

PHONE CALLS/SCOPE OF PRACTICE QUESTIONS

SUMMARY – MONTH: October 2021 (43 calls)

Answered with or without written documents

APRNs 5 calls:

- Request information on collaborative practice agreements. *Refer to the Department website, Practitioner Licensing and APRN Collaborative Agreements.*
- 2-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).*
- 2-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 11 calls:

- 6-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).*
- Request information on the role of a RN as a First Assistant (in an Operating Room). *Refer to the BOEN website and the Declaratory Ruling “Registered Nurses as First Assistant in the Operating Room”.*
- Can a RN perform patient physical medical examinations? *No, refer to the BOEN website and the Connecticut NPA.*

LPNs 10 calls:

- 6-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).*
- LPN attended a vocational technical school in CT, needs a copy of her school transcript as that program has since closed. *Refer to the CT Department of Higher Education.*
- Can an LPN work in a Medical Spa and complete cosmetic medical procedures? *No, refer to the Medical Spa Statute, Connecticut General Statutes, Chapter 368ll, Section 19a-903 c.*

ULAP 2 calls:

- 2-Request a copy of the scope of a Medical Assistant (MA). *As the Department does not license MA the Department cannot provide a scope but may want to refer to the BOEN website and the Declaratory Ruling of Delegation to ULAP.*

Schools 2 calls:

- Waldorf University, Iowa: Does the BOEN or Department have oversight of post-licensure programs? *No.*

- Arkansas State University: Does the BOEN or Department have oversight of post-licensure programs? *No.*

Guidelines/Other 13 calls:

- 4-In the process of setting up a Medical Spa requesting guidance. *Refer to the Medical Spa Statute, Connecticut General Statutes, Chapter 368II, Section 19a-903 c.*
- 4-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-Nursing student complaint about program issues. *Refer to the school policy & procedure for grievances to submit a grievance (to the school), discuss the Public Forum portion of each BOEN meeting (may want to participate) and may want to send a complaint to the Office of Higher Education.*
- Who can perform mixture of intravenous medications in a licensed health care facility? *Refer to a Supervisor in the Facility Licensing & Investigations Section (FLIS).*

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

Kristin Brice, L.P.N.
License No. 038597

Petition No. 2020-1239

AMENDED MEMORANDUM OF DECISION

I

Procedural Background

On February 4, 2021, 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 Kristin Brice ("Respondent") violated Chapter 378 of the Connecticut General Statutes ("Conn. Gen. Stat."), subjecting Respondent's licensed practical nurse ("L.P.N.") license number 038597 to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99(b), including, but not limited to §§ 20-99(b)(2) and/or 20-99(b)(5).

On February 4, 2021, the Department filed a Motion for Summary Suspension with the Board. Bd. Ex. 2. On February 17, 2021, the Board granted the Department's Motion for Summary Suspension. Bd. Ex. 3.

Based on the allegations in the Charges and the affidavits and reports attached to the Motion, the Board found that Respondent's continued nursing practice presented a clear and immediate danger to public health and safety. Accordingly, on February 17, 2021, pursuant to Conn. Gen. Stat. §§ 4-182(c) and 19a-17(c), the Board ordered that Respondent's L.P.N. license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("Summary Suspension Order"). Bd. Ex. 3.

On February 17, 2021, the Summary Suspension Order, Charges and Notice of Hearing ("Notice"), were emailed to Respondent at kristin.brice624@yahoo.com., her email address of record on file with the Department.¹ The Notice informed Respondent that a hearing was scheduled for March 17, 2021. Bd. Ex. 4.

¹ On May 27, 2020, in accordance with the Governor's Executive Order No. 7B, Executive No. 7K, and Executive Order No. 7M, the Commissioner of the Department issued an order modifying Conn. Agencies Regs. § 19a-9-18 to

On March 2, 2021, Respondent, through her attorney, filed an Answer to the Charges Bd. Ex. 5.

The hearing was held on March 17, 2021. Respondent appeared at the hearing and was represented by Attorney Dennis Mancini, from the law firm Ruane Attorneys at Law. Attorney Joelle Newton represented the Department. At the hearing, Respondent orally amended her Answer to the Charges, changing her answer for paragraph 5 from “deny” to “admit.” Transcript (“Tr.”) pp. 9-10.

The hearing was held on March 17, 2021. Respondent appeared at the hearing and was represented by Attorney Dennis Mancini. Attorney Joelle Newton represented the Department.

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 Shelton, Connecticut is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number 038597.
2. In paragraph 2 of the Charges, the Department alleges that in November 2017, the Board ordered a Consent Order, Petition No. 2015-1510, based in part, upon Respondent’s abuse of controlled substances. The Consent Order placed Respondent’s license on probation for two years and prohibited her from obtaining or using controlled substances. It also required her to undergo random urine drug screens which were to be negative for the presence of drugs and alcohol.
3. In paragraph 3 of the Charges, the Department alleges that in June 2018, Respondent’s license lapsed.
4. In paragraph 4 of the Charges, the Department alleges that in December 2019, Respondent’s license was reinstated pursuant to Reinstatement Consent Order, Petition No. 2019-1170, which placed Respondent’s license on probation for 14 months. The

permit delivery of notices of hearing to be sent solely by email and to deem such notice to be effective and sufficient if sent to the party’s last known email address of record on file with the Department.

Reinstatement Consent Order prohibited Respondent from obtaining or using controlled substances and required her to undergo random urine drug screens which were to be negative for the presence of drugs and alcohol.

