowler (2021)
Southern New Hampshire
University

Dennis M. Hanno (2021)
Wheaton College

Ellen L. Kennedy (2021)
Berkshire Community College

David Quigley (2021)
Boston College

Abdallah A. Sfeir (2021)
Lebanese American University

John M. Sweeney (2021)
Providence College

Elaine Collins (2022)
Northern Vermont University

Harry E. Dumay (2022)
College of Our Lady of the Elms

P. Michael Lahan (2022)
Norwich, CT

Jeffrey J. McMahan (2022)
Burlington, VT

Peggy Newell (2022)
Harvard University

Francesco C. Cesareo (2023)
Assumption University

F. Javier Cevallos (2023)
Framingham State University

Rick Daniels (2023)
Cohasset, MA

Matthew Derr (2023)
Sterling College

Pam Y. Eddinger (2023)
Bunker Hill Community College

Kimberly M. Goff-Crews (2023)
Yale University

James Herbert (2023)
University of New England

Susan D. Huard (2023)
Community College System of NH

Scott Jordan (2023)
University of Connecticut

Todd Leach (2023)
University System of
New Hampshire

Jean MacCormack (2023)
Trustee, Bridgewater State
University

David Proulx (2023)
Rhode Island School of Design

Andrew Shennan (2023)
Wellesley College

Michael Whelan (2023)
Emerson College

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December 15, 2020

To Whom It May Concern:

This is to certify that at its meeting on November 20, 2020, the New England Commission of Higher Education approved the substantive change proposal submitted by Goodwin University and University of Bridgeport that will result in a change of ownership for University of Bridgeport and specified follow-up monitoring of the implementation of the change of ownership.

Questions about the accreditation status of Goodwin University and University of Bridgeport should be directed to the offices of the New England Commission of Higher Education.

Sincerely,

Patricia M. O'Brien SND
Senior Vice President

POB/sjp

2021 CT Licensed Practical Nurse (LPN) Pre-Licensure Education Programs- Statewide Student Statistics Report for CT SBEN
 Student Data Collected- Calendar Year 2020

Organization	Program site	New Student Seat Capacity	Qualified Applicants	Total Admitted	Waitlisted	Applicants Accepted But Did Not Enroll	New Enrollees	Graduated	Total Student Enrollees	Withdrew	Attrition Rate	Females	Males
Porter & Chester	Stratford - Day	60	71	65	0	11	54	21	105	24	23%	92	13
	Stratford - Evening	40	37	35	0	4	31	7	63	8	13%	59	4
	Hamden - Day	60	66	60	0	9	51	32	112	29	26%	101	10
	Hamden - Evening	20	15	12	0	5	7	4	42	7	17%	41	1
	Waterbury - Day	80	89	80	0	0	78	40	142	30	21%	127	15
	Waterbury - Evening	40	50	42	0	2	40	12	98	24	24%	92	5
	Rocky Hill - Day	60	54	51	0	13	38	14	87	8	9%	81	6
	Rocky Hill - Evening	30	26	24	0	0	24	3	61	9	15%	59	2
	Enfield - Day	60	79	63	0	4	59	19	113	32	28%	108	5
Enfield - Evening	50	48	48	0	0	40	5	65	10	15%	61	4	
Lincoln Technical Institute	New Britain - Day	120	136	136	0	39	97	52	188	63	34%	161	26
	New Britain - Evening	80	104	104	8	26	70	27	151	25	17%	135	16
	Shelton - Day	170	168	168	0	31	137	89	156	50	32%	144	12
	Shelton - Evening	65	61	61	0	15	46	25	72	22	31%	70	1
Stone Academy	East Hartford - Day	240	210	210	0	41	169	23	290	44	15%	259	31
	East Hartford - Evening	200	178	178	0	38	140	67	362	46	13%	341	20
	West Haven - Day	240	213	213	0	42	171	27	261	49	19%	236	25
	West Haven - Evening	230	200	172	0	43	129	97	382	32	8%	367	16
	Waterbury - Day	150	132	132	0	38	94	23	182	33	18%	173	9
	Waterbury - Evening	90	97	97	0	38	59	14	149	25	17%	142	7
Totals		2085	2034	1951	8	399	1534	601	3081	570	19%	2849	228

Attrition Rate = Withdrew/Total Student Enrollees

Collected, Analyzed and Reported by the Connecticut League for Nursing (CLN) and CTData Collaborative

Marcia B. Proto, M.Ed, CAS, Executive Director

marcia@ctleaguefornursing.org / 203-494-1121

2021 CT Licensed Practical Nurse (LPN) Pre-Licensure Education Programs- Statewide Student Statistics Report for CT SBEN
 Student Data Collected- Calendar Year 2020

Organization	Program site	New Student Seat Capacity	Qualified Applicants	Total Admitted	Waitlisted	Applicants Accepted But Did Not Enroll	New Enrollees	Graduated	Total Student Enrollees	Withdrew	Attrition Rate	Females	Males
Porter & Chester	Stratford - Day	60	71	65	0	11	54	21	105	24	23%	92	13
	Stratford - Evening	40	37	35	0	4	31	7	63	8	13%	59	4
	Hamden - Day	60	66	60	0	9	51	32	112	29	26%	101	10
	Hamden - Evening	20	15	12	0	5	7	4	42	7	17%	41	1
	Waterbury - Day	80	89	80	0	0	78	40	142	30	21%	127	15
	Waterbury - Evening	40	50	42	0	2	40	12	98	24	24%	92	5
	Rocky Hill - Day	60	54	51	0	13	38	14	87	8	9%	81	6
	Rocky Hill - Evening	30	26	24	0	0	24	3	61	9	15%	59	2
	Enfield - Day	60	79	63	0	4	59	19	113	32	28%	108	5
Enfield - Evening	50	48	48	0	0	40	5	65	10	15%	61	4	
Lincoln Technical Institute	New Britain - Day	120	136	136	0	39	97	52	188	63	34%	161	26
	New Britain - Evening	80	104	104	8	26	70	27	151	25	17%	135	16
	Shelton - Day	170	168	168	0	31	137	89	156	50	32%	144	12
	Shelton - Evening	65	61	61	0	15	46	25	72	22	31%	70	1
Stone Academy	East Hartford - Day	240	210	210	0	41	169	23	290	44	15%	259	31
	East Hartford - Evening	200	178	178	0	38	140	67	362	46	13%	341	20
	West Haven - Day	240	213	213	0	42	171	27	261	49	19%	236	25
	West Haven - Evening	230	200	172	0	43	129	97	382	32	8%	367	16
	Waterbury - Day	150	132	132	0	38	94	23	182	33	18%	173	9
	Waterbury - Evening	90	97	97	0	38	59	14	149	25	17%	142	7
Totals		2085	2034	1951	8	399	1534	601	3081	570	19%	2849	228

Attrition Rate = Withdrew/Total Student Enrollees

Collected, Analyzed and Reported by the Connecticut League for Nursing (CLN) and CTData Collaborative

Marcia B. Proto, M.Ed, CAS, Executive Director

marcia@ctleaguefornursing.org / 203-494-1121

2021 CT Registered Nurse (RN) Pre-Licensure Education Programs- Statewide Student Statistics Report for CT SBEN
 Student Data Collected- Calendar Year 2020

School/University	Degree/Program	New Student Seat Capacity	Qualified Applicants	Total Admitted	Waitlisted	Applicants Accepted But Did Not Enroll	New Enrollees	New Cohorts	LPN Enrollees	Graduated	Total Student Enrollees	Withdrawn	Attrition Rate	Females	Males
Yale University	M	104	145	172	27	47	98	1	0	106	98	1	1%	84	14
Central Connecticut State University	B	70	79	70	9	1	69	1	0	54	241	1	0%	197	44
Naugatuck Valley Community College	AD	125	288	152	27	27	132	2	8	102	362	32	9%	306	56
Saint Vincent's College	AD	180	723	300	0	131	169	3	54	93	444	11	2%	394	50
Western CT State University	B	85	95	85	0	5	85	1	2	70	232	3	1%	203	29
Three Rivers Community College	AD	96	155	104	18	18	96	2	3	73	170	23	14%	156	14
Quinnipiac University	B	210	2380	1147	0	958	189	1	0	137	636	30	5%	588	48
QU, New Haven, CT	AC	80	369	176	20	85	83	1	0	60	145	0	0%	118	27
Capital Community College	AD	160	271	176	16	30	146	1	19	102	411	63	15%	345	66
Southern Connecticut State University	AC	36	403	36	0	0	36	1	0	34	36	2	6%	29	7
SCSU, New Haven, CT	B	90	104	90	0	1	89	1	0	76	193	2	1%	167	26
Sacred Heart University	B	280	2251	1101	0	820	281	1	0	125	979	28	3%	936	43
SHU, Fairfield, CT	AC	30	102	37	0	14	23	1	0	0	23	0	0%	21	2
University of Saint Joseph	B	92	258	258	0	194	64	1	0	41	251	9	4%	238	13
USJ, West Hartford, CT	AC	40	58	45	0	10	35	1	0	33	70	0	0%	55	15
Gateway Community College	AD	100	295	137	41	41	100	2	11	88	290	19	7%	242	48
Fairfield University	B	175	565	565	0	409	156	1	0	173	642	17	3%	614	28
FU, Fairfield, CT	AC	60	115	115	0	63	52	2	0	54	106	0	0%	98	8
Northwestern CT Community College	AD	32	80	37	5	5	32	1	4	32	63	2	3%	55	8
Norwalk Community College	AD	81	153	105	24	20	77	1	6	73	225	22	10%	184	41
University of Hartford	B	90	590	590	0	520	70	1	0	0	148	42	28%	137	11
Goodwin University	AD	192	671	192	0	4	192	3	16	194	470	4	1%	410	60
GU, East Hartford, CT	AC	30	90	30	0	4	30	1	0	24	54	0	0%	46	8
University of Connecticut	B	130	1381	581	0	425	148	1	0	123	473	7	1%	416	60
UCONN CEIN - Avery Point (Groton)	AC	29	29	29	0	1	28	1	0	27	28	1	4%	23	5
UCONN CEIN - Stamford	AC	37	37	37	0	3	34	1	0	33	34	1	3%	23	11
UCONN CEIN - Storrs	AC	50	51	51	0	1	50	1	0	47	50	3	6%	37	13
UCONN CEIN - Waterbury	AC	38	38	38	0	0	38	1	0	38	38	0	0%	32	6
University of Bridgeport	B	90	158	94	12	4	90	1	1	69	248	8	3%	216	32
Totals		2,812	11,934	6,550	199	3,841	2,692	37	124	2,081	7,160	331	5%	6,370	793

B=Baccalaureate

AC=Accelerated 2nd degree program

M=Masters Pre-Licensure

**Attrition Rate = Withdrawn/Total Student Enrollees

Collected, Analyzed and Reported by the Connecticut League for Nursing (CLN) and CTData Collaborative

Marcia B. Proto, M.Ed, CAS, Executive Director

marcia@ctleaguefornursing.org / 203-494-1121

2021 CT Registered Nurse (RN) Pre-Licensure Education Programs- Statewide Student Statistics Report for CT SBEN
 Student Data Collected- Calendar Year 2020

School/University	Degree/Program	New Student Seat Capacity	Qualified Applicants	Total Admitted	Waitlisted	Applicants Accepted But Did Not Enroll	New Enrollees	New Cohorts	LPN Enrollees	Graduated	Total Student Enrollees	Withdrawn	Attrition Rate	Females	Males
Yale University	M	104	145	172	27	47	98	1	0	106	98	1	1%	84	14
Central Connecticut State University	B	70	79	70	9	1	69	1	0	54	241	1	0%	197	44
Naugatuck Valley Community College	AD	125	288	152	27	27	132	2	8	102	362	32	9%	306	56
Saint Vincent's College	AD	180	723	300	0	131	169	3	54	93	444	11	2%	394	50
Western CT State University	B	85	95	85	0	5	85	1	2	70	232	3	1%	203	29
Three Rivers Community College	AD	96	155	104	18	18	96	2	3	73	170	23	14%	156	14
Quinnipiac University	B	210	2380	1147	0	958	189	1	0	137	636	30	5%	588	48
QU, New Haven, CT	AC	80	369	176	20	85	83	1	0	60	145	0	0%	118	27
Capital Community College	AD	160	271	176	16	30	146	1	19	102	411	63	15%	345	66
Southern Connecticut State University	AC	36	403	36	0	0	36	1	0	34	36	2	6%	29	7
SCSU, New Haven, CT	B	90	104	90	0	1	89	1	0	76	193	2	1%	167	26
Sacred Heart University	B	280	2251	1101	0	820	281	1	0	125	979	28	3%	936	43
SHU, Fairfield, CT	AC	30	102	37	0	14	23	1	0	0	23	0	0%	21	2
University of Saint Joseph	B	92	258	258	0	194	64	1	0	41	251	9	4%	238	13
USJ, West Hartford, CT	AC	40	58	45	0	10	35	1	0	33	70	0	0%	55	15
Gateway Community College	AD	100	295	137	41	41	100	2	11	88	290	19	7%	242	48
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Northwestern CT Community College	AD	32	80	37	5	5	32	1	4	32	63	2	3%	55	8
Norwalk Community College	AD	81	153	105	24	20	77	1	6	73	225	22	10%	184	41
University of Hartford	B	90	590	590	0	520	70	1	0	0	148	42	28%	137	11
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GU, East Hartford, CT	AC	30	90	30	0	4	30	1	0	24	54	0	0%	46	8
University of Connecticut	B	130	1381	581	0	425	148	1	0	123	473	7	1%	416	60
UCONN CEIN - Avery Point (Groton)	AC	29	29	29	0	1	28	1	0	27	28	1	4%	23	5
UCONN CEIN - Stamford	AC	37	37	37	0	3	34	1	0	33	34	1	3%	23	11
UCONN CEIN - Storrs	AC	50	51	51	0	1	50	1	0	47	50	3	6%	37	13
UCONN CEIN - Waterbury	AC	38	38	38	0	0	38	1	0	38	38	0	0%	32	6
University of Bridgeport	B	90	158	94	12	4	90	1	1	69	248	8	3%	216	32
Totals		2,812	11,934	6,550	199	3,841	2,692	37	124	2,081	7,160	331	5%	6,370	793

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Marcia B. Proto, M.Ed, CAS, Executive Director

marcia@ctleaguefornursing.org / 203-494-1121

PRESENTED TO BOEN 05/20/2020

NCLEX-RN First Time Candidates % Passed	<u>2018</u>	<u>2018</u>	<u>2019</u>	<u>2019</u>	<u>2020</u>	<u>2020</u>
<u>MASTERS</u>						
Yale School of Nursing	98		94		98	
<u>BACCALAUREATE</u>	<u>BS</u>	<u>Accelerated</u>	<u>BS</u>	<u>Accelerated</u>	<u>BS</u>	<u>Accelerated</u>
Central CT State University	90		100		97	
Fairfield University	93	91	93	98	97	98
Quinnipiac University	92	89	94	96	90 *	94 *
Sacred Heart University	97		99		92	
Southern CT State University	95	98	100	97	95	100
University of Bridgeport First graduating class in 2020	N/A		N/A		No data	
University of Connecticut						
Groton Campus/CEIN		100		97		97
Stamford Campus/CEIN		92		94		78
Storrs Campus	92	95	98	98	98	100
Waterbury Campus/CEIN		100		100		97
University of Saint Joseph	96	90	95	88	96	97
Western CT State University	88		94		92	
<u>ASSOCIATE DEGREE</u>	<u>Day</u>	<u>Evening</u>	<u>Day</u>			
Capital CC*	92		89		87	
Gateway CC*	91		91		88	
Goodwin University	82		80		85	
Naugatuck Valley CC*	95		98		94	
Northwestern CC*	93		90		90	
Norwalk CC*	85		95		91	
ST. Vincent's College	86	80	82		85	
Three Rivers CC*	99		93		92	
(* Community Colleges)						

PRESENTED TO BOEN 05/20/2020

NCLEX-PN First Time Candidates % Passed	CAMPUS	2018 Day	2018 Evening	2019 Day	2019 Evening	2020 Day	2020 Evening
LINCOLN TECHNICAL INSTITUTE	NEW BRITAIN	97	88	95	100	95	89
	SHELTON	90	83	89	91	84	86
PORTER and CHESTER INSTITUTE	BRANFORD	100	N/A	Closed 2019	Closed 2019	N/A	N/A
	ENFIELD	100	100	94	100	100	100
	HAMDEN-OPEN 2019			100	83	63	50
	ROCKY HILL	93	N/A	79	100	70 *	71 *
	STRATFORD	75	N/A	85	50	86 *	77 *
	WATERBURY	81	100	80	89	90	88
STONE ACADEMY	EAST HARTFORD	87	96	84	93	73	84
	WATERBURY			N/A	N/A	100	No data
	WEST HAVEN	93	78	71	93	48	80

*= Results may change based on request from schools to correct candidate information. Will update the BOEN if any results change.

UPDATED → 04/06/2021

NCLEX-RN First Time Candidates % Passed	<u>2018</u>	<u>2018</u>	<u>2019</u>	<u>2019</u>	<u>2020</u>	<u>2020</u>
<u>MASTERS</u>						
Yale School of Nursing	98		94		98	
<u>BACCALAUREATE</u>	<u>BS</u>	<u>Accelerated</u>	<u>BS</u>	<u>Accelerated</u>	<u>BS</u>	<u>Accelerated</u>
Central CT State University	90		100		97	
Fairfield University	93	91	93	98	97	98
Quinnipiac University	92	89	94	96	90 *	94 *
Sacred Heart University	97		99		92	
Southern CT State University	95	98	100	97	95	100
University of Bridgeport First graduating class in 2020	N/A		N/A		No data	
University of Connecticut						
Groton Campus/CEIN		100		97		97
Stamford Campus/CEIN		92		94		78
Storrs Campus	92	95	98	98	98	100
Waterbury Campus/CEIN		100		100		97
University of Saint Joseph	96	90	95	88	96	97
Western CT State University	88		94		92	
<u>ASSOCIATE DEGREE</u>	<u>Day</u>	<u>Evening</u>	<u>Day</u>			
Capital CC*	92		89		87	
Gateway CC*	91		91		88	
Goodwin University	82		80		85	
Naugatuck Valley CC*	95		98		94	
Northwestern CC*	93		90		90	
Norwalk CC*	85		95		91	
ST. Vincent's College	86	80	82		85	
Three Rivers CC*	99		93		92	
(* Community Colleges)						

UPDATED - 04/04/2021

NCLEX-PN First Time Candidates % Passed	CAMPUS	2018 Day	2018 Evening	2019 Day	2019 Evening	2020 Day	2020 Evening
LINCOLN TECHNICAL INSTITUTE	NEW BRITAIN	97	88	95	100	95	89
	SHELTON	90	83	89	91	84	86
PORTER and CHESTER INSTITUTE	BRANFORD	100	N/A	Closed 2019	Closed 2019	N/A	N/A
	ENFIELD	100	100	94	100	100	100
	HAMDEN-OPEN 2019			100	83	63	50
	ROCKY HILL	93	N/A	79	100	82	54
	STRATFORD	75	N/A	85	50	87	73
	WATERBURY	81	100	80	89	90	88
STONE ACADEMY	EAST HARTFORD	87	96	84	93	73	84
	WATERBURY			N/A	N/A	100	No data
	WEST HAVEN	93	78	71	93	48	80

PHONE CALLS/SCOPE OF PRACTICE QUESTIONS

SUMMARY – MONTH: March 2021 (44 calls)

Answered with or without written documents

APRNs 11 calls:

- 7-Request information on collaborative practice agreements. *Refer to the Department website, Practitioner Licensing and APRN Collaborative Agreements.*
- 3-Request a copy of the APRN scope of practice. *Refer to the Board of Examiners for Nursing (BOEN) website and the Connecticut (CT) Nurse Practice Act (NPA).*
- Can an APRN certified in one practice area, practice in a “new” area with education, verification of competency and a collaborative agreement with a CT licensed physician in the “new” practice area? *Yes.*

RNs 9 calls:

- 5-Request a copy of the RN scope of practice. *Refer to the BOEN website and the CT NPA.*
- 3-RN requesting an update on license renewal application. *Refer to the Department’s licensing unit (provided e-mail address).*
- RN seeking employment opportunity at the Department of Public Health. *Direct to the Department’s website then career opportunities (then will be directed to the CT State Department of Administrative Services).*

LPNs 11 calls:

- 8-Request a copy of the LPN scope of practice. *Refer to the BOEN website and the CT NPA.*
- 2-LPN requesting an update on license renewal application. *Refer to the Department’s licensing unit (provided e-mail address).*
- Request a list of the LPN schools in CT. *Refer to the BOEN website, Nursing Education Programs then LPN Programs.*

Schools 1 call:

- Loyola University New Orleans, Louisiana: Does the BOEN or Department have oversight of post-licensure programs? *No.*

Guidelines/Other 12 calls:

- 2-In the process of setting up a Medical Spa requesting guidance. *Refer to the Medical Spa Statute, Connecticut General Statutes, Chapter 368ll, Section 19a-903 c.*
- 5-Request information on Certified Nursing Assistant programs in CT. *Refer to Department staff who works with the CNA programs in CT (provide e-mail address).*
- 4-Request information on how to renew an expired CNA certificate. *Refer to Department staff who works with the CNA programs in CT (provide e-mail address).*
- Attorney requesting information on how the BOEN determines if a task is within the scope for an LPN or a RN (as the CT Nurse Practice Act is not specific to tasks). *Refer to the BOEN website, Declaratory Rulings/Guidelines and “Decision Making Model”.*

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Kimberly Lemire, R.N.
License No. 155761

Petition No. 2019-1237

MEMORANDUM OF DECISION

I

Procedural Background

On May 7, 2020, the Department of Public Health ("Department") filed a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board"). Board ("Bd.") Exhibit ("Ex.") 1. The Charges allege violations of Chapter 378 of the General Statutes of Connecticut ("Conn. Gen. Stat.") by Kimberly Lemire ("Respondent"), which would subject Respondent's registered nurse ("R.N.") license no. 155761 to disciplinary action pursuant to Conn. Gen. Stat. § 19a-17 and §§ 20-99(b)(2), 20-99(b)(6) and/or 20-99(b)(7).

On May 20, 2020, the Department filed a Motion for Summary Suspension Order ("Motion") regarding Respondent's practice and the active status of her R.N. license. Bd. Ex. 2. Based on the allegations in the Charges and the affidavits and reports accompanying the Motion, the Board found that Respondent's continued nursing practice presented a clear and immediate danger to public health and safety and on the same date, ordered pursuant to Conn. Gen. Stat. § 4-182(c) and § 19a-17(c), that Respondent's license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("Summary Suspension Order"). Bd. Ex. 2.

On May 22, 2020, the Charges, Notice of Hearing ("Notice") and Summary Suspension Order were mailed to Respondent, by certified and first-class mail to her address of record on file with the Department—46 Reservoir Road, Pascoag, RI 02859. Bd. Ex. 3. On June 1, 2020, the United States Postal Service's tracking records document that a delivery attempt of the certified mail was unsuccessful and was returned to the Pascoag post office for redelivery or pickup. Bd. Ex. 40. Also, on May 22, 2020, the Charges, Notice, and Summary Suspension Order were transmitted to Respondent via her email address at kimberly.lemire@yahoo.com.

The hearing was held on June 17, 2020. Respondent was present at the hearing but was not represented by legal counsel. Attorney Joelle Newton represented the Department.

Inasmuch as Respondent did not answer the Charges within 14 days from the date of the Notice, Attorney Newton orally moved to deem the allegations admitted. Transcript (“Tr.”) p. 5. The Board denied the Department’s motion (Tr. pp. 5-6) and Respondent orally answered the Charges on the record. Tr. pp. 6-11.

Following the close of the record, the Board conducted fact finding.

Each member of the Board involved in this decision attests that he or she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board’s specialized professional knowledge in evaluating the evidence. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

II *Allegations*

1. In paragraph 1 of the Charges, the Department alleges that Respondent of Pascoag, RI¹, and has been at all times, as referenced in the Charges, the holder of Connecticut R.N. license number 155761.
2. In paragraph 2 of the Charges, the Department alleges that on various occasions between October 2018 and April 2019, while practicing nursing at Mount St. Rita Health Centre, Cumberland, Rhode Island,² Respondent:
 - a. failed to document completely, properly and/or accurately medical or hospital records, including, but not limited to, documenting withdrawal of controlled substance medications without corresponding documentation of administration and/or documenting the waste of controlled substances without a witness’s co-signatures;
 - b. failed to administer and/or document properly the administration of controlled substance medications to patients;
 - c. failed to waste controlled substance medications properly; and/or
 - d. falsified, maintained and/or improperly documented one or more Controlled Substance Disposition Records (“CSDR”).

¹ The Charges erroneously listed Watertown, CT as Respondent’s address. Respondent testified that she has never lived in CT. Tr. pp. 6-7.

² There is no evidence in the record that the allegations contained in the Charges pertaining to Respondent’s licensure and employment in Rhode Island facilities were subjected to any disciplinary action by Rhode Island’s duly authorized professional disciplinary agency. As such, the Board has no jurisdiction to take disciplinary action on Respondent’s Connecticut nursing license based on the alleged conduct in Rhode Island. Therefore, the allegations concerning Respondent’s nursing practice in RI facilities are dismissed and are not considered by the Board.

3. In paragraph 3 of the Charges, the Department alleges that on various occasions in September and/or October 2019, while practicing nursing at Bayview Health Care Center, Waterford, CT, Respondent:
 - a. failed to document completely, properly and/or accurately medical or hospital records;
 - b. failed to safeguard controlled substance medications appropriately in the medication cart; and/or
 - c. falsified, maintained and/or improperly documented one or more CSDRs.

4. In paragraph 4 of the Charges, the Department alleges that on various occasions between October and December 2018, while practicing nursing at Pine Grove Healthcare Center in Pascoag, RI,³ Respondent:
 - a. denied a patient pain medication after said patient reported that he was in pain and requested pain medication;
 - b. diverted Oxycodone from hospital stock;
 - c. failed to administer and/or document administration properly of controlled substances to patients;
 - d. falsified, maintained and/or improperly documented one or more CSDRs; and/or
 - e. failed to waste controlled substances properly.

5. In paragraph 5 of the Charges, the Department alleges that on various occasions between July 2017 and October 2018, while practicing nursing at Overlook Healthcare Center, Pascoag, RI⁴ Respondent:
 - a. failed to waste controlled substances properly;
 - b. falsified, maintained and/or documented one or more CSDRs improperly;
 - c. failed to waste controlled substances properly.

6. In paragraph 6 of the Charges, the Department alleges that on various occasions between October and November 2019, while practicing nursing at Villa Maria Nursing and Rehabilitation Center, in Plainville, CT, Respondent:
 - a. failed to administer and/or document properly administration of controlled substances to patients;
 - b. falsified, maintained and/or documented improperly one or more CSDRs;
 - c. failed to waste controlled substances properly;
 - d. failed to safeguard controlled substance medications appropriately; and/or
 - e. falsified a CSDR by signing another person's name as a witness to wasting controlled substance medication ("waste") when, in fact, the person whose name was signed did not witness the waste.

³ See, footnote no. 2.

⁴ See, footnote no. 2.

7. In paragraph 7 of the Charges, the Department alleges that in January 2020, while practicing nursing at Three Rivers Healthcare, in Norwich, CT, Respondent:
 - a. failed to safeguard controlled substance medications appropriately; and/or
 - b. falsified, maintained and/or documented one or more CSDRs improperly.
8. In paragraph 8 of the Charges, the Department allege that Respondent's practice of nursing falls below the standard of care in one or more of the following ways, including, but not limited to, practicing nursing in a substandard and/or careless manner.
9. In paragraph 9 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b)(2), 20-99(b)(6) and/or 20-99(b)(7).

III

Findings of Fact

1. Respondent of Watertown, CT ⁵, has been at all times, as referenced in the Charges, the holder of Connecticut R.N. license number 155761. Tr. pp. 6-7.
2. On various occasions in September and/or October 2019, while practicing nursing at Bayview Health Care Center, Waterford, CT, Respondent:
 - a. failed to document completely, properly and/or accurately medical or hospital records;
 - b. to safeguard controlled substance medications appropriately in the medication cart; and/or
 - c. falsified, maintained and/or improperly documented one or more CSDRs.Dept. Ex. 1, pp. 3-4, 7-8, 61-64.
3. On various occasions between October and November 2019, while practicing nursing at Villa Maria Nursing and Rehabilitation Center, in Plainville, CT, Respondent:
 - a. failed to administer and/or document properly administration of controlled substances to patients;
 - b. falsified, maintained and/or documented improperly one or more CSDRs;
 - c. failed to waste controlled substances properly;
 - d. failed to safeguard controlled substance medications appropriately; and/or
 - e. falsified a CSDR by signing another person's name as a witness to wasting controlled substance medication ("waste") when, in fact, the person whose name was signed did not witness the waste.Dept. Ex. 1, pp. 8-11.

⁵ The Charges erroneously listed Watertown, CT as Respondent's address. Respondent testified that she has never lived in CT and that she lives in Pascoag, RI. Tr. pp. 6-7.

4. In January 2020, while practicing nursing at Three Rivers Healthcare, in Norwich, CT, Respondent:
 - a. failed to safeguard controlled substance medications appropriately; and/or
 - b. falsified, maintained and/or documented one or more CSDRs improperly.Dept Ex.1, pp. 12-13 32-33.
5. Respondent's practice of nursing falls below the standard of care in one or more of the following ways, including, but not limited to, practicing nursing in a substandard and/or careless manner.

IV

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-740 (2013).

The Department sustained its burden of proof with regard to all of the allegations contained in the Charges.⁶ Findings of Fact ("FF") 1-5.

Conn. Gen. Stat. § 20-99 provides, in pertinent part, that:

(a) The Board . . . shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17

(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; . . . (6) fraud or material deception in the course of professional services or activities; (7) willful falsification of entries in any hospital, patient or other record pertaining to drugs, the results of which are detrimental to the health of a patient;

Respondent denied all of the allegations in the Charges. Tr. pp. 6-11. However, despite Respondent's denials, the Department established by a preponderance of the evidence that Respondent's conduct failed to conform to the accepted standards of the nursing profession in one or more ways, as discussed below.⁷

⁶ See footnote 2.

⁷ As stated in footnote 2, the allegations contained in paragraphs 2, 4, 5 of the Charges are dismissed and, therefore, are not considered in this discussion.