5. In paragraph 5 of the Charges, the Department alleges that on or about October 16, 2020, Respondent abused and/or utilized opiates and/or hydrocodone to excess.
6. In paragraph 6 of the Charges, the Department alleges that on or about October 16, 2020, Respondent's urine drug screen tested positive for opiates and/or hydrocodone.
7. In paragraph 7 of the Charges, the Department alleges that Respondent's abuse and/or excessive use of opiates and/or hydrocodone does, and/or may, affect her practice of nursing.
8. In paragraph 8 of the Charges, the Department alleges that Respondent's conduct as described constitutes violations of the terms of probation required by the Reinstatement Consent Order and subjects her license to revocation or other disciplinary action authorized by Conn. Gen. Stat. §§ 19a-17 and 20-99(b) including, but not limited to, §§ 20-99(2) and/or 20-99(b)(5).

III

Findings of Fact

1. Respondent of Shelton, Connecticut is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number 038597. Bd. Ex. 5; Tr. pp. 9-10.
2. In November 2017, the Board issued a Consent Order in Petition No. 2015-1510, based in part, upon Respondent's abuse of controlled substances. The Consent Order placed Respondent's license on probation for two years and prohibited her from obtaining or using controlled substances. It also required her to undergo random urine drug screens which were required to be negative for the presence of drugs and alcohol. Bd. Ex. 5; Tr. pp. 9-10; Department ("Dept.") Ex. 1, pp. 32-43.
3. In June 2018, Respondent's L.P.N. license lapsed. Bd. Ex. 5; Tr. pp. 9-10.
4. In December 2019, Respondent's license was reinstated pursuant to the Reinstatement Consent Order, Petition No. 2019-1170, which placed Respondent's license on probation for 14 months. The Reinstatement Consent Order prohibited Respondent from obtaining or using controlled substances and required her to undergo random urine drug screens which were required to be negative for the presence of drugs and alcohol. Bd. Ex. 5; Tr. pp. 9-10; Dept. Ex. 1, pp. 5-16.
5. On or about October 16, 2020, Respondent abused and/or utilized opiates and/or hydrocodone to excess. Bd. Ex. 5; Dept. Ex. 1, pp. 20-21.

6. On or about October 16, 2020, Respondent's urine drug screen tested positive for opiates and/or hydrocodone. Dept. Ex. 1, pp. 22-25 (under seal); Tr. p. 10.
7. Respondent's abuse and/or excessive use of opiates and/or hydrocodone does, and/or may, affect her practice of nursing.

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.

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: . . . (2) illegal conduct, incompetence, or negligence in carrying out usual nursing functions; . . . (5) abuse or excessive use of drugs, including alcohol, narcotics, or chemicals;

With respect to the allegations contained in the Charges, Respondent admitted to all of the allegations contained in the Charges, except the allegations contained in paragraph 7 of the Charges. However, the Board finds that the Department established by a preponderance of the evidence that Respondent's abuse and/or excessive use of opiates and/or hydrocodone does, and/or may, affect her practice of nursing. Findings of Fact ("FF") 1-7.

With respect to paragraph 1 of the Charges, Respondent of Shelton, Connecticut is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number 038597. FF 1.

With respect to the allegations contained in paragraph 2 of the Charges, the record establishes, and Respondent admits that in November 2017, the Board issued a Consent Order in Petition No. 2015-1510, based in part, upon Respondent's abuse of controlled substances. The Consent Order placed Respondent's license on probation for two years and prohibited her from

obtaining or using controlled substances. It also required her to undergo random urine drug screens which were required to be negative for the presence of drugs and alcohol. FF 2.

With respect to the allegations contained in paragraph 3 of the Charges, Respondent admits that in June 2018, her license lapsed. FF 3.

With respect to the allegations contained in paragraph 4 of the Charges, the record establishes, and Respondent admits that in December 2019, Respondent's license was reinstated pursuant to the Reinstatement Consent Order, Petition No. 2019-1170, which placed Respondent's license on probation for 14 months. The Reinstatement Consent Order prohibited Respondent from obtaining or using controlled substances and required her to undergo random urine drug screens which were required to be negative for the presence of drugs and alcohol. FF 4.

With respect to the allegations contained in paragraph 5 of the Charges, the record establishes, and Respondent admits that on or about October 16, 2020, Respondent abused and/or utilized opiates and/or hydrocodone to excess. FF 5.

With respect to the allegations contained in paragraph 6 of the Charges, the record establishes, and Respondent admits, that on or about October 16, 2020, Respondent's urine drug screen tested positive for opiates and/or hydrocodone. FF 6. Respondent credibly testified that on or about October 16, 2020, she was out with her elderly mother-in-law, helping her with her daily living activities. Tr. pp. 19-20. Respondent testified that she suffers from fibromyalgia pain, which is worse in her hip area. Tr. pp.18-19, 23. Due to the amount of walking Respondent did while assisting her mother-in-law, Respondent testified that she started to experience excruciating pain and was having difficulty walking. Tr. p. 18.

Respondent further testified that she did not have her pain medication with her and was in so much pain that she was almost in tears. Tr. pp. 18-19. As a result, Respondent took someone else's medication to alleviate her pain and to enable her to complete her errands with her elderly mother-in-law. Tr. pp. 19-20. Respondent took hydrocodone, a controlled substance which pursuant to the terms of her Reinstatement Consent Order, she is not permitted to ingest. On October 17, 2020, her drug screen result was positive for hydrocodone. Dept. Ex. 1, p. 24 (under seal). The Department met its burden of proof with respect to the allegations contained in paragraph 6 of the Charges.