With respect to the allegations contained in paragraph 3 of the Charges, the Department sustained its burden of proof. The Department established by a preponderance of the evidence that on various occasions between September and/or October 2019, while practicing nursing at Bayview Health Care Center in Waterford, Connecticut (“Bayview”), Respondent failed to conform to the accepted standards of the nursing profession. The record establishes that on September 18, 2019, Respondent began her employment at Bayview; and, on September 23, 2019, Respondent was given unsupervised access to controlled substances in the Niantic Bay Nursing Unit at Bayview. On October 2, 2019, three blister cards of controlled substances (hydrocodone/acetaminophen and oxycodone) along with the corresponding CSDRs were discovered missing when there was a shift change. Dept. Ex. 1, pp. 3-4, 7, 61. After Respondent’s last scheduled shift on October 2, 2019, there were no more missing blister cards. Dept. Ex. 1, p. 4.

With respect to the allegations contained in paragraph 6 of the Charges, the Department sustained its burden of proof. The Department established by a preponderance of the evidence that on various occasions between October and November 2019, while practicing nursing at Villa Maria Nursing and Rehabilitation Center, in Plainville, Connecticut (“Villa Maria”), Respondent failed to conform to the accepted standards of nursing. On October 14, 2019, the Director of Nursing hired Respondent to work at Villa Maria. On November 11, 2019, Respondent worked a double shift, starting with the third shift on November 11, 2019 and ending after the first shift on November 12, 2019. On November 26, 2019, a licensed practical nurse discovered that her name was forged as a witness to Respondent’s wasting an oxycodone pill on November 11, 2019. Dept. Ex. 1, p. 8. On November 26, 2019, the Director of Nursing placed Respondent on suspension because at least 26 tablets of an oxycodone prescription that was filled on November 24, 2019 were missing. Dept. Ex. 1, p. 9.

With respect to the allegations contained in paragraph 7 of the Charges, the Department sustained its burden of proof. The Department established by a preponderance of the evidence that from the third shift on January 21, 2020 through the first shift on January 22, 2020, Respondent worked at the Three Rivers Healthcare in Norwich, Connecticut (“Three Rivers”). Dept. Ex. 1, pp. 12-13, 33. On January 22, 2020, Respondent signed for a prescription of 30 oxycontin tablets. Dept. Ex. 1, p. 13. On January 24, 2020, a new resident was admitted for which oxycontin was prescribed. Dept. Ex. 1, pp. 13, 32. The oxycontin tablets could not be

located. Dept. Ex. 1, pp. 13, 32-33. On January 27, 2020, prescriptions for oxycodone and hydrocodone were missing. Dept. Ex. 1, p. 32. On January 28, 2020, the Director of Nursing discovered that all 30 oxycontin tablets that were received on January 22, 2020 were missing. All corresponding documentation pertaining to these prescriptions were also missing. Dept. Ex. 1, p. 13.

The Department established by a preponderance of the evidence that Respondent's practice of nursing falls below the standard of care in one or more ways, including, but not limited to practicing nursing in a substandard and/or careless manner. Thus, the Board concludes that Respondent's conduct, as alleged in the Charges and constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b)(2), (6) and (7), and § 19a-17.

Order

Based upon the record in this case, the above findings of fact and the conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §§ 19a-17 and 20-99, the Board finds that the misconduct alleged and proven in Petition No. 2019-1237 is severable and that each allegation of misconduct alleged and proven warrants the disciplinary action imposed by this order.

1. Respondent's registered nurse license number 155761 shall be placed on probation for a period of one year under the following terms and conditions. If any of the conditions of probation are not met, Respondent's registered nurse license may be subject to disciplinary action pursuant to Conn. Gen. Stat. § 19a-17.
 - A. During the period of probation, the Department shall pre-approve Respondent's employment and/or change of employment within the nursing profession.
 - B. Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of probation.
 - C. Respondent shall provide a copy of this Decision to any and all employers if employed as a nurse during the probationary period. The Department shall be notified in writing by any employer(s), within 30 days of the commencement of employment, as to receipt of a copy of this Decision.

- D. Respondent shall successfully complete coursework, pre-approved by the Department and at her own expense, in medication administration and documentation, and scope of practice. This required coursework shall be completed within the first six months of the probationary period. Respondent shall provide proof to the satisfaction of the Board of her successful completion of the course within 30 days of completion of each course.

This Order is effective on the date it is signed by the Board.

The Board hereby informs Respondent, Kimberly Lemire, and the Department of this decision.

Dated at Hartford, Connecticut this _____ day of April, 2021.

BOARD OF EXAMINERS FOR NURSING

By _____
Patricia C. Bouffard, D.N.Sc., Chair

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Kristen Jodoin, R.N.
License No. 125106

Petition No. 2020-715

MEMORANDUM OF DECISION

I

Procedural Background

On September 1, 2020, the Department of Public Health ("Department") filed a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board"). Board ("Bd.") Exhibit ("Ex.") 1. The Charges allege that Kristen Jodoin ("Respondent") violated Chapter 378 of the Connecticut General Statutes ("Conn. Gen. Stat."), subjecting Respondent's registered nurse ("R.N.") license number 125106 to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17, 20-99(b)(4), and/or 20-99(b)(5). Bd. Ex. 1.

On that same date, the Department filed a Motion for Summary Suspension ("Motion"), alleging that Respondent's continued nursing practice presented a clear and immediate danger to public health and safety. Bd. Ex. 2. On September 16, 2020, based on the allegations and the affidavits and reports attached to the Motion, and pursuant to Conn Gen. Stat. §§ 4-182(c) and 19a-17(c), the Board ordered that Respondent's R.N. license number 125106 be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("Summary Suspension Order"). Bd. Ex. 3.

On September 17, 2020, the Department transmitted by electronic mail the Charges, Notice of Hearing ("Notice"), and Summary Suspension Order to Respondent's email address (kdevorejodoin@gmail.com). Bd. Ex. 4. The Notice informed that a hearing had been scheduled for October 21, 2020. Bd. Ex. 4.

Respondent filed an Answer to the Charges. Bd.. Ex. 5.

On October 21, 2020, the hearing was held. Respondent was present at the hearing and was not represented by legal counsel. Attorney Joelle Newton represented the Department. Transcript ("Tr.") p. 3.

Following the close of the record, the Board conducted fact finding.

Each member of the Board involved in this decision attests that he or she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

II

Allegations

1. In paragraph 1 of the Charges, the Department alleges that Respondent of Colchester, Connecticut is, and has been at all times, as referenced in the Charges, the holder of Connecticut R.N. license number 125106.
2. In paragraph 2 of the Charges, the Department alleges that on various occasions in 2019, Respondent abused and/or utilized heroin, buprenorphine, norbuprenorphine, fentanyl, norfentanyl, naloxone, amphetamines, sertraline and/or cocaine ("controlled substances").
3. In paragraph 3 of the Charges, the Department alleges that on or about February 3, 2020, Respondent abused and/or utilized naltrexone to excess.
4. In paragraph 4 of the Charges, the Department alleges that in 2019 Respondent was diagnosed with emotional disorders and/or mental illnesses ("diagnoses").
5. In paragraph 5 of the Charges, the Department alleges that Respondent's diagnoses and/or abuse and/or excessive use of controlled substances and/or naltrexone does, and/or may, affect her practice of nursing.
6. In paragraph 6 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b), including, but not limited to, 20-99(b)(4) and/or 20-99(b)(5).

III

Findings of Fact

1. Respondent, of Colchester, Connecticut is, and has been at all times, as referenced in the Charges, the holder of Connecticut R.N. license number 125106. Bd. Ex. 5.
2. On various occasions in 2019, Respondent abused and/or utilized heroin, fentanyl, norfentanyl, and cocaine ("controlled substances") to excess. Bd. Ex. 5;

Department ¹(“Dept.”) Ex. 1, pp. A1-A2; Dept. Ex. 2, pp. B1-B2, B4, B7, B12, B15, B20; Dept. Ex. 3, pp. C1-C3, Dept. Ex. 5, pp. E1-E6; Respondent (“Resp.”) Ex. 1, pp. B3, B12 (under seal); Tr. pp. 4-6, 16 (under seal).

3. In 2019, Respondent was diagnosed with emotional disorders and/or mental illnesses (“diagnoses”). Bd. Ex. 5; Dept. Ex. 1, pp. A1-A2; Dept. Ex. 2, pp. B1-B22; Dept. Ex. 3, pp. C1-C6; Dept. Ex. 4, pp. D1-D3; Resp. Ex. 1, pp. A11, A15 (under seal), B10-B12 (under seal); Tr. pp. 4-6 (under seal).
4. There is insufficient evidence to establish that on various occasions in 2019 Respondent abused and/or utilized buprenorphine, norbuprenorphine, amphetamines, and/or sertraline to excess. Bd. Ex. 5; Dept. Ex. 2; Dept. Ex. 3; Dept. Ex. 5; Tr. pp. 4-6 (under seal).
5. There is insufficient evidence to establish that on or about February 3, 2020, Respondent abused and/or utilized naltrexone to excess. Bd. Ex. 5; Dept. Ex. 1.
6. There is insufficient evidence to establish that Respondent’s use of naltrexone does and/or may affect her practice of nursing. Bd. Ex. 5; Dept. Ex. 1; Dept. Ex. 2, p. 2; Dept. Ex. 3; Dept. Ex. 5.
7. Respondent’s diagnoses and/or abuse and/or excessive use of controlled substances does and/or may affect her practice of nursing. Resp. Ex. 3; Resp. Ex. 4; Resp. Ex. 6; Resp. Ex. 7 (all under seal); Tr. pp. 8-12 (under seal).

IV

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-740 (2013).

Conn. Gen. Stat. § 20-99 provides in pertinent part:

(a) The Board ... shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing ... said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17....

(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: ... (4) emotional disorder or mental illness; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; ...

With respect to the allegations contained in the Charges, Respondent admitted the allegations contained in paragraphs 1 and 4. Respondent also admits the allegations contained in

¹ All Department exhibits are under seal. Tr. pp. 9, 16.

paragraph 2 of the Charges, except with respect to abuse or use of amphetamines, sertraline, and/or buprenorphine, and norbuprenorphine. Respondent denies the allegations contained in paragraphs 3 and 5 of the Charges.

Nonetheless, the Board finds that the Department sustained its burden of proof by a preponderance of the evidence with respect to the allegations contained in paragraphs 1 and 4 of the Charges. As to paragraph 2 of the Charges, the Board finds that the Department satisfied its burden of proof by a preponderance of the evidence as to the allegations in this paragraph regarding the following controlled substances: heroin, fentanyl, norfentanyl, and cocaine. Further, the Board finds that the Department sustained its burden of proof with respect to the allegations contained in paragraph 5 of the Charges, except with respect to the allegation pertaining to naltrexone for which there is no evidence of abuse. However, the Board finds that the Department failed to sustain its burden of proof by a preponderance of the evidence with respect to the allegations contained in paragraph 3 of the Charges, *i.e.*, abuse of naltrexone. Findings of Fact (“FF”) 1-7.

With respect to the allegations contained in paragraph 2 of the Charges, the record establishes that on various occasions in 2019, Respondent abused and/or utilized cocaine, opiates and heroin to excess. Tr. p. 5 (under seal). The record further establishes that from March 28, 2019 through April 4, 2019, Respondent voluntarily sought treatment and was admitted in a residential facility for opiate detoxification. Dept. Ex. 3 (under seal). Respondent successfully completed detoxification at the first facility and was discharged to a different residential facility for additional treatment where she resided from April 4, 2019 through May 4, 2019. Dept. Ex. 2, pp. B1-B22 (under seal); Tr. pp. 5, 8 (under seal). Therefore, the Department sustained its burden of proof regarding the allegations of use and/or abuse of heroin, fentanyl, norfentanyl and cocaine contained in paragraph 2 of the Charges.

With respect to the allegations contained in paragraph 3 of the Charges, the record is devoid of any evidence that Respondent abused naltrexone on February 3, 2020. FF 5. Therefore, the Department failed to sustain its burden of proof with respect to the allegations contained in paragraph 3 of the Charges.

With respect to allegations contained in paragraph 4 of the Charges, the record establishes, and Respondent admits, that in 2019 she was diagnosed with multiple emotional disorders and/or mental illnesses. FF 3. Respondent was diagnosed with Opioid use disorder,

severe cocaine use disorder, anxiety disorder, depressive disorder and Attention Deficit hyperactivity disorder (“ADHD”). Tr. pp. 5-6 (under seal). Respondent manages her disorders and/or mental illnesses with psychotherapy and prescribed medications. Therefore, the Department sustained its burden of proof with respect to the allegations contained in paragraph 4 of the Charges.

With respect to the allegations contained in paragraph 5 of the Charges, there is insufficient evidence to establish that Respondent abused and/or utilized naltrexone to excess (FF 5). However, the Department has established by a preponderance of the evidence that Respondent’s diagnoses and abuse and/or excessive use of controlled substances does, and/or may affect her practice of nursing. FF 6, 7. The record establishes that from March 28, 2019 until July 18, 2020, a period of approximately 16 months, Respondent maintained her sobriety, until she went out socially and drank a bottle of wine. Subsequently, on July 22, 2020, Respondent suffered a relapse during which she injected heroin and cocaine. Tr. pp. 8-9, 15-16 (under seal); Resp. Ex. 1, pp. B3, B11-B12, B23.

The conduct admitted, in conjunction with the Department sustaining its burden of proof, renders Respondent’s license subject to sanctions, including, among others, revocation, suspension or probation. *See*, Conn. Gen. Stat. §§ 19a-17(a) (1), (2) and (5). Nonetheless, based on Respondent’s renewed commitment to her sobriety (Tr. pp. 5-7, 11)(under seal), participation in individual psychotherapy (Resp. Ex. 3, (under seal)), regular attendance at AA/NA weekly meetings (Resp. Ex. 6), random, negative urine screens (Resp. Ex. 6), support from her sponsor (Resp. Ex. 4), and recovery network, the Board finds that Respondent can practice nursing with reasonable skill and safety under the terms of this Order.

Order

Based on the record in this case, the above findings of fact, and conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §§ 19a-17(a)(1), (2), and (5) and 20-99(b)(4) and (5), the Board finds that the conduct alleged and proven is severable and warrants the disciplinary action imposed by this Order. Therefore, the Board hereby orders, with respect to Respondent’s license number 125106 as follows:

1. Respondent’s license shall be placed on probation for a period of four years under the following terms and conditions. If any of the conditions of probation are not met,

Respondent's R.N. license may be subject to disciplinary action pursuant to Conn. Gen. Stat. § 19a-17.

- A. During the period of probation, the Department shall pre-approve Respondent's employment and/or change of employment within the nursing profession.
- B. Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as a nurse during the probationary period.
- C. Respondent shall provide a copy of this Decision to any and all employers if employed as a nurse during the probationary period. The Department shall be notified in writing by any employer(s), within 30 days of the commencement of employment, as to receipt of a copy of this Decision.
- D. Respondent shall not administer, count, or have access to controlled substances, or have responsibility for such activities in the course of nursing duties during the first, second, and fourth years of working as a nurse during the probationary period.
- E. If employed as a nurse, Respondent shall cause employer reports to be submitted to the Department by her immediate supervisor during the entire probationary period. Employer reports shall be submitted, commencing with the report due on the first business day of the month following employment as a nurse. Employer reports shall be submitted at least monthly for the first and fourth years of the probationary period and at least quarterly for the second and third years of the probationary period.
- F. The employer reports cited in Paragraph E above shall include documentation of Respondent's ability to practice nursing safely and competently. Employer reports shall be submitted directly to the Department at the address cited in Paragraph Q below.
- G. Should Respondent's employment as a nurse be involuntarily terminated, or suspended, Respondent and her employer shall notify the Department within 72 hours of such termination or suspension.