With respect to the allegations contained in paragraph 7 of the Charges, the Department established by a preponderance of the evidence that Respondent's abuse and/or excessive use of opiates and/or hydrocodone does, and/or may, affect her practice of nursing. FF 7. In her testimony, Respondent denied that her positive test for hydrocodone does and/or may affect her nursing practice, claiming that the October 16, 2020 incident in which she ingested someone else's medication to alleviate her pain from excessive walking was a "one-time, one-off thing," which she would not repeat. However, the Board questioned Respondent's judgment in intentionally ingesting someone else's pain medication. Tr. pp. 20, 22-23 (under seal). Respondent acknowledged that taking someone else's pain medication was a mistake and was wrong. She also testified that she now brings her own pain medication with her when she is out so that an incident similar to the October 16, 2020 incident will not happen again. Tr. p. 20. She further testified that before doing a lot of walking, she now does leg lifts and stretches to manage her hip pain. Tr. pp. 26-27.

Despite Respondent's denial of the allegations in paragraph 7 of the Charges, the Department established by a preponderance of the evidence that Respondent's use or abuse of opiates and/or hydrocodone does, and/or may affect her practice of nursing.

The record establishes that since October 24, 2020, Respondent has had all negative urine screens. Resp. Ex. A, pp. 2-29 (under seal); Resp. Ex. B, pp. 2-3. As discussed above, Respondent has taken full responsibility for her poor judgment in October 2020, and credibly testified that she has taken measures to prevent a future lapse in judgment.

The record establishes that Respondent's use or abuse of hydrocodone on October 16, 2020 constitutes a violation of her December 18, 2019 Reinstatement Consent Order and Conn. Gen. Stat. § 20-99(b)(5), which prohibits the "abuse or excessive use of drugs, including alcohol, narcotics or chemicals." 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 the totality of the evidence, and Respondent's subsequent negative urine drug screens since October 24, 2020, the Board finds that Respondent can practice nursing with reasonable skill and safety under the terms of this Order.

V

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), the Board finds that the conduct alleged and proven warrants the disciplinary action imposed by this Order. Therefore, the Board hereby issues, with respect to Respondent's L.P.N. license number 038597, the following orders, which are retroactive to March 17, 2021;

1. Respondent's license shall be on probation for two years. This Order replaces the December 18, 2019 Reinstatement Consent Order in Petition No. 2019-1170, in its entirety. Respondent's license will be subject to the terms and conditions listed below. If any of the conditions of probation are not met, Respondent's L.P.N. license may be subject to disciplinary action pursuant to Conn. Gen. Stat. § 19a-17.
 - A. During the probationary period, 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 first year of the probationary period.
 - C. 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 year of working as a nurse during the probationary period.
 - D. 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.
 - 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 every two months for the entire 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. If Respondent's employment as a nurse is 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.
- 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 quarterly for the first year and monthly for the second year of probation.
- 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 the 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) are no longer prescribed. The reports shall include the following:
 - a. A list of controlled substances prescribed by this provider;
 - b. A list of controlled substance(s) prescribed by other providers;
 - c. An evaluation of Respondent's need for the controlled substances; 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 as follows: on a *weekly* basis for the first 6 months of the probationary period, on a *monthly* basis for the next 12 months of the probationary period, and *weekly* for the last 6 months of the probationary period, for a total of 24 months.
- (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

2. 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 of 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 which is deemed to be the most current address reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
3. 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, Kristin Brice, and the Department of this decision.

Dated at Waterbury, Connecticut this _____ day of November 2021.

BOARD OF EXAMINERS FOR NURSING

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

From: [Dana Gibson](#)
To: [Kardys, Jeffrey](#)
Subject: Formal Request
Date: Sunday, November 07, 2021 12:07:08 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

November 7th, 2021

Please allow this letter to serve as a formal request for early termination of probation. I have been employed in healthcare for over 20 years with no break during my time without an active RN license. Most recently I was placed on probation May, 2021 and immediately gained employment at Windsor Health & Rehab Center, as 3-11p Supervisor. At that time I had been caring for my mother in Florida since November, 2020.

June, 2021 I began working as a 40 hour 3-11p supervisor and did Staff Development educating staff and doing competencies.

During my employment I have encountered some challenges, both personally and professionally. My job requires on-call every 3rd weekend and am mandated on numerous evenings to stay on another 8 hours to do the following shift as there is no coverage. This has also occurred when I pick up 7-3p shifts and weekends. No relief and made to stay. In an effort to work with the facility I offered to take on call 3 weekends a month to in turn be able to check in on my mother in Florida.

A request for time off after 5 months of employment was submitted two months in advance and last minute told they are unable to grant due to no coverage. This was for me to help my mother with a procedure she had scheduled. I made my monitor, Lavita aware and she suggested I file for early termination of my probation.

The professional struggles with having the probation on my license is that quality jobs, education, such as teaching CNA classes for the LTC building and furthering my certifications are not possible with a restricted license.

Most of all I greatly want to move to Florida and am unable to transfer my license while on probation.

Thank you in advance,
Dana Gibson, RN

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

PUBLIC HEALTH HEARING OFFICE

May 20, 2021

Dana Gibson
14 Stevens Street
Windsor Locks, CT 06096

Via EMAIL ONLY (racingdana@gmail.com)

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

Via EMAIL ONLY

RE: Dana Gibson, RN – License Reinstatement

Dear Ms. Gibson and Attorney Newton,

Enclosed please find the Memorandum of Decision issued by the **Board of Examiners for Nursing** in the above-referenced matter.

Sincerely,

/s/ *Jeffrey A. Kardys*

Jeffrey A. Kardys
Administrative Hearings Specialist
Public Health Hearing Office

c: Susan Castonguay, Assistant Attorney General, Office of the Attorney General
Barbara Cass, Branch Chief, DPH
Christian Andresen, Section Chief, Practitioner Licensing and Investigations, DPH
Deborah Brown, Health Program Assistant, Department of Public Health
Lavita Sookram, RN, DPH Monitoring Unit



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

Dana Gibson, R.N.
License No. 062943

Reinstatement Request

MEMORANDUM OF DECISION

I

Procedural Background

On November 21, 2018, the Department of Public Health ("Department") filed a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board") ("Bd.") Exhibit ("Ex.") 1. The Charges alleged violations of Chapter 378 of the Connecticut General Statutes ("Conn. Gen. Stat.") by Dana Gibson ("Petitioner"), which would subject Petitioner's registered nurse ("R.N.") license number 062943 to disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b)(2) and 19a-17.

On December 20, 2018, the Charges and Notice of Hearing were mailed by certified and first-class mail to Petitioner's last known address of record. On that same date, the Charges and Notice of Hearing were also sent to Petitioner's electronic mail address at racingdana@gmail.com.

The hearing was held on January 16, 2019. Petitioner was present and was self-represented. Attorney Joelle Newton represented the Department. Transcript ("Tr.") p. 3.

On June 20, 2019, the Board issued a Memorandum of Decision ("Decision") and Order in Petition No. 2018-555 revoking Petitioner's R.N. license number 062943. Bd. Ex. 2. The Decision was based Petitioner's admitted failure to conform to the accepted standards of the nursing profession by engaging in illegal conduct with a prison inmate. Bd. Ex. 2, pp. 2-6.

On August 2, 2020, Petitioner requested a hearing before the Board, seeking reinstatement of her license. Petitioner ("Pet.") Ex. 1. The Department did not file an objection to Petitioner's request for a hearing.

Pursuant to Petitioner's request for a reinstatement hearing, the Board mailed to Petitioner, via her email address (racingdana@gmail.com) a Notice of Hearing ("Notice") dated November 3, 2020. Bd. Ex. 1. The Notice informed her that the hearing was scheduled for January 20, 2021. *Id.*

On January 20, 2021, the Board held a hearing on Petitioner's request for reinstatement of her R.N. license. Petitioner was present and was self-represented. Attorney Joelle Newton represented the Department. Each member of the Board 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 *Findings of Fact*

Based on the testimony given and the exhibits offered into evidence, the Board makes the following findings of fact:

1. Petitioner previously held Connecticut R.N. license number 062943. Bd. Ex. 2.
2. From approximately December 4, 2017 through March 2, 2018, Petitioner failed to conform to the accepted standards of the nursing profession and violated professional boundaries when she engaged in sexual contact with an inmate and/or deposited funds into said inmate's account while working as a registered nurse at the Corrigan-Radgowski Correctional Facility in Uncasville, Connecticut. Bd. Ex. 2, p. 3.
3. On August 21, 2018, Petitioner pleaded guilty to Sexual Assault, 4th degree, in violation of Conn. Gen. Stat. § 53a-73a (a) (2), as a result of Petitioner's sexual contact with said inmate. Petitioner was sentenced to one year, execution suspended and two years of probation. Bd. Ex. 2, p. 3.
4. On June 20, 2019, the Board issued an Order revoking Petitioner's R.N. license based on Petitioner's admitted failure to conform to the accepted standards of the nursing profession by engaging in illegal conduct with a prison inmate. Bd. Ex. 2, 2-6.
5. On August 2, 2020, Petitioner requested a hearing before the Board, seeking reinstatement of her license. Pet. Ex. 1.
6. At the hearing, Petitioner submitted documentation in support of her request for the reinstatement of her license. The documents included Petitioner's self-assessment essay (Pet. Ex. 1), her resume, (Pet. Ex. 2), her CPR recertification with the American Heart Association (Pet. Ex. 3), a reference letter from her employer for the period of November 2018 to the present (Pet. Ex. 3, p. 4), a personal letter of recommendation (Pet. Ex. 3, p. 2), and a recommendation letter from her therapist, stating that Petitioner is competent and ready to return to work. Pet. Ex. 3, p. 3 (under seal).
7. Petitioner was a credible witness. Tr. pp. 6-16, 19-20.

8. The Board finds that Petitioner presented sufficient and credible evidence to satisfy her burden of proof that she is able to resume nursing and practice with reasonable skill and safety.

III

Discussion and Conclusions of Law

Conn. Gen. Stat. § 19a-17(e) provides, in pertinent part, that the Board “may reinstate a license that has been suspended or revoked if after a hearing, such board . . . is satisfied that the practitioner . . . is able to practice with reasonable skill and safety to patients, customers, or the public in general. As a condition of reinstatement, the board or commission or the department may impose disciplinary or corrective measures authorized under this section.”

The Petitioner has the burden of satisfying the Board that she is able to practice nursing with reasonable skill and safety. At the hearing, the Department had no objections to Petitioner’s request for reinstatement of her license. Tr. p. 12. The Board finds that Petitioner presented sufficient and credible evidence to satisfy her burden of proof that she is able to resume nursing and practice with reasonable skill and safety. Findings of Fact (“FF”) 2-8.

Prior to the hearing, Petitioner understood that she would be required to provide evidence at the reinstatement hearing that documented the “outcomes of [her] efforts toward recovery” over an extended period of time. Bd. Ex. 1. The Petitioner was also advised that such evidence should include all of the following:

- 1) Documentary or testimonial evidence from her therapist documenting a lengthy period of drug/alcohol free status documented by therapy reports, evidencing her ability to administer safe nursing care, including the administration of controlled substances;
- 2) personal references documenting her emotional health and work habits;
- 3) documentary or testimonial evidence from current and past employers documenting her ability to carry out assigned duties responsibly and accurately and her potential for functioning safely and effectively as a nurse;
- 4) documentation of Petitioner’s participation in support groups and support of a sponsor, as well as the outcome of her participation in such support groups, if applicable.

Id.