- H. If Respondent pursues further training in any subject area that is regulated by the Department, Respondent shall provide a copy of this Decision to the educational institution or, if not an institution, to Respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Decision within 15 days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph Q below.
- I. At her expense, Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Department, during the entire probationary period. Additionally, Respondent shall obtain a sponsor and participate in AA/NA meetings at least 10 times a month for the entire probationary period and shall submit to the Department written documentation of her participation and/or attendance.
- J. Respondent shall provide a copy of this Decision to her therapist. The Department shall be notified in writing by her therapist, within 30 days of the effective date of this Decision, as to receipt of a copy of this Decision.
- K. Respondent shall cause evaluation reports to be submitted to the Department by her therapist during the entire probationary period. Therapist reports shall be submitted at least monthly for the first and fourth years of the probationary period and at least quarterly for the second and third years of the probationary period.
- L. The therapist reports cited in Paragraph K above shall include documentation of dates of treatment and an evaluation of Respondent's progress, including alcohol and drug free status and ability to practice nursing safely and competently. Therapist reports shall be submitted directly to the Department at the address cited in Paragraph Q below.
- M. Observed random urine screens
 - (1) At her expense, Respondent shall be responsible for submitting to observed, random, chain of custody urine screens for alcohol and drugs for the entire probationary period at a testing facility approved by the Department. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.

- (2) Respondent shall be responsible for notifying the laboratory, her therapist, the Department, and her prescribing practitioner of any drug(s) she is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, Respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Department, until such time as the controlled substance(s) is no longer prescribed. The reports shall include the following:
 - a. A list of controlled substances prescribed by the provider;
 - b. A list of controlled substance(s) prescribed by other providers;
 - c. An evaluation of Respondent's need for the controlled substance; and
 - d. An assessment of Respondent's continued need for the controlled substance(s).
- (3) There must be at least one such observed, random alcohol/drug screen on a weekly basis during the first 18 months of probation and during the fourth year of the probationary period and at least twice a month during the second 18 months of the probationary period, and monthly during the third year of the probationary period.
- (4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs, excluding the drugs that Respondent's providers prescribe. All urine screens for alcohol will be tested for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS) metabolites. All positive screen results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

- (5) Random alcohol/drug screens must include testing for the following substances:

Amphetamines	Methadone
Barbiturates	Methaqualone
Benzodiazepines	Opiates (Metabolites)
Cannabinoids (THC Metabolites)	Phencyclidine (PCP)
Cocaine	Propoxyphene
Meperidine (Demerol)	Ethanol (alcohol)
Fentanyl	Stadol
Tramadol	

- (6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Department at the address cited in Paragraph Q below by Respondent's therapist, personal physician, or the testing laboratory.

- N. Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her for a legitimate purpose by a licensed health care practitioner authorized to prescribe medications. Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- O. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. The ingestion of mouthwash, over the counter cough suppressants, and cold/flu remedies may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, mouthwash, and over the counter cough suppressants and cold/flu remedies should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds, mouthwash, and over the counter cough suppressants and/or cold/flu remedies shall not constitute a defense to such positive screen.
- P. The Department must be informed in writing prior to any change of address.
- Q. All communications, payments, if required, correspondence, and reports are to be addressed to:

Lavita Sookram, RN, Nurse Consultant
Practitioner Monitoring and Compliance Unit
Department of Public Health
Division of Health Systems Regulation
Board of Examiners for Nursing
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford, CT 06134-0308

4. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that Respondent has violated this Order will subject Respondent to sanctions under Conn. Gen. Stat. §§ 19a-17(a) and (c), including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department).
5. This document has no bearing on any criminal liability without the written consent of the Director of Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

This Order is effective on the date it is signed by the Board.

The Board hereby informs Respondent, Kristen Jodoin, and the Department of this decision.

Dated at Hartford, Connecticut this _____ day of April, 2021.

BOARD OF EXAMINERS FOR NURSING

By _____
Patricia C. Bouffard, D.N.Sc., Chair

SUMMARY SUSPENSION COVER SHEET

In Re: Sara Smith, RN

Petition No. 2021-181

1. Sara Smith of Shelton, Connecticut (“respondent”) graduated from St. Vincent’s College and was licensed to practice nursing in 2017.
2. On September 18, 2019, the Connecticut Board of Examiners for Nursing (“the Board”) ordered a Consent Order in Petition No. 2020-443 (“Consent Order”) based upon respondent’s abuse of controlled substances. The Consent Order placed respondent’s license on probation for four years and required her, in part, to submit to random urine screens which were to be negative for the presence of drugs and alcohol.
3. Respondent violated the terms of the Consent Order when she tested positive for and/or abused or utilized to excess oxymorphone and/or propoxyphene on or about March 3, 2020 and when she tested positive for and/or abused or utilized to excess oxymorphone on or about April 14, 2020.
4. On January 20, 2021, the Board ordered a Memorandum of Decision in Petition No. 2020-373 based upon respondent’s violation of the terms of the Consent Order. Respondent’s license was placed on probation for four years, and she was required, in part, to submit to random urine screens which were to be negative for the presence of drugs and alcohol.
5. On or about February 11, 2021, respondent’s urine tested positive for fentanyl and/or norafentanyl.
6. On or about February 11, 2021, respondent’s abused and/ utilized to excess fentanyl and/or norafentanyl.
7. Respondent’s abuse and/or excessive use of fentanyl and/or norafentanyl does, and/or may, affect her practice of nursing.
8. For the foregoing reasons, the Department believes that respondent’s continued nursing practice represents a clear and immediate danger to the public health and safety. The Department

respectfully requests the Board to summarily suspend respondent's nursing license until a full hearing on the merits can be held.

CONFIDENTIALITY NOTICE: This document and all attachments may contain information that is confidential or privileged. Please do not disseminate, distribute or copy the contents or discuss with parties who are not directly involved in this petition. Thank you.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Sara Smith, RN

Petition No. 2021-181

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with Connecticut General Statutes §§4-182(c) and 19a-17(c) the Connecticut Board of Examiners for Nursing to summarily suspend Sara Smith's Connecticut nursing license. This motion is based on the attached Statement of Charges, Affidavit, documents and on the Department's information and belief that Sara Smith's continued nursing practice represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 18th day of March, 2021.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Sara Smith, RN

Petition No. 2021-181

STATEMENT OF CHARGES

Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Sara Smith:

1. Sara Smith of Shelton, Connecticut (hereinafter "respondent") is the holder of Connecticut registered nursing license number 122048.
2. On January 20, 2021, the Board ordered a Memorandum of Decision in Petition No. 2020-373 ("Order") based upon respondent's abuse of controlled substances. The Order placed respondent's nursing license on probation for four years, and required her, in part, to submit to random urine screens which were to be negative for the presence of drugs and alcohol.
3. On or about February 11, 2021, respondent's urine tested positive for fentanyl and/or norafentanyl.
4. On or about February 11, 2021, respondent abused and/ utilized to excess fentanyl and/or norafentanyl.
5. Respondent's abuse and/or excessive use of fentanyl and/or norafentanyl does, and/or may, affect her practice of nursing.
4. Respondent's conduct as described constitutes violations of the probationary terms required by the Order and subjects her license to revocation or other disciplinary action authorized by Connecticut General Statutes §§19a-17 and 20-99(b) including but not limited to §20-99(b)(2) and/or §20-99(b)(5).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against respondent's nursing license as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 17th day of March, 2021.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

: PETITION NO. 2020-373

IN RE: Sara Smith :
: MARCH 31, 2021

OBJECTION TO PETITION FOR SUMMARY SUSPENSION

The Respondent, Sara Smith, R.N., hereby objects to the Petition for Summary Suspension filed by the Department of Public Health, dated March 18, 2021. In support of her objection, the Respondent states the following:

1. The Respondent, Ms. Sara Smith (“Smith”) is a 2017 graduate of St. Vincent’s College and is the holder of Connecticut registered nursing licenses number 122048.

2. On or about September 18, 2019, the Connecticut Board of Examiners for Nursing (hereinafter “the Board”) ordered a Consent Order in Petition No. 2020-443 (“Order”) based upon respondent’s abuse of controlled substances (namely codeine). The Order placed respondent’s license on probation for four years and required her, in part, to submit to random urine screens which shall be negative for the presence of drugs and alcohol.

3. On about March 3, 2020, the Respondent tested positive for Oxymorphone (216 ng/mL). She also tested positive for Oxymorphone on April 14, 2020 (299 ng/mL). On January 20, 2021, the Board ordered a Memorandum of Decision in Petition No. 2020-373 based upon

respondent's violation of the terms of the Consent Order. Respondent's license was placed on probation for four years, and she was required, in part, to submit to random urine.

4. The Respondent's urines have been negative for any substances since at least April of 2020. The only purported positive result is the specimen of February 11, 2021, for which the Respondent adamantly denies having used Fentanyl.

5. The most recent therapy report to the Department of the Respondent's provider indicates relative to her present nursing competence that "*if* client tests positive a higher level of care is recommended prior to returning to nursing position." (Emphasis added). Thus, if the positive result is in error, the condition is not met and a higher level of care is not indicated. The provider does not write, or even suggest, that his opinion is based on anything other than the urine test results.

6. The Respondent has requested DNA testing of the subject specimen in support of her emphatic denial of using fentanyl or any other substances. In fact, of the Department's exhibit in support of its motion for summary suspension, more than half of that exhibit, pages 13 through 49, are essentially email strings between the Department, the lab (LabCorp) and Ms. Smith wherein Ms. Smith is asking for the specimen to be retested, subjected to a DNA analysis, and adamantly denying ever having used fentanyl.

7. Moreover, the Respondent has been left in a Catch-22, where only she knows that she did not use fentanyl and the lab (LabCorp) has the specimen at issue (if it is being retained) and refuses to permit the DNA testing on the specimen without providing any reason. The

Respondents Exhibit A includes more recent emails between the Respondent and an employee of LabCorp. Note Page 5, wherein Onnette Moore, Identity Account Specialist from LabCorp, indicates to Ms. Smith “Rather, that LabCorp would not be able to assist with this matter.”

8. LabCorp’s unwillingness to undertake DNA testing of this specimen in the face of Ms. Smith’s confidence that she has not used fentanyl suggests that the lab does not want to face the uncertainty of whether this positive result was somehow an error on its part.

9. Additionally, the lab results themselves create uncertainty regarding the validity, again an uncertainty that the lab has refused to respond to. The lab results from the February 11, 2021 specimen are included at pages 6 and 7 of the Department’s exhibit. The specimen purportedly taken from Ms. Smith on February 11, 2021 indicated a positive result for fentanyl of 5494 pg/mL, but negative for its metabolite, norfentanyl. The “cutoff” for the fentanyl testing is described as 500 pg/mL, meaning that this sample is nearly 11 times the cutoff limit.

10. It is unclear how (1) this sample could have a such a high concentration of fentanyl without any of the substance’s metabolite (norfentanyl) being present and (2) whether this high a level of fentanyl in the urine is consistent with *neither* fentanyl, nor norfentanyl being present in Ms. Smith’s specimen from only six days later (February 17, 2021), which appear on Pages 10 and 11 of the Department’s exhibit. While the Respondent believes that this issue bears on the validity of the results, LabCorp disagreed and refused to address the issue. See Respondent’s Exhibit B.

11. Under Connecticut General Statutes Section 4-182(c) "... If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action."

12. Moreover, Connecticut General Statutes Section 19a-17(c) indicates that the Board "...may summarily suspend a practitioner's license or permit in advance of a final adjudication or during the appeals process if such board or commission or the department finds that a practitioner or permittee represents a *clear and immediate danger* to the public health and safety if he is allowed to continue to practice." (Emphasis added).

13. In this case, there is no clear and immediate danger before the Board to justify a summary suspension. The Department asks the Board to accept the results from LabCorp despite Ms. Smith's adamant denials and zealous advocacy to have the specimen retested and subjected to a DNA test. Ms. Smith has patently not acted as someone trying to hide her use, but to challenge the validity of the results being used against her.

14. Ms. Smith's counselor has not indicated that she is *per se* unable to competently practice nursing, but instead conditions his opinion on the validity of the positive result as well.

15. Ms. Smith has never been previously accused of using fentanyl, nor has she ever tested positive for fentanyl in the years that she has been continuously subjected to monitoring.

16. It should also be noted that when Ms. Smith previously tested positive for substances in the course of her Consent Order, she had immediately increased her level of care and acknowledged the Board her relapse and the steps she had undertaken to address the same.

17. Thus, there is insufficient evidence before the Board to conclude that Ms. Smith has, in fact, used fentanyl or that the same has impacted her ability to provide competent nursing service.

WHEREFORE, the Respondent respectfully requests that the Board deny the Department's Motion for Summary Suspension in this case.

RESPONDENT, SARA SMITH

By 

Cody N. Guarnieri, Esq.
Brown Paindiris & Scott, LLP
100 Pearl Street, Suite 200
Hartford, CT 06103
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CERTIFICATION

A copy of this Answer was emailed to Attorney Joelle Newton, Staff Attorney for the Connecticut Department of Public Health, to Joelle.Newton@ct.gov and Jeffrey A. Kardys, Administrative Hearings Specialist, Connecticut Department of Public Health, to Jeffrey.Kardys@ct.gov, on this 31st day of March, 2021.


Cody N. Guarnieri

SUMMARY SUSPENSION COVER SHEET

In Re: Stacey Kinsley, RN

Petition No. 2020-972

1. Stacey Kinsley of Newtown, Connecticut (hereinafter “respondent”) graduated from St Vincent's College and was licensed to practice nursing in 1998. She has not been subject to previous discipline.
2. On or about August 27, 2020, respondent was practicing nursing at Danbury Hospital in Danbury, Connecticut. On said date, respondent:
 - a. diverted lorazepam from a patient and/or from medication stock;
 - b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
 - c. falsified one or more Controlled Substance Receipt Records
3. On multiple occasions in 2020, January 2021, February 2021, and/or March 2021, respondent abused or utilized to excess alcohol.
4. From approximately 2020 through the present, respondent has or had emotional disorders and/or mental illnesses (“diagnoses”).
5. Respondent’s diagnoses and/or abuse and/or excessive use of alcohol, does, and/or may, affect her practice of nursing.
6. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 including but not limited to
 - a. §20-99(b)(2);
 - b. §20-99(b)(4);
 - c. §20-99(b)(5);
 - d. §20-99(b)(6); and/or
 - e. §20-99(b)(7).
7. For the foregoing reasons, the Department believes that respondent’s continued nursing practice represents a clear and immediate danger to the public health and safety. The Department respectfully requests that the Board summarily suspend respondent’s nursing license until a full hearing on the merits can be held.