At the hearing, Petitioner submitted documentation in support of her request for the reinstatement of her license. The documents included Petitioner's self-assessment essay (Pet. Ex. 1), her resume, (Pet. Ex. 2), her CPR recertification with the American Heart Association (Pet. Ex. 3), a reference letter from her employer for the period of November 2018 to the present (Pet. Ex. 3, p. 4), a personal letter of recommendation (Pet. Ex. 3, p. 2), and a recommendation letter from her therapist, stating that Petitioner is competent and ready to return to work. Pet. Ex. 3, p. 3 (under seal). FF 6.

At the hearing, Petitioner credibly testified that she accepted full responsibility for her misconduct when she worked as a R.N. in the correctional facility in 2017-2018. Tr. pp. 10, 12. During that time period, Petitioner convinced herself that the inmate was not her patient and that her relationship with the inmate had nothing to do with patient care. Tr. p. 19. Petitioner further testified that she is a different person than she was two and a half years ago. After Petitioner's two and a half years of extensive psychotherapy and counseling, Petitioner credibly testified that she now knows that her conduct was wrong, and that she acted in an unprofessional manner. Tr. p. 14. Petitioner assured the Board members that she will never cross her professional and personal boundaries ever again. The Board believes that Petitioner has learned from this experience of making professional and illegal choices and that she will not repeat such misconduct in the future. Tr. pp. 18-20.

As noted in the Findings of Fact and foregoing discussion, the Board finds that Petitioner has presented relevant and credible evidence to sustain her burden of satisfying the Board that she is able to resume the practice of nursing with reasonable skill and safety, pursuant to the Order below.

IV

Order

Pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99, the Board hereby orders that Petitioner's, Dana Gibson's, R.N. license number 062943 is hereby reinstated under the following terms and conditions:

1. Petitioner's license shall be placed on probation for a period of one year under the terms and conditions listed below. If any of the conditions of probation are not met, Petitioner'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 Petitioner's employment and/or change of employment within the nursing profession.
- B. Petitioner 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.
- C. If employed as a nurse, Petitioner 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 during the entire probationary period.
- D. The employer reports cited in Paragraph C above shall include documentation of Petitioner's ability to practice nursing safely and competently. Employer reports shall be submitted directly to the Department at the address cited in Paragraph J below.
- E. Should Petitioner's employment as a nurse be involuntarily terminated or suspended, Petitioner and her employer shall notify the Department within 72 hours of such termination or suspension.
- F. If Petitioner pursues further training in any subject area that is regulated by the Department, Petitioner shall provide a copy of this Decision to the educational institution or, if not an institution, to Petitioner'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 J below.
- G. Petitioner shall successfully complete course work in professional ethics and professional boundaries, pre-approved by the Department. Within 30 days of completion of the course work, Petitioner shall provide proof to the satisfaction of the Department of her successful completion of the course.
- H. In the event Petitioner is not employed as a nurse for periods of 30 consecutive days or longer, she shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Order

and such terms shall be held in abeyance. During such time period, Petitioner shall not be responsible for complying with the terms of probation of this Order. In the event Petitioner resumes the practice of nursing, she shall provide the Department with 15 days prior written notice.

- I. The Department must be informed in writing prior to any change of address.
- J. 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

- 2. 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 Petitioner has violated this Order will subject Petitioner 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 Petitioner'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).
- 3. 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 Petitioner, Dana Gibson, and the Department of this Decision.

Dated at Waterbury, Connecticut this 19th day of May 2021.

BOARD OF EXAMINERS FOR NURSING

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

CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 20th day of May 2021, by email to:

Dana Gibson
14 Stevens Street
Windsor Locks, CT 06096

and via email to:

Joelle Newton, Staff Attorney
Office of Legal Compliance
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06106

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys
Administrative Hearings Specialist
Department of Public Health
Public Health Hearing Office

Dana Gibson, RN

Documentation for December 1st hearing, 2021

The purpose of the documentation is to request for Early Termination of the Probationary status from which is imposed for a one year time period. (May, 2021 - May, 2022)

#1. My mother is in need of my care. Since losing my license my mother has helped me move 4 times, the last of which was to move in with her. My financial expenses were that of a high paying nurse. When I was granted my license back I moved in with my sister, in Connecticut May, 2021 and left my two dogs with my elderly mother in Florida. Over the past six months I have had to fly to FL. to help with doctor appointments and most recently a medical procedure.

#2. It is restricting my education and further certifications. After completing the course requirements from the Board I took additional courses such as IV cert. (supporting documentation attached) There have been programs and further education that I have not been able to obtain. For example, Windsor Health & Rehab is dealing with very low staffing numbers so I looked into becoming a CNA instructor to help with new hires but unable with a restrictive license. Also as I want to bring my nursing career to the operating room setting, the surgical certifications are also requiring an unrestricted license.

#3. I have met the requirements and continue to meet & follow the MOD objectives.

When cleared to work May, 2021 I immediately obtained a 3-11p Nursing Supervisor position @Windsor Health & Rehab. I worked 3 weekends a month and many days were mandated to stay an additional shift as there was no relief. Many times having to stay up to 4 hours awaiting relief as a salary employee. Then a 4 day off request was changed at the last minute due to no staff to cover. At this juncture I needed to help care for my mom and work on another position for Lavita to consider. Knowing it can delay my probation further I needed to remove myself from doing the very long hours and begin interviewing.

To date I have applied and or interviewed at the following:

Bloomfield Healthcare 7p-7a, referred by Dr. Sri Conjeevarem from Windsor Health & Rehab

Root Recovery Center -Charge Nurse Position (found on indeed trying to avoid LTC)

Parkway 3-11p Supervisor, referred by Director of MDS from Windsor Health & Rehab

#4. I have maintained professional relationships in healthcare for over 25 years. The past 5 years I worked at Baystate hospital, several doctor offices, and in the nursing home settings, all providing patient out incidents. (see attached letter) I work for two agencies on and off since Maxim 2000 and SNI Staffing 2018 to 2021.