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**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Stacey Kinsley, RN

Petition No. 2020-972

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with Connecticut General Statutes §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend respondent's nursing license in Connecticut. This motion is based on the attached Statement of Charges, Affidavits and on the Department's information and belief that respondent's continued nursing practice represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 7th day of April, 2021.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Stacey Kinsley, RN

Petition No. 2020-972

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Stacey Kinsley:

1. Stacey Kinsley of Newtown, Connecticut (hereinafter "respondent") is the holder of Connecticut registered nursing license number E60493.
2. On or about August 27, 2020, respondent was practicing nursing at Danbury Hospital in Danbury, Connecticut. On said date, respondent:
 - a. diverted lorazepam from a patient and/or from medication stock;
 - b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
 - c. falsified one or more Controlled Substance Receipt Records
3. On multiple occasions in 2020, January 2021, February 2021, and/or March 2021, respondent abused or utilized to excess alcohol.
4. From approximately 2020 through the present, respondent has or had emotional disorders and/or mental illnesses ("diagnoses").
5. Respondent's diagnoses and/or abuse and/or excessive use of alcohol, does, and/or may, affect her practice of nursing.
6. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 including but not limited to
 - f. §20-99(b)(2);
 - g. §20-99(b)(4);
 - h. §20-99(b)(5);
 - i. §20-99(b)(6); and/or
 - j. §20-99(b)(7).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against respondent's nursing license as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 7th day of April, 2021.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

SUMMARY SUSPENSION COVER SHEET

In re: Pamela D. Franklin, R.N.

Petition No. 2020-1211

1. Pamela D. Franklin of New Britain, Connecticut (hereinafter “respondent”) was issued license number 087089 to practice as a registered nurse on October 23, 2008.
2. Respondent graduated from Goodwin College in 2008.
3. Respondent has no disciplinary history.
4. From approximately November 2020 to the present, respondent has and/or had one or more emotional disorders or mental illnesses that does, and/or may, affect her ability to practice nursing.
5. In or about November 2020, respondent abused and/or utilized to excess alcohol. Respondent’s abuse and/or excess use of alcohol does, and/or may, affect her practice as a nurse.
6. For the foregoing reasons, the Department believes that respondent’s continued practice as a nurse represents a clear and immediate danger to the public health and safety. The Department respectfully requests that this Board summarily suspend respondent’s license until a full hearing on the merits can be held.

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**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Pamela D. Franklin, R.N.

Petition No. 2020-1211

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with the Connecticut General Statutes §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend the license of Pamela D. Franklin to practice nursing in Connecticut. This motion is based on the attached Statement of Charges, Affidavits and on the Department's information and belief that the continued practice of Pamela D. Franklin represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 7th day of April, 2021.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Pamela D. Franklin, R.N.

Petition No. 2020-1211

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Pamela D. Franklin:

1. Pamela D. Franklin of New Britain, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut registered nurse license number 087089.
2. From approximately November 2020 to the present, respondent has and/or had one or more emotional disorders or mental illnesses that does, and/or may, affect her practice as a nurse.
3. In or about November 2020, respondent abused and/or utilized to excess alcohol.
4. Respondent's abuse of alcohol does, and/or may, affect her practice as a nurse.
5. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99(b), including but not limited to:
 - a. §20-99(b)(4); and/or
 - b. §20-99(b)(5).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against the license of Pamela D. Franklin as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 7th day of April, 2021.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations
Section Healthcare Quality and Safety
Branch

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SUMMARY SUSPENSION COVER SHEET

In Re: Amanda Claffey, RN

Petition No. 2021-284

1. Amanda Claffey of Newington, Connecticut (“respondent”) graduated from Goodwin College and was licensed to practice nursing in 2012.
2. On October 16, 2019, the Connecticut Board of Examiners for Nursing (“the Board”) issued a Consent Order in Petition No. 2019-102 (“Consent Order”) based, in part, upon respondent’s diversion of controlled substances from hospital stock and her abuse of controlled substances. The Consent Order required respondent, in part, to (a) to submit to random urine screens all of which must be negative; and that (b) missed screens shall be deemed a positive screen.
3. On or about March 26, 2021 and/or April 7, 2021, respondent ~~abuse~~ and/or utilized to excess morphine.
4. On or about March 26, 2021 and/or April 7, 2021, respondent’s urine tested positive for morphine.
5. On or about March 31, 2021 respondent’s urine tested positive for ~~controlled~~ substances when ~~she failed~~ to submit to a urine screen when contacted to do so by her screening monitor.
6. Respondent’s abuse and/or excess use of morphine does, and/or may, affect her practice as a nurse.
7. For the foregoing reasons, the Department believes that respondent’s practice of nursing represents a clear and immediate danger to the public health and safety. The Department respectfully requests that the Board summarily suspend respondent’s nursing license until a full hearing on the merits can be held.

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**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Amanda Claffey, RN

Petition No. 2021-284

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with Connecticut General Statutes §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend Amanda Claffey's Connecticut nursing license. This motion is based on the attached Statement of Charges, Affidavit and on the Department's information and belief that Amanda Claffey's continued nursing practice represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 15th day of April, 2021.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Amanda Claffey, RN

Petition No. 2021-284

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Amanda Claffey:

1. Amanda Claffey of Newington, Connecticut (hereinafter "respondent") is the holder of Connecticut registered nursing license number 108284.
2. On October 16, 2019, the Connecticut Board of Examiners for Nursing ("the Board") issued a Consent Order in Petition No. 2019-102 ("Consent Order") based, in part, upon respondent's diversion of controlled substances from hospital stock and abuse of controlled substances. The Consent Order required respondent, in part, to (a) to submit to random urine screens all of which must be negative; and that (b) missed screens shall be deemed a positive screen.
3. On or about March 26, 2021 and/or April 7, 2021, respondent abused and/or utilized to excess morphine.
4. On or about March 26, 2021 and/or April 7, 2021, respondent's urine tested positive for morphine.
5. On or about March 31, 2021 respondent's urine tested positive for controlled substances when she failed to submit to a urine screen when contacted to do so by her screening monitor.
6. Respondent's abuse and/or excess use of morphine does, and/or may, affect her practice as a nurse.

7. Respondent's conduct as described above constitutes a violation of the Consent Order's probationary terms and constitutes grounds for disciplinary action pursuant to Connecticut Statutes §20-99 including but not limited to §20-99(b)(5).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against respondent's nursing license as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 15th day of April, 2021.



Christian D. Andresen, MPH,CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

SUMMARY SUSPENSION COVER SHEET

In re: David Martin, R.N.

Petition No. 2021-242

1. David Martin of Thomaston, Connecticut was issued license number 143914 to practice as a registered nurse on August 3, 2017.
2. Respondent graduated from Gateway Community College in 2017.
3. On or about February 19, 2020, respondent entered into an Interim Consent Order and agreed to a voluntary suspension of his nursing license.
4. On November 18, 2020, the Board of Examiners for Nursing (“the Board”) ordered a Consent Order in Petition Number 2019-31 (hereinafter “the 2020 Consent Order”) that placed respondent’s nursing license on probation for a period of four years. Such disciplinary action was based, in part, upon respondent’s admitted diversion of Dilaudid for personal use and/or his abuse or excess use of controlled substances and alcohol.
5. The 2020 Consent Order specifically provided that respondent shall not obtain or use controlled substances unless prescribed for a legitimate therapeutic purpose by a licensed health care professional; that respondent shall submit to observed random urine screens for drugs and alcohol; and that if respondent fails to submit a urine sample when requested to do so by his monitor, such missed screen shall be deemed to be a positive screen.
6. On or about February 25, 2021, respondent abused and/or utilized to excess heroin. Respondent’s abuse and/or excess use of heroin does, and/or may, affect his practice as a nurse.
7. On or about March 1 and/or March 10, 2021, respondent failed to submit a urine sample when requested to do so by his monitor, in violation of the 2020 Consent Order.
8. For the foregoing reasons, the Department believes that respondent’s continued practice as a nurse represents a clear and immediate danger to the public health and safety. The Department respectfully requests that this Board summarily suspend respondent’s license until a full hearing on the merits can be held.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: David Martin, R.N.

Petition No. 2021-242

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with Connecticut General Statutes §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend the license of David Martin to practice nursing in Connecticut. This motion is based on the attached Statement of Charges, Affidavits and on the Department's information and belief that the continued practice of David Martin represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 13th day of April, 2021.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: David Martin, R. N.

Petition No. 2021-242

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against David Martin:

FIRST COUNT

1. David Martin of Thomaston, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut registered nurse license number 143914.
2. On or about February 25, 2021, respondent abused and/or utilized to excess heroin.
3. Respondent's abuse and/or excess use of heroin does, and/or may, affect his practice as a nurse.
4. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99(b), including but not limited to §20-99(b)(5).

SECOND COUNT

5. Paragraphs 1 and 2 are incorporated herein by reference as if set forth in full.
6. On November 18, 2020, the Connecticut Board of Examiners for Nursing (hereinafter "the Board") ordered a Consent Order in Petition Number 2019-31 (hereinafter "the Consent Order") that placed respondent's nursing license on probation for a period of four (4) years. Such disciplinary action was based, in part, upon respondent's admitted diversion of dilaudid and/or his abuse or excess use of controlled substances and alcohol.
7. The Consent Order required, in part, that respondent shall not obtain or use controlled substances unless prescribed for a legitimate therapeutic purpose by a licensed health care professional; that respondent shall submit to observed random urine screens for drugs and alcohol; and that if respondent fails to submit a urine sample when requested to do so by his monitor, such missed screen shall be deemed to be a positive screen.
8. On or about March 1 and/or March 10, 2021, respondent failed to submit a urine sample when requested to do so by his monitor.
9. Respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by Connecticut General Statutes §§19a-17 and 20-99(b).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against the license of David Martin as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 13th day of April, 2021.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

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CONSENT ORDER COVER SHEET

In re: Amy Saunders, L.P.N.

Petition No. 2019-619

1. Amy Saunders (hereinafter "respondent") of Naugatuck, Connecticut graduated from the New England Technical Institute and was licensed to practice as a licensed practical nurse in 2005. she has not been previously disciplined by the Department.
2. On one occasion in 2018, respondent provided an individual with a single Zofran tablet. Said individual was not a patient and did not have a prescription nor a physician's order for the Zofran.
3. In or about December 26, 2018 respondent took twice the amount of a prescribed controlled substance while at work and was sent home sick due to sluggish behavior.
4. In or about August 28, 2019, respondent utilized marijuana.
5. The proposed Consent Order places respondent's license on probation for one year and requires:
 - Urine screens,
 - Therapy,
 - Employer reports, and
 - Coursework in Professional Ethics and Boundaries.
6. The Department and respondent respectfully request the Board to accept the proposed Consent Order.

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**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Amy Saunders, L.P.N.

Petition No. 2019-619

CONSENT ORDER

WHEREAS, Amy Saunders (hereinafter "respondent") of Naugatuck, Connecticut, has been issued license number 031466 to practice as a licensed practical nurse by the Connecticut Department of Public Health (hereinafter "the Department") pursuant to Connecticut General Statutes, Chapter 378, as amended.

WHEREAS, the Department alleges:

1. On one occasion in 2018, respondent provided an individual with a single Zofran tablet. Said individual was not a patient and did not have a prescription nor a physician's order for the Zofran.
2. In or about December 26, 2018 respondent took twice the amount of a prescribed controlled substance while at work and was sent home sick due to sluggish behavior.
3. In or about August 28, 2019, respondent utilized marijuana.
4. Respondent's use of marijuana and/or controlled substances does, and/or may, affect her practice of nursing.
5. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 including but not limited to §20-99(b)(5).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing before the Connecticut State Board of Examiners for Nursing (hereinafter "the Board"). Respondent agrees that for the purpose of this or any future proceedings before the

Board this Consent Order shall have the same effect as if ordered after a full hearing pursuant to Connecticut General Statutes §§19a-9, 19a-10, and 20-99(a).

NOW THEREFORE, pursuant to Connecticut General Statutes §§19a-17 and 20-99(a), respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent's Connecticut licensed practical nurse license number 031466 is hereby reprimanded.
3. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
4. Respondent's Connecticut licensed practical nurse license number 031466 is hereby placed on probation for one year, subject to the following terms and conditions:
 - A. At her own expense, she shall engage in therapy and counseling with a Connecticut licensed therapist (hereinafter "therapist") pre-approved by the Department for the entire probationary period.
 - (1) She shall provide a copy of this Consent Order to her therapist.
 - (2) Her therapist shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (3) If respondent's therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy is warranted, or that respondent should be transferred to another therapist, he or she shall advise the Department. Said termination of therapy, reduction in frequency of therapy, and/or respondent's

transfer to another therapist shall not occur until approved by the Department.

However, if therapy is terminated with approval of the Department, respondent's therapist shall continue to monitor her alcohol and drug free status by monitoring and reviewing the observed random urine screens for drugs and alcohol as described in paragraph B below, and by providing the reports described in paragraph C below.

- (4) The therapist shall immediately notify the Department in writing if respondent discontinues therapy and/or terminates his or her services.

B. Respondent shall not obtain or use controlled substances, legend drugs or alcohol in any form unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications. Respondent shall inform said health care professional of respondent's history of marijuana and controlled substance use.

- (1) At her own expense, she shall submit to observed random urine screens for drugs and alcohol, in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto marked as ("Attachment 'A': Department Requirements for Drug and Alcohol Screens") at a testing facility approved by the Department, after consultation with the Department, as ordered by her therapist and/or personal physician. Laboratory reports of random alcohol and drug screens shall be submitted directly to the Department by the testing laboratory. All such observed random drug and alcohol screens shall be legally defensible in that the specimen donor and chain of custody can be identified throughout the screening process.

All laboratory reports shall indicate that the chain of custody procedure has been followed.

- (2) Respondent shall be responsible for notifying the laboratory, her therapist, the Department and her prescribing practitioner of any drug(s) she is taking. For the prescription of a controlled substance(s) for more than two consecutive weeks, the respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Department, until such time as the controlled substance(s) are not prescribed by the provider, documenting the following:
 1. A list of controlled substances prescribed by this provider for the respondent;
 2. A list of controlled substance(s) prescribed by other providers;
 3. An evaluation of the respondent's need for the controlled substance;
 4. An assessment of the respondent's continued need for the controlled substance(s).
- (3) There must be at least one (1) such observed random alcohol/drug screen and accompanying laboratory report every month of the probationary period.
- (4) There must be at least one (1) random tests for Ethylglucuronide (EtG) and accompanying laboratory report every two months of the probationary period.
- (5) All screens shall be negative for the presence of drugs and alcohol. Respondent agrees that an EtG test report of EtG at a level of 1000ng/mL or higher shall be deemed to constitute a positive screen for the presence of alcohol under this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol or if the test reports EtG at 1000ng/mL or higher,

respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines remedies shall not constitute a defense to such a screen.

- (6) All positive screen results shall be confirmed by gas chromatograph/mass spectrometer (GC/MS) testing.
- (7) Respondent is hereby advised that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time, been raised as a defense to a positive screen result for morphine, opiates and/or alcohol and as a defense of EtG at 1000ng/mL or higher. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol or if respondent's test reports EtG at 1000ng/mL or higher, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines or remedies shall not constitute a defense to such a screen.

- C. Respondent shall be responsible for the provision of quarterly written reports from her therapist directly to the Department for the entire probationary period. Such reports shall include documentation of dates of treatment, an evaluation of respondent's progress in treatment and of her drug and alcohol free status as established by the observed random urine screens for drugs and alcohol, an evaluation of her ability to safely and competently practice nursing, and copies of all urine screens and laboratory reports ordered by said therapist.