#5. My need to move to Florida is going to be further delayed as the Florida Board of Nursing requires 1 year of an unrestricted license prior to granting reciprocity.

Attachments: IV Certification (4 months ago), Letter from Maxim Staffing Agency Professional Reference (Charles Waltos-20 years) & SNI Staffing Agency

November 13, 2021

To Whom it May Concern,

I am writing today to provide supportive information for Dana Gibson coming off restrictions of her Registered Nurse licensure.

Ms. Gibson and I have had a working relationship since 2000 of which time I employed her as a registered nurse for the temporary staffing agency I was the hiring account manager of Maxim HealthCare Services in East Hartford, Connecticut.

Our office knew right away that Ms. Gibson was an overachiever since she passed her nursing test that all nurses had to take prior to hire, and her will to work evening shifts (3-11) in some of the most troubling nursing homes in Connecticut.

As we all know, nursing shortages have been consistent for many years and when there is a 3-11 shift that could be filled with a nurse, the facility can relax knowing that a nurse like Ms. Gibson is taking charge.

Ms. Gibson and the other employees would be on call for those short notice calls, and always said yes. There were facilities that only requested her and that request would fill our calendar up and bring us good profit from the shifts.

To date, I look forward to working with her again and wish her continued success in her nursing practice. There is no doubt Dana Gibson is a valuable, skill-full nurse with over 20 years of experience.

If you would like to talk with me directly, please feel free to call me to discuss. I am always available.

Respectfully,

Charles Waltos

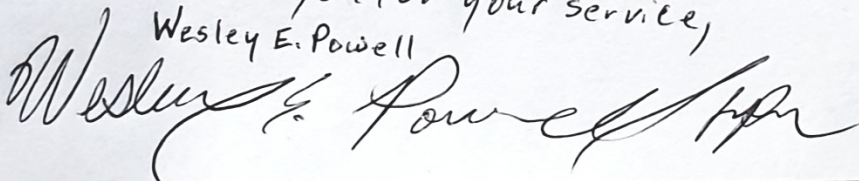
860-573-9041

12/20/2020

To whom it may concern,

I am writing this letter in regards to my professional experience while working with Dana Lupoli. Dana was my supervisor while working in multiple locations in the state of Connecticut, late 90's early 2000's. I've kept in touch ever since. Dana has always been a great person to reach out to with medical questions, procedures, protocols, etc. no matter how silly they may sound. I always felt confident that our staff would have a good shift when Dana was working with us. I feel based on my experience working along side Dana, that she would be an extremely valuable asset to any medical team. Dana's compassion, communication abilities, combined with her professional skills make her an excellent leader and reliable resource.

Thank you for your service,
Wesley E. Powell





Certificate of Completion

Dana Lupoli-Gibson, RN

Has been awarded 6 Contact Hours for successful completion of:

Infusion Therapy Basics

July 29, 2021

Presented By: Laurie Santo, RN, BSN, CRNI, VA-BC

This program meets the requirements of the Massachusetts Board of Registration in Nursing at 244 CMR 5.00

Laurie Santo RN, BSN, CRNI, VA-BC

Laurie Santo, RN, BSN, CRNI, VA-BC

SUMMARY SUSPENSION COVER SHEET

In re: Ashley Lambert, LPN

Petition No. 2021-931

1. Ashley Lambert of Thompson, 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 040682.
2. On January 15, 2020, the Connecticut Board of Examiners for Nursing (hereinafter "the Board") ordered a Consent Order in Petition Number 2019-537 (hereinafter "the Consent Order") that placed respondent's licensed practical nurse license on probation for a period of four years.
3. Said Consent Order specifically provided in Paragraph 3B that "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." Said Consent Order also provided in Paragraph 3B(3)(1) that "respondent shall submit to observed random urine screens for drugs and alcohol..." and in Paragraph 3B(5) that "all screens shall be negative for the presence of drugs and alcohol."
4. On or about June 24, 2021, respondent tested positive for a benzodiazepine. Mass spectrometry confirmed Oxazepam at a level of 250 ng/mL.
5. For the foregoing reasons, the Department believes that respondent's continued practice as a licensed practical 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: Ashley Lambert, LPN

Petition No. 2021-931

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 Ashley Lambert to practice licensed practical 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 licensed practical nursing represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 18th day of November 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: Ashley Lambert, LPN

Petition No. 2021-931

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 Ashley Lambert, LPN:

1. Ashley Lambert of Thompson, 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 040682.
2. On January 15, 2020, the Connecticut Board of Examiners for Nursing (hereinafter "the Board") ordered a Consent Order in Petition Number 2019-537 (hereinafter "the Consent Order") that placed respondent's licensed practical nurse license on probation for a period of four years.
3. Said Consent Order specifically provided in Paragraph 3B that "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." Said Consent Order also provided in Paragraph 3B(3)(1) that "respondent shall submit to observed random urine screens for drugs and alcohol..." and in Paragraph 3B(5) that "all screens shall be negative for the presence of drugs and alcohol."
4. On or about June 24, 2021, respondent tested positive for a benzodiazepine. Mass spectrometry confirmed Oxazepam at a level of 250 ng/mL.
5. Respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Consent Order, and/or subjects respondent's license to revocation or other disciplinary action authorized by the General Statutes of Connecticut, §§19a-17 and 20-99(b).