- D. Notwithstanding the foregoing, respondent's therapist shall immediately report to the Department any confirmed positive alcohol/drug screen and any conduct or condition on respondent's part which does or may violate any federal or state statute or regulation applicable to her profession.
- E. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of her probation.
- F. Respondent shall attend and successfully complete coursework in Professional Ethics and Boundaries within the first three months of probation. Within fourteen (14) days of the completion of said coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of said coursework.
- G. Respondent shall provide her supervisor at each place where respondent practices nursing throughout the probationary period (hereinafter "supervisor") with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of practice with a new employer. Respondent agrees to provide quarterly reports from such supervisor stating whether respondent is practicing with reasonable skill and safety and in an alcohol and substance-free state. A report indicating that respondent is not practicing with reasonable skill and safety shall be deemed to be a violation of this Consent Order.
- H. Respondent shall notify the Department in writing of any change of employment within fifteen (15) days of such change.
- I. Respondent shall notify the Department of any change in her home or business address within fifteen (15) days of such change.

J. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

K. All correspondence and reports shall be addressed to:

Lavita Sookram, R.N., Nurse Consultant
Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

5. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard. Respondent shall pay all costs necessary to comply with this Consent Order.
6. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods.
7. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
8. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.
9. Respondent understands that this Consent Order is a public record.
10. Respondent understands and agrees that this Consent Order shall be deemed as evidence of the above-alleged violations in any proceeding before the Board in which (1) respondent's

compliance with this same Consent Order is at issue, or (2) respondent's compliance with Connecticut General Statutes §20-99(b), as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services.

11. If, during the period of probation, respondent practices nursing outside Connecticut, respondent shall provide written notice to the Department concerning such practice. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of nursing in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 4 above.
12. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a nurse, upon request by the Department for a period not to exceed 45 days. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45-day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger as required pursuant to Connecticut General

Statutes §§4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

13. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
14. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to Connecticut General Statutes §4-181a. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Connecticut General Statutes, Chapters 54 and 368a provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or the United States.
15. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent agree that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance

on evidence outside the administrative record if this matter proceeds to a hearing on a Statement of Charges resulting in a proposed decision and/or final decision by the Board.

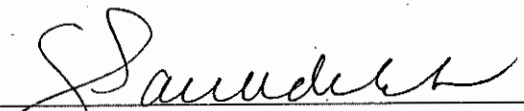
16. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
17. Respondent consulted with her attorney prior to signing this Consent Order.
18. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
19. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

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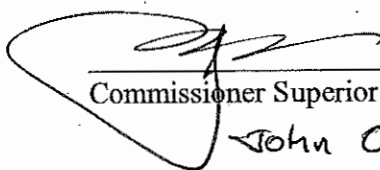
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I, Amy Saunders, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.




Amy Saunders

Subscribed and sworn to before me this 9th day of March, ~~2020~~ 2021



Commissioner Superior Court/Notary Public
John A. Gale

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 17th day of March, 2021 it is hereby accepted.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut State Board of Examiners for Nursing on the _____ day of _____, 2021 it is hereby ordered and accepted.

BY: _____
Connecticut State Board of Examiners for Nursing

CONSENT ORDER COVER SHEET

In re: Christopher James Banker, R.N.

Petition No. 2020-582

1. Christopher James Banker of Plainfield, Connecticut (hereinafter "respondent") was issued license number 136174 to practice as a registered nurse on August 10, 2016.
2. Respondent graduated from the Three Rivers Community College – AND, Norwich, Connecticut in 2016.
3. Respondent has no disciplinary history.
4. In or about April, May and/or June of 2020, respondent abused or utilized to excess alcohol. In or about April, May and/or June of 2020, respondent was diagnosed with an emotional disorder or mental illness. Respondent's abuse and/or excess use of alcohol and/or his emotional disorder or mental illness does, and/or may, affect his ability to practice nursing.
5. The proposed Consent Order provides for a four-year probationary period that includes random alcohol/drug screens, employer reports, therapy reports, support group meetings, and no home care, pool nursing or self-employment. The proposed Consent Order does not contain a narcotic key restriction.
6. Respondent's therapist has reported that respondent has attended support group meetings, engages in regular exercise and relaxation techniques to manage stress, and appears engaged and committed to treatment. Respondent's therapist does not believe respondent is a threat to others, provided he manages his emotions appropriately and maintains his sobriety.
7. The Department and respondent respectfully request that the Board accept the proposed Consent Order.

CONFIDENTIALITY NOTICE: This document and all attachments may contain information that is confidential or privileged. Please do not disseminate, distribute or copy the contents or discuss with parties who are not directly involved in this petition.

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: Christopher James Banker, R.N.

Petition No. 2020-582

CONSENT ORDER

WHEREAS, Christopher James Banker (hereinafter "respondent") of Plainfield, Connecticut has been issued license number 136174 to practice as a registered nurse by the Connecticut Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. In or about April, May and/or June of 2020, respondent abused and/or utilized to excess alcohol.
2. Respondent's abuse and/or excess use of alcohol does, and/or may, affect his practice as a registered nurse.
3. In or about April, May and/or June of 2020, one or more health care practitioners diagnosed respondent with an emotional disorder and/or a mental illness.
4. Respondent's emotional disorder or disorders and/or mental illness or illnesses does, and/or may, affect his practice as a registered nurse.
5. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including but not limited to:
 - a. §20-99(b)(4); and/or
 - b. §20-99(b)(5).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above-admitted violations or allegations at a hearing before the Board of Examiners for Nursing (hereinafter "the Board"). Respondent agrees that for the purpose of this or any future proceedings before the Board this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives respondent's right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to respondent's profession.
3. Respondent's license number 136174 to practice as a nurse in the State of Connecticut is hereby placed on probation for four years, subject to the following terms and conditions:
 - A. At respondent's own expense, respondent shall engage in therapy and counseling with a Connecticut licensed therapist (hereinafter "therapist") approved by the Department for the entire probationary period.
 - (1) Respondent shall provide a copy of this Consent Order to respondent's therapist.
 - (2) Respondent's therapist shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (3) If respondent's therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy is warranted, or that respondent should be transferred to another therapist, he or she shall advise the Department. Said termination of therapy, reduction in frequency of therapy, and/or respondent's

transfer to another therapist shall not occur until approved by the Department.

However, if therapy is terminated with approval of the Department, respondent's therapist shall continue to monitor his alcohol and drug free status by monitoring and reviewing the observed random urine screens for drugs and alcohol as described in paragraph 3B below, and by providing the reports described in paragraph 3C below.

- (4) The therapist shall immediately notify the Department in writing if respondent discontinues therapy and/or terminates his/her services.

B. Respondent shall not obtain or use controlled substances, legend drugs or alcohol in any form unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications. Respondent shall inform said health care professional of respondent's substance abuse history.

- (1) At respondent's own expense, respondent shall submit to observed random urine screens for drugs and alcohol, in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto marked as ("Attachment 'A': Department Requirements for Drug and Alcohol Screens") at a testing facility approved by the Board, after consultation with the Department, as ordered by the therapist and/or personal physician. Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department by the testing laboratory. All such observed random drug and alcohol screens shall be legally defensible in that the specimen donor and chain of custody can be identified throughout the screening process. All laboratory reports shall indicate that the chain of custody procedure has been followed.

- (2) Respondent shall be responsible for notifying the laboratory, therapist, the Department and respondent's prescribing practitioner of any drug(s) respondent is taking. For the prescription of a controlled substance(s) for more than two consecutive weeks, the respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Department, until such time as the controlled substance(s) are not prescribed by the provider, documenting the following:
 1. A list of controlled substances prescribed by this provider for the respondent;
 2. A list of controlled substance(s) prescribed by other providers;
 3. An evaluation of the respondent's need for the controlled substance;
 4. An assessment of the respondent's continued need for the controlled substance(s).
- (3) There must be at least one such observed random alcohol/drug screen and accompanying laboratory report every week for the first and fourth years of probation; and at least two such screens and reports every month for the second and third years of probation.
- (4) There must be at least two (2) random tests for Ethylglucuronide (EtG) and accompanying laboratory reports every month for the first and fourth years of probation and at least (1) such random test and report every month for the remainder of the probationary period.
- (5) All screens shall be negative for the presence of drugs and alcohol. Respondent agrees that an EtG test report of EtG at a level of 1000ng/mL or higher shall be

deemed to constitute a positive screen for the presence of alcohol under this Consent Order. Respondent understands and agrees that if respondent fails to submit a urine sample when requested by respondent's monitor, such missed screen shall be deemed a positive screen.

- (6) All positive screen results shall be confirmed by gas chromatograph/mass spectrometer (GC/MS) testing.
- (7) Respondent is hereby advised that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time, been raised as a defense to a positive screen result for morphine, opiates and/or alcohol and as a defense of an EtG at 1000ng/mL or higher. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol or if respondent's test reports an EtG at 1000ng/mL or higher, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines or remedies shall not constitute a defense to such a screen.

C. Respondent shall be responsible for the provision of written reports from respondent's therapist directly to the Department for the entire probationary period; monthly for the first and fourth years of probation; and, quarterly reports for the second and third years of probation. Such reports shall include documentation of dates of treatment, an evaluation of respondent's progress in treatment and of respondent's drug and alcohol free status as established by the

observed random urine screens for drugs and alcohol, an evaluation of respondent's ability to safely and competently practice nursing, and copies of all laboratory reports. A report indicating that respondent is not able to practice nursing safely and competently shall be deemed to be a violation of this Consent Order.

- D. Notwithstanding the foregoing, respondent's therapist shall immediately report to the Department any confirmed positive alcohol/drug screen and any conduct or condition on respondent's part which does or may violate any federal or state statute or regulation applicable to respondent's profession.
- E. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of probation.
- F. Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker - home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of probation.
- G. Respondent shall be responsible for the provision of written reports directly to the Department from respondent's nursing supervisor (i.e., Director of Nursing) monthly for the first and fourth years of his probation; and quarterly for the second and third years of probation. Respondent shall provide a copy of this Consent Order to any and all employers if employed as a nurse during the probationary period. The Department shall be notified in writing by any employer(s) within fifteen (15) days of the commencement of employment as to the receipt of a copy of this Consent Order. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Department at the

- address cited in paragraph 3M below. A report indicating that respondent is not practicing with reasonable skill and safety shall be deemed to be a violation of this Consent Order.
- H. During the entire probationary period, respondent shall attend "anonymous" or support group meetings on an average of eight to ten times per month and shall provide quarterly reports to the Department concerning respondent's record of attendance.
 - I. Respondent shall notify the Department in writing of any change of employment within fifteen (15) days of such change.
 - J. Respondent shall notify the Department of any change in respondent's home or business address within fifteen (15) days of such change.
 - K. If respondent pursues further training or is engaged at the time of the implementation of the Consent Order, in an educational program in any subject area that is regulated by the Department, respondent shall provide a copy of this Consent Order to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department of receipt of the Consent Order within fifteen (15) days of receipt.
 - L. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
 - M. All correspondence and reports shall be addressed to:

Lavita Sookram, R.N., Nurse Consultant
Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. Any violation of the terms of this Consent Order without prior written approval by the Department shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard. Respondent shall pay all costs necessary to comply with this Consent Order.
5. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
6. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
7. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.
8. Respondent understands this Consent Order is a matter of public record.
9. Respondent understands and agrees that this Consent Order shall be deemed as evidence of the above-admitted violations in any proceeding before the Board in which (1) respondent's compliance with this same Consent Order is at issue, or (2) respondent's compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services.
10. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a nurse, upon request by the Department, for a period not to exceed forty five (45) days. During that time period, respondent further agrees to cooperate

with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said forty five (45) day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

11. If, during the period of probation, respondent practices nursing outside Connecticut, respondent shall provide written notice to the Department concerning such practice. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of nursing in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 3 above.
12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.

13. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.
14. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent agree that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision and/or final decision by the Board.

15. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
16. Respondent has had the opportunity to consult with an attorney prior to signing this document.
17. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only and is not intended to affect any civil or criminal liability or defense.
18. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

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I, Christopher James Banker, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

C. Banker
Christopher James Banker

Subscribed and sworn to before me this 11th day of March, 2021.

Barbi J. Gardiner
Notary Public, State of Connecticut
My Commission Expires Feb. 28 2025

Barbi J. Gardiner
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 23rd day of March, 2021, it is hereby accepted.

Christian D. Andresen

Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the _____ day of _____, 2021, it is hereby ordered and accepted.

BY: _____
Connecticut Board of Examiners for Nursing

CONSENT ORDER COVER SHEET

In re: Stephanie D. Kennedy, R.N.

Petition No. 2020-606

1. Stephanie D. Kennedy of Anna, Texas (hereinafter "respondent") was issued license number 165269 to practice as a registered nurse on October 8, 2019.
2. Respondent graduated from the Collins County Community College in 2016.
3. Respondent has no disciplinary history.
4. The Department's Practitioner Licensing and Investigations Section opened this petition after receiving information that the Texas Board of Nursing disciplined respondent's license to practice nursing in the State of Texas.
5. On or about June 23, 2020, the Texas Board of Nursing ordered a sanction of remedial education against respondent's Texas nursing license based upon respondent's failure to properly waste the unused portion of Dilaudid she withdrew from a medication dispensing system on or about March 5, 2019 and/or upon a finding that respondent administered Verapamil, a blood pressure medication, instead of the ordered Versed, a sedative, on or about June 12, 2019.
6. The proposed Consent Order provides for a reprimand.
7. The Department and respondent respectfully request that the Board accept the proposed Consent Order.

CONFIDENTIALITY NOTICE: This document and all attachments may contain information that is confidential or privileged. Please do not disseminate, distribute or copy the contents or discuss with parties who are not directly involved in this petition.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Stephanie Dawn Kennedy, R.N.

Petition No. 2020-606

CONSENT ORDER

WHEREAS, Stephanie Dawn Kennedy (hereinafter "respondent") of Anna, Texas has been issued license number 165269 to practice as a registered nurse by the Connecticut Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. On or about June 23, 2020, The Texas Board of Nursing ordered that respondent shall receive the sanction of remedial education with respect to her license(s) and/or privilege(s) to practice nursing in the State of Texas. Said disciplinary action was based, in part, upon respondent's failure to properly waste the unused portion of Dilaudid she withdrew from a medication dispensing system on or about March 5, 2019 and/or upon a finding that respondent administered Verapamil, a blood pressure medication, instead of the ordered Versed, a sedative, on or about June 12, 2019.
2. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§19a-17(f) and/or 20-99, including, but not limited to §20-99(b)(2).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above-admitted violations or allegations at a hearing before the Board of Examiners for Nursing

(hereinafter "the Board"). Respondent agrees that for the purpose of this or any future proceedings before the Board, this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives respondent's right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to respondent's profession.
3. Respondent's license number 165269 to practice as a registered nurse in the State of Connecticut is hereby reprimanded.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
6. This Consent Order is effective on the date this Consent Order is approved and accepted by the Board.
7. Respondent understands this Consent Order is a matter of public record.
8. Respondent understands and agrees that this Consent Order shall be deemed as evidence of the above-admitted violations in any proceeding before the Board in which (1) respondent's compliance with this same Consent Order is at issue, or (2) respondent's compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue. Further, respondent

understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services.

9. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.
10. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent agree that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance

on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision and/or final decision by the Board.


11. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
12. Respondent has had the opportunity to consult with an attorney prior to signing this document.
13. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only and is not intended to affect any civil or criminal liability or defense.
14. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

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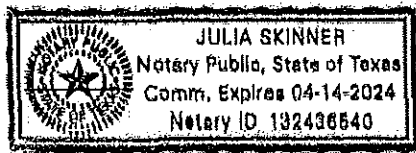
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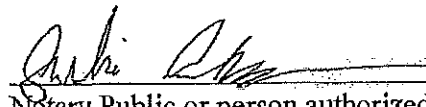
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I, Stephanie Dawn Kennedy, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

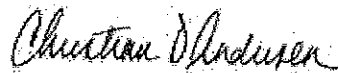

Stephanie Dawn Kennedy

Subscribed and sworn to before me this third day of March, 2021.




Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 30th day of March, 2021, it is hereby accepted.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the _____ day of _____, 2021, it is hereby ordered and accepted.

BY: _____
Connecticut Board of Examiners for Nursing

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Erin K. Fitzpatrick, LPN

Petition No. 2020-330

STATEMENT OF CHARGES

Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Erin K. Fitzpatrick:

FIRST COUNT

1. Erin K. Fitzpatrick of Lisbon, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 037560.
2. In or about March, April and/or May 2020, respondent abused or utilized to excess alcohol and/or cocaine.
3. Respondent's abuse and/or excess use of alcohol and/or cocaine does, and/or may, affect her practice as a nurse.
4. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99, including but not limited to:
 - a. §20-99(b)(4); and/or
 - b. §20-99(b)(5).

SECOND COUNT

5. Paragraph 1 is incorporated herein by reference as if set forth in full.
6. At all relevant times, respondent was employed as a nurse at Norwichtown Rehabilitation and Care Center in Norwich, Connecticut (hereinafter "NRCC").
7. On one or more occasions in or about February and/or March 2020, while as a nurse at NRCC, respondent failed to completely, properly and/or accurately document medical records in connection with the administration of a controlled substance to one or more residents.
8. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including, but not limited to §20-99(b)(2).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by the General Statutes of Connecticut, §§20-99(b) and 19a-17, revoke or order other disciplinary action against the license of Erin K. Fitzpatrick as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 28th day of August 2020.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

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**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**


In re: Erin K. Fitzpatrick , LPN

Petition No. 2020-330

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with the General Statutes of Connecticut §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend the license of Erin K. Fitzpatrick to practice nursing in Connecticut. This motion is based on the attached Statement of Charges, Affidavits and on the Department's information and belief that the continued practice of Erin K. Fitzpatrick represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 28th day of August 2020.


Christian D. Andresen, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

In re: Erin Fitzpatrick, LPN

Petition No. 2020-330

SUMMARY SUSPENSION ORDER


WHEREAS, the Department of Public Health having moved for an order of summary suspension in this matter and having submitted duly verified affidavits in support of its motion; and

WHEREAS, said affidavits allege facts which show violations of §20-99(b) of the Connecticut General Statutes, and which imperatively require emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut is in clear and immediate danger.

NOW, THEREFORE, pursuant to §4-182(c) and §19a-17(c) of the Connecticut General Statutes, it is hereby **ORDERED**, by vote of the Board of Examiners for Nursing:

1. That license number 037560 of **Erin Fitzpatrick**, to practice as a licensed practical nurse in the State of Connecticut is hereby summarily suspended pending a final determination by the Board of Examiners for Nursing regarding the allegations contained in the Statement of Charges, and
2. That said license shall be *immediately surrendered* to the Department of Public Health, Public Health Hearing Office, 410 Capitol Avenue, MS#13PHO, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order, and
3. That a hearing in this matter is scheduled for the 20th day of January 2021, at 9:00 a.m. The hearing will be held by video conference.

Dated at Waterbury, Connecticut this 16th day of September, 2020.


Patricia C. Bouffard, D.N.Sc., RN, Chair
Connecticut Board of Examiners for Nursing



Phone: (860) 509-7566 • Fax: (860) 707-1904
Telecommunications Relay Service 7-1-1
410 Capitol Avenue, P.O. Box 340308
Hartford, Connecticut 06134-0308



**STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING**

Erin Fitzpatrick
c/o Cody Guarnieri
Brown, Paindiris & Scott
100 Pearl Street
Hartford, CT 06103

VIA EMAIL ONLY (cguamieri@bpslawyers.com)

RE: Erin Fitzpatrick, LPN - Petition No. 2020-330

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **January 20, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It will be your responsibility to provide the hearing connection link to any witnesses you may call.

Filing an Answer; Failure to File Answer:

You are required to file an answer to the attached Charges with the Department of Public Health within 14 days from the date of this Notice of Hearing. *Please note: failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.*

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

- (1) Date of birth
- (2) Mother's maiden name
- (3) Motor vehicle operator's license number
- (4) Social Security Number
- (5) Other government-issued identification number
- (6) Health insurance identification number
- (7) Financial account number
- (8) Security code or personal identification number (PIN)

Order Re: Filings

In preparation for this hearing you must, no later than September 2, 2020, provide the information specified in the attached Notice for Submissions.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person. **The Board may hold a fact-finding meeting immediately following the close of the record.**

Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 17th day of September, 2020.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

c: Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Linda Fazzina, Staff Attorney, Office of Legal Compliance

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

Notice for Submissions

The hearing in the matter of: **Erin Fitzpatrick, LPN – Petition No. 2020-330** has been scheduled for **January 20, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **January 7, 2021**, you must provide the following by electronic mail response to the hearing office at poho.dph@ct.gov

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
3. Photo Identification: a copy of a government-issued photo identification of the parties and witnesses.
4. Electronic Mail (“e-mail”) addresses for parties, counsel and witnesses. All e-mail addresses must be current and able to receive all notices relating to this matter.
5. Cellphone numbers for all parties, counsel, and witnesses at which they can be reached and respond to text message during the hearing (in the event a connection is lost).
6. A statement whether executive session may be required to receive testimony containing personal protected information, and if so, what that information may be (treatment records, patient records, therapy reports). Parties or counsel should identify any witnesses listed in response to #2 above who may provide testimony relating to personal protected information requiring executive session.
7. A statement whether an interpreter will be needed for the proceeding.

In preparation for the remote hearing, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking.

Our office will contact you again 3 to 5 calendar days prior to the hearing to provide you with any further instructions and a Microsoft Teams link / phone number and code to enter the hearing.

Should you have any questions regarding the above, please contact the hearing office.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

: PETITION NO. 2020-330

IN RE: Erin K. Fitzpatrick, LPN :
: DECEMBER 29, 2020

ANSWER

The Respondent, Erin K. Fitzpatrick, LPN, hereby responds to the Statement of Charges dated August 28, 2020, as follows:

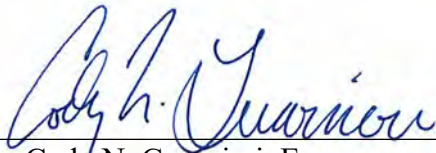
FIRST COUNT

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied.

SECOND COUNT

5. Response to Paragraph 1 is incorporated herein by reference as if set forth in full.
6. Admitted.
7. Admitted.
8. Denied.

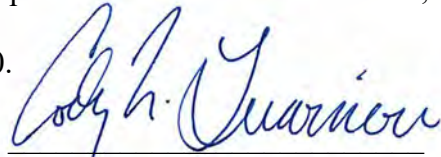
RESPONDENT, ERIN K. FITZPATRICK

By 

Cody N. Guarnieri, Esq.
Brown Paindiris & Scott, LLP
100 Pearl Street, Suite 200
Hartford, CT 06103
(Tel.) 860-522-3343
(Fax) 860-522-2490
cody@bpslawyers.com

CERTIFICATION

A copy of this Answer was emailed to Attorney Linda Fazzina, Staff Attorney for the Connecticut Department of Public Health, to linda.fazzina@ct.gov and Jeffrey A. Kardys, Administrative Hearings Specialist, Connecticut Department of Public Health, to Jeffrey.Kardys@ct.gov, on this 29th day of December, 2020.



Cody N. Guarnieri

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

January 11, 2021

Cody Guarnieri
Brown, Paindiris & Scott
100 Pearl Street
Hartford, CT 06103

VIA EMAIL ONLY

Linda Fazzina, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Erin K. Fitzpatrick, LPN Petition No. 2020-330

RULING ON REQUEST FOR CONTINUANCE

In an email dated January 7, 2021, counsel for respondent requested a postponement of the hearing in the referenced matter scheduled for January 20, 2021. Without objection from the Department of Public Health, respondent's request is granted.

The hearing is rescheduled to **Wednesday, April 21, 2021 at 9:00 a.m.** In addition, the deadline for the submission of pre-field exhibits is extended to April 1, 2021,

The Summary Suspension of respondent's licensed practical nurse license remains in effect.

FOR: BOARD OF EXAMINERS FOR NURSING

BY: /s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue, MS #13PHO
PO Box 340308
Hartford, CT 06134-0308
Tel. (860) 509-7566 FAX (860) 707-1904



Phone: (860) 509-7566 • Fax: (860) 707-1904
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Hartford, Connecticut 06134-0308
www.ct.gov/dph

Affirmative Action/Equal Opportunity Employer



**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Erin K. Fitzpatrick, LPN)
)
) Petition No. 2020-1015
) March 5, 2021

MOTION TO CONSOLIDATE

Pursuant to §19a-9-22 of the Regulations of Connecticut State Agencies (“RCSA”), the Department of Public Health ("the Department") hereby moves the Connecticut State Board of Examiners for Nursing (“the Board”) consolidate Petition No. 2020-1015 with Petition No. 2020-330.

As ground for this motion, the Department states as follows:

1. On September 16, 2020, the Board summarily suspended Ms. Erin K. Fitzpatrick’s (“respondent”) licensed practical nurse license number 037560 in Petition No. 2020-330 (“First Petition”) as a result of respondent’s substance abuse and improper record keeping.
2. On March 5, 2021, the Department issued a Statement of Charges in Petition No. 2020-1015 against respondent’s nursing license (“Second Petition”). The Second Petition arose because respondent violated the terms of the Board’s summary suspension order from the First Petition when she practiced nursing with a suspended license.
3. §19a-9-22 of the RCSA permits joinder of two (2) or more contested cases against a respondent, at the discretion of the presiding officer. §19a-9-29(g) of the RCSA permits the presiding officer to make orders that “will aid in the just, economic, and efficient resolution of a case.”
4. The First Petition and Second Petition deal with the same legal and factual issues concerning respondent’s substance abuse and respondent’s violation of the summary suspension order imposed due to her substance abuse. Both petitions would require presentation of the same evidence, motions, and testimony. Combining the petitions will permit the Board to hear the same evidence, motions and testimony in one hearing instead of two.

5. Respondent's counsel, Attorney Cody Guarnieri, stated he has no objection to consolidating the two petitions concerning respondent's nursing license.
6. Consolidating both petitions concerning respondent's nursing license will allow an economic and efficient resolution of the cases.

Wherefore, the Department respectfully requests that the Board order the consolidation of Petition Nos. 2020-330 and 2020-1050.

THE DEPARTMENT OF PUBLIC HEALTH

3/5/21
Date

/s/ Linda L. Fazzina
Linda L. Fazzina
Staff Attorney, Office of Legal Compliance

ORDER

The foregoing Motion to Consolidate having been duly considered by the Connecticut Board of Examiners for Nursing is hereby GRANTED/~~DENIED~~.

Dated this 11th day of March 2021 at Waterbury, Connecticut

Patricia C. Bauld, D.N.S.
Board of Examiners for Nursing

CERTIFICATION

A copy of this Motion to Consolidate was sent via email to Attorney Cody Guarnieri, counsel for Erin K. Fitzpatrick, LPN, at cody@bpslawyers.com and to Jeffrey A. Kardys, Administrative Hearings Specialist, Department of Public Health, Public Health Hearing Office at jeffrey.kardys@ct.gov, on this 5th day of March, 2021.

/s/ Linda L. Fazzina
Linda Fazzina, Staff Attorney

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Erin K. Fitzpatrick, LPN

Petition No. 2020-1015

STATEMENT OF CHARGES


Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Erin K. Fitzpatrick:

1. Erin K. Fitzpatrick of Lisbon, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 037560.
2. On September 16, 2020, the Board of Examiners for Nursing (hereinafter "the Board") issued a Summary Suspension Order in Petition No. 2020-330 that summarily suspended respondent's license number 037560 to practice nursing.
3. From on or about September 16, 2020 until on or about September 28, 2020, respondent practiced nursing at a Hartford Healthcare urology practice without having a valid nursing license and in contravention of the Summary Suspension Order in Petition No. 2020-330.
4. Respondent's conduct as described above constitutes violations of the Connecticut General Statutes and of the terms of the Summary Suspension Order issued in Petition No. 2020-330, and subjects respondent's license to revocation or other disciplinary action authorized by the Connecticut General Statutes, §§19a-17 and 20-99(b), including but not limited to §20-99(b)(2) and/or §20-99(b)(6).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by the General Statutes of Connecticut, §§20-99(b) and 19a-17, revoke or order other disciplinary action against the license of Erin K. Fitzpatrick as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 5th day of March 2021.


Christian D. Andresen, MPH, Section Chief
Practitioner Licensing & Investigations Section
Healthcare Quality and Safety Branch

*Branch Chief
Healthcare Quality & Safety Branch*

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

: PETITION NO. 2020-1015

IN RE: Erin K. Fitzpatrick, LPN :
: MARCH 29, 2021

ANSWER

The Respondent, Erin K. Fitzpatrick, LPN, hereby responds to the Statement of Charges dated March 5, 2021, as follows:

1. Admitted.
2. Admitted.
3. Admitted insofar as Ms. Fitzpatrick misunderstood the implications of the summary suspension and continued in her position for less than two weeks after the entrance of the same. She has not worked in the medical field since September 28, 2020.
4. Admitted.

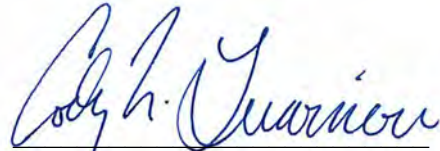
RESPONDENT, ERIN K. FITZPATRICK

By 

Cody N. Guarnieri, Esq.
Brown Paindiris & Scott, LLP
100 Pearl Street, Suite 200
Hartford, CT 06103
(Tel.) 860-522-3343
(Fax) 860-522-2490
cody@bpslawyers.com

CERTIFICATION

A copy of this Answer was emailed to Attorney Linda Fazzina, Staff Attorney for the Connecticut Department of Public Health, to linda.fazzina@ct.gov and Jeffrey A. Kardys, Administrative Hearings Specialist, Connecticut Department of Public Health, to Jeffrey.Kardys@ct.gov, on this 29th day of March, 2021.



Cody N. Guarnieri

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Gustavo Mastarreno, RN

Petition No. 2020-783

STATEMENT OF CHARGES


Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Gustavo Mastarreno:

1. Gustavo Mastarreno of South Glastonbury, Connecticut (hereinafter "respondent") is the holder of Connecticut registered nursing license number 074170.
2. On various occasions in 2017, 2018 and 2019, respondent abused and/or utilized to excess alcohol. Respondent was arrested and incarcerated for driving while intoxicated.
3. In or about April 2019, respondent abused and/or utilized to excess alcohol and/or was impaired while practicing nursing at Bristol Hospital.
4. On or about April 29, 2020, respondent abused and/or utilized to excess alcohol.
5. On or about August 19, 2020 respondent failed to properly waste morphine and/or was impaired sleeping and/or inattentive to patient care while practicing nursing at Yale New Haven Hospital.
6. Respondent's abuse and/or excessive use of alcohol does, and/or may, affect his practice of nursing.
7. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 including but not limited to
 - a. §20-99(b)(2);
 - b. §20-99(b)(5); and/or
 - c. §20-99(b)(6).

THEREFORE, the Department prays:

The Connecticut Board of Examiners for Nursing, as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against respondent's nursing license as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 8th day of September, 2020.


Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**


In re: Gustavo Mastarreno, RN

Petition No. 2020-783

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with Connecticut General Statutes §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend Gustavo Mastarreno's nursing license in Connecticut. This motion is based on the attached Statement of Charges, Affidavits and on the Department's information and belief that Gustavo Mastarreno's continued nursing practice represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 8th day of September, 2020.


Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

In re: **Gustavo Mastarreno, RN**

Petition No. 2020-783

SUMMARY SUSPENSION ORDER


WHEREAS, the Department of Public Health having moved for an order of summary suspension in this matter and having submitted duly verified affidavits in support of its motion; and,

WHEREAS, said affidavits allege facts which show violations of §20-99(b) of the Connecticut General Statutes, and which imperatively require emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut is in clear and immediate danger.

NOW, THEREFORE, pursuant to §4-182(c) and §19a-17(c) of the Connecticut General Statutes, it is hereby **ORDERED**, by vote of the Board of Examiners for Nursing:

1. That license number 074170 of **Gustavo Mastarreno**, to practice as a registered nurse in the State of Connecticut is hereby summarily suspended pending a final determination by the Board of Examiners for Nursing regarding the allegations contained in the Statement of Charges, and
2. That said license shall be *immediately surrendered* to the Department of Public Health, Public Health Hearing Office, 410 Capitol Avenue, MS#13PHO, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order, and
3. That a hearing in this matter is scheduled for the 20th day of January 2021, at 9:00 a.m. The hearing will be held by video conference.

Dated at Waterbury, Connecticut this 16th day of September, 2020.


Patricia C. Bouffard, D.N.Sc., RN, Chair
Connecticut Board of Examiners for Nursing



Phone: (860) 509-7566 • Fax: (860) 707-1904
Telecommunications Relay Service 7-1-1
410 Capitol Avenue, P.O. Box 340308
Hartford, Connecticut 06134-0308



**STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING**

Gustavo Mastarreno
c/o Daniel Csuka, Esq
Moore Leonhardt & Associates
67 Russ Street
Hartford, CT 06106

VIA EMAIL ONLY (djc@mooreleonhardt.com)

RE: Gustavo Mastarreno, RN - Petition No. 2020-783

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **January 20, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It will be your responsibility to provide the hearing connection link to any witnesses you may call.

Filing an Answer; Failure to File Answer:

You are required to file an answer to the attached Charges with the Department of Public Health within 14 days from the date of this Notice of Hearing. *Please note: failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.*

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

- (1) Date of birth
- (2) Mother's maiden name
- (3) Motor vehicle operator's license number
- (4) Social Security Number
- (5) Other government-issued identification number
- (6) Health insurance identification number
- (7) Financial account number
- (8) Security code or personal identification number (PIN)

Order Re: Filings

In preparation for this hearing you must, no later than September 2, 2020, provide the information specified in the attached Notice for Submissions.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person. **The Board may hold a fact-finding meeting immediately following the close of the record.**

Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 17th day of September, 2020.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

c: Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Joelle Newton, Staff Attorney, Office of Legal Compliance

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

Notice for Submissions

The hearing in the matter of: **Gustavo Mastarreno, RN – Petition No. 2020-783** has been scheduled for **January 20, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **January 7, 2021**, you must provide the following by electronic mail response to the hearing office at poho.dph@ct.gov

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
3. Photo Identification: a copy of a government-issued photo identification of the parties and witnesses.
4. Electronic Mail (“e-mail”) addresses for parties, counsel and witnesses. All e-mail addresses must be current and able to receive all notices relating to this matter.
5. Cellphone numbers for all parties, counsel, and witnesses at which they can be reached and respond to text message during the hearing (in the event a connection is lost).
6. A statement whether executive session may be required to receive testimony containing personal protected information, and if so, what that information may be (treatment records, patient records, therapy reports). Parties or counsel should identify any witnesses listed in response to #2 above who may provide testimony relating to personal protected information requiring executive session.
7. A statement whether an interpreter will be needed for the proceeding.

In preparation for the remote hearing, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking.

Our office will contact you again 3 to 5 calendar days prior to the hearing to provide you with any further instructions and a Microsoft Teams link / phone number and code to enter the hearing.

Should you have any questions regarding the above, please contact the hearing office.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Gustavo Mastarreno, RN

Petition No. 2020-783

RESPONDENT'S ANSWER TO STATEMENT OF CHARGES

The Respondent, Gustavo Mastarreno, RN, hereby respectfully answers the Department of Public Health's Statement of Charges dated September 8, 2020, as enclosed with the Notice of Hearing dated September 17, 2020.

1. Admit.
2. Respondent admits that on various occasions in 2017, 2018 and 2019, he abused and/or utilized to excess alcohol. Respondent further admits that in 2017 and 2018, he was arrested for driving while intoxicated. Respondent denies the remainder of the allegations set forth in Paragraph 2, in particular that he was incarcerated for driving while intoxicated.
3. Deny.
4. Admit.
5. Respondent admits that on or about August 19, 2020, he was sleeping and/or inattentive to patient care while practicing nursing at Yale New Haven Hospital. Respondent denies the remainder of the allegations set forth in Paragraph 5.
6. Deny.
7. Deny.

Respondent will present any and all defenses available to him at the administrative hearing and reserves his right to amend or supplement this Answer.

RESPONDENT,
GUSTAVO MASTARRENO, RN

BY: _____/s/
Mary Alice Moore Leonhardt (#303506)
Daniel J. Csuka (#433441)
Moore Leonhardt & Associates LLC
67 Russ Street, 2nd Floor
Hartford, CT 06106
Tel. (860) 216-6337
Fax (860) 216-6605
ma@mooreleonhardt.com
djc@mooreleonhardt.com

CERTIFICATION OF SERVICE

I hereby certify that a copy of the above was or will immediately be mailed or delivered electronically and/or non-electronically on this 1st day of October, 2020, to the following:

Jeffrey A. Kardys
Administrative Hearings Specialist
Department of Public Health
Public Health Hearing Office
410 Capitol Avenue, MS#13PHO
P.O. Box 340308
Hartford, CT 06134-0308
jeffrey.kardys@ct.gov

Joelle Newton
Staff Attorney
Department of Public Health
Office of Legal Compliance
410 Capitol Avenue, MS#12LEG
P.O. Box 340308
Hartford, CT 06134-0308
joelle.newton@ct.gov

/s/
Daniel J. Csuka

MOORE LEONHARDT & ASSOCIATES LLC
ATTORNEYS-AT-LAW

DANIEL J. CSUKA, ESQ.
djc@mooreleonhardt.com

TELEPHONE: (860) 216-6337
FACSIMILE: (860) 216-6605

January 8, 2021

VIA EMAIL ONLY

Jeffrey A. Kardys
Department of Public Health
Legal Office/Public Health Hearing Office
410 Capitol Avenue, MS 13PHO
P.O. Box 340308
Hartford, CT 06134-0308
jeffrey.kardys@ct.gov

Re: Gustavo Mastarreno, RN – Petition No. 2020-783

Dear Mr. Kardys:

As you know, this office represents Mr. Mastarreno with respect to the above-referenced matter. I respectfully write to request a three (3) month continuance of the hearing presently scheduled for January 20, 2021. Several members of Mr. Mastarreno's family were recently diagnosed with COVID-19, one of which being his mother. In addition, he is going through a divorce which he hopes will be mostly resolved by the proposed new hearing date.

Mr. Mastarreno's nursing license was summarily suspended in September 2020. He has surrendered copies of his license and is not practicing. Therefore, continuing the hearing to a later date – specifically the April 21, 2021 meeting of the Board – does not represent a risk to the public or constitute a burden on the Department.

HARTFORD OFFICE

67 Russ Street
Hartford, CT 06106
Tel. (860) 216-6337
Fax. (860) 216-6605


GREENWICH OFFICE

67 Holly Hill Lane
Greenwich, CT 06831
Tel. (860) 614-0272
Fax. (860) 216-6605

Jeffrey A. Kardys
Page 2 of 2
January 8, 2021

Thank you for your attention to and consideration of this matter.

Very truly yours,



Daniel J. Csuka

C: Joelle Newton, Esq.

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

January 11, 2021

Daniel Csuka, Esq.
67 Russ Street, 2nd Floor
Hartford, CT 06106

VIA EMAIL ONLY

Joelle Newton, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Gustavo Mastarreno, RN – Petition No. 2020-783

RULING ON REQUEST FOR CONTINUANCE

In an email dated January 8, 2021, counsel for respondent requested a postponement of the hearing in the referenced matter scheduled for January 20, 2021. Without objection from the Department of Public Health, respondent's request is granted.

The hearing is rescheduled to **Wednesday, April 21, 2021 at 9:00 a.m.** In addition, the deadline for the submission of pre-field exhibits is extended to April 1, 2021.,

The Summary Suspension of respondent's registered nurse license remains in effect.

FOR: BOARD OF EXAMINERS FOR NURSING

BY: /s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue, MS #13PHO
PO Box 340308
Hartford, CT 06134-0308
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Affirmative Action/Equal Opportunity Employer



**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Mercedes A. Miranda, L.P.N.

Petition No. 2020-706

STATEMENT OF CHARGES

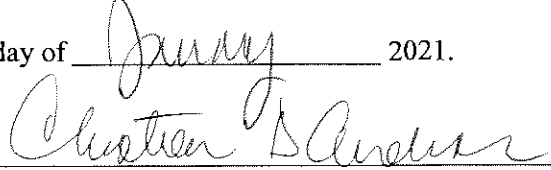
Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Mercedes A. Miranda:

1. Mercedes A. Miranda of Wallingford, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 032828.
2. In or about August 2018, respondent was employed as a licensed practical nurse at The Summit at Plantsville in Plantsville, Connecticut (hereinafter "the Summit").
3. In or about August 2018, while working as a nurse at the Summit, respondent diverted Flexeril tablet(s) for personal use.
4. In or about August 2018, respondent abused and/or utilized to excess Flexeril.
5. In or about March 2019, respondent abused and/or utilized to excess alcohol.
6. In or about June 2019, respondent abused and/or utilized to excess Oxazepam.
7. Respondent's abuse and/or excess use of Flexeril, alcohol and/or Oxazepam does, and/or may, affect her practice as a licensed practical nurse.
8. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99, including but not limited to:
 - a. §20-99(b)(2); and/or
 - b. §20-99(b)(5).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by the General Statutes of Connecticut, §§20-99(b) and 19a-17, revoke or order other disciplinary action against the license of Mercedes A. Miranda as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 4th day of January 2021.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing & Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING**

Mercedes Miranda
942 Old Durham Road
Wallingford, CT 06492

VIA EMAIL ONLY (lily123jynx@gmail.com)

RE: Mercedes Miranda, LPN - Petition No. 2020-706

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **April 21, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It will be your responsibility to provide the hearing connection link to any witnesses you may call.

Filing an Answer; Failure to File Answer:

You are required to file an answer to the attached Charges with the Department of Public Health within 14 days from the date of this Notice of Hearing. *Please note: failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.*

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

- (1) Date of birth
- (2) Mother's maiden name
- (3) Motor vehicle operator's license number
- (4) Social Security Number
- (5) Other government-issued identification number
- (6) Health insurance identification number
- (7) Financial account number
- (8) Security code or personal identification number (PIN)

Order Re: Filings

In preparation for this hearing you must, no later than November 4, 2020, provide the information specified in the attached Notice for Submissions.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person. **The Board may hold a fact-finding meeting immediately following the close of the record.**

Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 1st day of February, 2021.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

c: Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Linda Fazzina, Staff Attorney, Office of Legal Compliance

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

Notice for Submissions

The hearing in the matter of **Mercedes Miranda, LPN** has been scheduled for **April 21, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **April 7, 2021**, you must provide the following by electronic mail response to the hearing office at poho.dph@ct.gov

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
3. Photo Identification: a copy of a government-issued photo identification of the parties and witnesses.
4. Electronic Mail (“e-mail”) addresses for parties, counsel and witnesses. All e-mail addresses must be current and able to receive all notices relating to this matter.
5. Cellphone numbers for all parties, counsel, and witnesses at which they can be reached and respond to text message during the hearing (in the event a connection is lost).
6. A statement whether executive session may be required to receive testimony containing personal protected information, and if so, what that information may be (treatment records, patient records, therapy reports). Parties or counsel should identify any witnesses listed in response to #2 above who may provide testimony relating to personal protected information requiring executive session.
7. A statement whether an interpreter will be needed for the proceeding.

This is a formal public hearing. It will be video recorded and posted on the DPH website for public viewing. All hearing participants should appear in proper attire, in proper surroundings, and remove any potential distractions.

In preparation, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking. Our office will contact you again 3 to 5 calendar days prior to the hearing to provide you with any further instructions and a Microsoft Teams link / phone number and code to enter the hearing.

Should you have any question please contact the hearing office at poho.dph@ct.gov.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In Re: Alexis Young, LPN

Petition No. 2020-331

STATEMENT OF CHARGES


Pursuant to Connecticut General Statutes §§19a-10 and 19a-14, the Department of Public Health ("the Department") brings the following charges against Alexis Young:

1. Alexis Young of Bridgeport, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut nursing license number 038071.
2. At all relevant times, respondent was practicing nursing at St. Joseph's Center in Trumbull, Connecticut.
3. On multiple occasions in 2019 and 2020, while working as a licensed practical nurse, respondent:
 - a. failed to completely, properly and/or accurately document medical records.
 - b. failed to properly waste controlled substances and/or,
 - c. altered and/or falsified one or more Controlled Substance Disposition Records.
4. The above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99(b) including, but not limited to, §§20-99(b)(2).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing as authorized by Connecticut General Statutes §§20-99(b), 19a-14a and 19a-17, revoke, or order other disciplinary action against respondent's nursing license as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 3rd day of November 2020.


Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING**

Alexis Young, LPN
153 Priscilla Street
Bridgeport, CT 06610-1460

VIA EMAIL (alexisyong@optonline.net)

RE: Alexis Young, LPN - Petition No. 2020-331

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **April 21, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It will be your responsibility to provide the hearing connection link to any witnesses you may call.

Filing an Answer; Failure to File Answer:

You are required to file an answer to the attached Charges with the Department of Public Health within 14 days from the date of this Notice of Hearing. *Please note: failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.*

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

- (1) Date of birth
- (2) Mother's maiden name
- (3) Motor vehicle operator's license number
- (4) Social Security Number
- (5) Other government-issued identification number
- (6) Health insurance identification number
- (7) Financial account number
- (8) Security code or personal identification number (PIN)

Order Re: Filings

In preparation for this hearing you must, no later than April 7, 2021, provide the information specified in the attached Notice for Submissions.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person. **The Board may hold a fact-finding meeting immediately following the close of the record.**

Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 23rd day of February, 2021.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

c: Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Joelle Newton, Staff Attorney, Office of Legal Compliance

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

Notice for Submissions

The hearing in the matter of **Alexis Young, LPN** has been scheduled for **April 21, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **April 7, 2021**, you must provide the following by electronic mail response to the hearing office at poho.dph@ct.gov

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
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5. Cellphone numbers for all parties, counsel, and witnesses at which they can be reached and respond to text message during the hearing (in the event a connection is lost).
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