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 Ashley Lambert as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 18th day of November 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: Miranda Defelice aka Miranda Junk, RN

Petition No. 2020-222

CONSENT ORDER COVER SHEET

1. Miranda Defelice ("respondent") of Wethersfield, Connecticut graduated from American International College and was granted a registered nursing license in 2007.
2. Respondent has not previously been disciplined.
3. In April 2019, while practicing nursing at Willard-Cybilski Correctional Institution in Enfield, Connecticut, respondent:
 - a. failed to review tuberculosis test results for approximately eleven (11) patient-inmates and reviewed their medical records for tuberculosis testing when she did not so do; and
 - b. falsely and/or inappropriately documented that she met with approximately eleven (11) patient-inmates and reviewed their medical records for tuberculosis testing when she did not so do.
4. The proposed Consent Order places a reprimand on respondent's license and places her license on probation for one year with the following terms:
 - coursework in documentation standards and ethics within the first six (6) months of probation;
 - no solo practice; and
 - employer reports, quarterly.
5. The Department and respondent, through her attorney, respectfully request the Board to accept and approve the proposed Consent Order.

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

In re: Miranda Defelice, RN aka Miranda Junk

Petition No. 2020-222

CONSENT ORDER

WHEREAS, Miranda Defelice ("respondent") of Wethersfield, Connecticut has been issued Connecticut registered nurse license number 083337 by the Department of Public Health ("the Department") pursuant to Connecticut General Statutes Chapter 378, as amended.

WHEREAS, the Department alleges:

1. In April 2019, respondent was practicing nursing at Willard-Cybilski Correctional Institution in Enfield, Connecticut.
2. On or about April 10, 2019, respondent failed to review tuberculosis test results for approximately eleven (11) patient-inmates.
3. On or about April 10, 2019, respondent falsely and/or inappropriately documented that she met with approximately eleven (11) patient-inmates and reviewed their medical records for tuberculosis testing when she did not so do.
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) and/or §20-99(b)(6).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above-referenced allegations at a hearing before the Board of Examiners for Nursing ("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 stipulates and agrees to the following:

1. Respondent waives respondent's right to a hearing on the merits of this matter.
2. Respondent's Connecticut registered nurse number 083337 is reprimanded.
3. Respondent shall comply with all federal and state statutes and regulations applicable to respondent's profession.
4. Respondent's Connecticut registered nurse issued license number 083337 is placed on probation for one year, subject to the following terms and conditions:
 - A. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of probation.
 - B. Respondent shall not be employed as a nurse for an assisted living entity and shall not be self-employed as a nurse for the period of probation. Respondent may be employed as a nurse for a personnel provider service, homemaker-home health aide agency, or home health care agency if pre-approved, in writing, from the Department.
 - C. Within the first six months of probation, respondent shall attend and successfully complete coursework in (1) ethics; and (2) documentation standards, pre-approved by the Department. Within fourteen (14) days of the completion of each course, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of each course.
 - D. Respondent shall be responsible for the provision of quarterly written reports directly to the Department from her nursing supervisor (i.e., Director of Nursing). Respondent shall

- provide a copy of this Consent Order to 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 commencement of employment as to the receipt of a copy of this Consent Order. Employer reports shall include documentation of respondent's ability to practice nursing safely and competently and shall be issued to the Department at the address in paragraph I below. A report indicating that respondent is not practicing with reasonable skill and safety deemed to be a violation of this Consent Order.
- E. Respondent shall notify the Department in writing of any change of employment within fifteen (15) days of such change.
 - F. Respondent shall notify the Department of any change in respondent's home or business address within fifteen (15) days of such change.
 - G. 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.
 - H. 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.
 - I. 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 Department shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
7. 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 act later. The Department shall not be required to grant future extensions of time or grace periods.
8. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Department.
9. 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.
10. Respondent understands this Consent Order is a public record.
11. Respondent understands and agrees that this Consent Order shall be deemed as evidence of the above-referenced allegations 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.
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 forty-five (45) days. During that time, respondent further agrees to cooperate with the Department in its investigation of the violation. 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 §§4-182(c) and 19a-17(c).

Respondent understands that the Board has complete and final discretion whether a summary suspension is ordered.

13. If respondent does not practice nursing for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period required by the Consent Order and such terms shall be held in abeyance, and respondent shall not be responsible for complying with the terms of probation. If respondent resumes the practice of nursing, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to the practice of nursing without written pre-approval from the Department. Respondent agrees that the Department may require additional documentation and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Any return to the practice of nursing without written pre-approval from the Department and shall constitute a violation of the Consent Order and subject respondent to further disciplinary action.
14. If, during the period of probation, respondent practices nursing outside Connecticut, respondent shall provide written notice to the Department. During such time, respondent shall not be responsible for complying with the terms of probation required by the Consent Order, and such time shall not be counted in reducing the probationary period. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved in

writing by the Department. If 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 other terms and conditions of the Consent Order. Respondent agrees that any return to the practice of nursing without written pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

15. 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.
16. 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 because 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 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 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 of the United States.
17. Respondent permits a representative of the Department to present this Consent Order and its factual basis to the Board. The Department and respondent agree that the Board has complete and final discretion 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.

18. 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.
19. Respondent consulted with her attorney prior to signing this Consent Order.
20. 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.
21. 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 or made a part hereof.

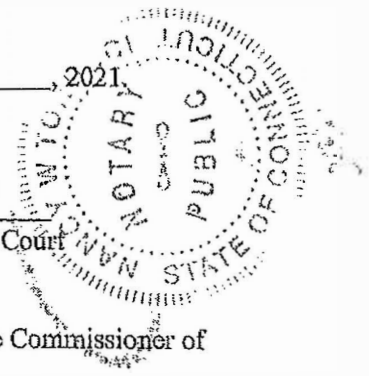
I, Miranda Defelice, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Miranda Defelice
Miranda Defelice aka Miranda Junk

Subscribed and sworn to before me this 12TH day of November, 2021.

NANCY W TONUCCI
Notary Public
Connecticut
My Comm. Expires Nov. 30, 2025

Nancy W. Tonucci
Notary Public/Commissioner Superior Court



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 November, 2021, it is hereby accepted.

Christian D. Andresen

Christian D. Andresen, MPH, CPH, 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
PRACTITIONER LICENSING AND INVESTIGATIONS SECTION

INVESTIGATIVE REPORT
November 4, 2020

Investigation of Petition # **2020-222**

Respondent's Name & Address:

Miranda L. Junk, RN
100 Cumberland Avenue
Wethersfield, CT 06109-1706

Petitioner's Name & Address:

Kristin Carabine
5 Autumn Street
Agawam, MA 01001

Licensure Information:

License No. 10-083337
First issued on: 9/17/2007
Expires: 5/31/2021
Date Investigation was opened: 2/25/2020
Priors:

Investigated by: Rose Marie Deschenes, APRN Nurse Consultant

Allegation(s):

1. The Respondent, a registered nurse, falsely documented the results of TB tests in the medical records of 11 inmates as having been read when in fact, she had not read the results of the TB tests administered to these inmates at Willard Correctional Institute.

Interviews

A telephone interview was conducted with the Petitioner on September 23, 2020 for the purpose of reviewing the complaint letter, inquiring about any new information and explaining the complaint process.

Exhibits

A. The Petitioner's complaint was received on February 25, 2020 (Exhibit A).

1. The Petitioner identified that on April 14, 2019 while working at Willard Correctional Institute, she printed a list of inmates whom had orders for TB tests that were due to be planted. The inmates were called to the medical unit, however, many of the inmates identified that they already had the TB test, but no one had read them yet. After checking the electronic health records to confirm, the Petitioner noted that eleven inmates had TB tests planted on April 7, 2019 by the Respondent. The Petitioner also noted that all of these inmates had documentation that their TB test was read on April 10, 2019 between 4:49PM and 5:01PM by the Respondent. The orders and the results in the electronic records for the TB tests were not marked as completed which caused these inmates to appear on the TB plant list she generated on April 14, 2019. The guidance she received from her supervisor, Anna Zuccalo, RN, directed her to call two specific inmates to the medical unit to confirm the TB test was not read and then file out the paperwork. The Petitioner identified she called six inmates to the medical unit and confirmed with them that their TB test was not read and submitted the paperwork on April 17, 2019. She did not call any of the remaining inmates in that she had been directed to only call two. She questioned the correctional officer (CO) who was on

duty in the medical unit on April 7, 2019 and April 10, 2019. The CO identified he always keeps a log of all inmates seen in the medical unit and identified there were no entries April 10, 2019 as no inmates were seen in medical on the 3PM to 11PM shift. The Petitioner's supervisor requested the video tape from April 10, 2019 be preserved by custody. The video tapes were reviewed by her supervisor and Captain McCarthy from the security division of DOC. Captain McCarthy interviewed the Petitioner on November 27, 2019 for the incident, but the Petitioner hasn't heard of any resolution and is frustrated with the lack of concern from DOC.

B. A copy of the Respondent's personnel file and disciplinary actions was received on August 24, 2020 from the Department of Correction (Exhibit B).

1. The Respondent was hired on February 24, 2012 as a Nurse for second shift at Willard/Cybulski.
2. The Respondent's yearly evaluations in 2012 and 2013 identified concerns regarding cooperation and judgement. The Respondent had difficulty working with staff and often left the unit without notifying the supervisor. The Respondent was rated good in areas of knowledge of work, quantity of work and quality of work. The Respondent received written notice regarding her use of sick time in April and May of 2013. She was given a one-day suspension for absence from work on December 12, 2013.
3. Improvements were noted in 2014 as she was rated as good in all areas. Her supervisor, Stephen Badura, CHNS, met with the Respondent on August 15, 2014 regarding documentation concerns and possible lack of nursing care to an inmate returning from a hospital visit.
4. The 2015 yearly evaluation identified the Respondent was rated good in all areas but had received a 3-day suspension for working overtime during a suspension.
5. The 2016 yearly evaluation identified the Respondent rated good in all areas except for cooperation which was identified as less than good. On May 4, 2016, the Respondent was given a 20-day suspension in lieu of termination for abandoning her post on several days. One of the days in question identified the Respondent left her post for at least four hours and went into the perimeter vehicle with a correctional officer.
6. On August 31, 2017, the Respondent received a letter from human resources regarding the Respondent noncompliance with her intermittent leave under FMLA. The Respondent received a written reprimand on October 28, 2017 for her continued failure to comply with attendance requirements. The letter identified the Respondent reported late for her shift on August 18, 2017 and was a no show, no call on October 22, 2017. Since receiving counseling on July 28, 2017, the written reprimand identified the Respondent was tardy on 33 occasions.
7. On June 17, 2019, the Respondent received a letter identifying she was being disciplined for failing to notify the facility of her arrest dated September 1, 2018 for larceny 6. The Respondent was given a one-day suspension on June 28, 2019.
8. On June 18, 2020, the Respondent received a letter identifying she was being disciplined for just cause for leaving her post and being less than truthful during the investigation. The Respondent's version of what occurred on December 28, 2019 regarding her time away from the unit was not consistent with what was observed on video tape. The Respondent was given a two-day suspension on June 22, 2020 and July 1, 2020.
9. On July 15, 2020, the Respondent received a letter identifying she was being dismissed from State Service for just cause for violations of Administrative Directives 2.17, Employee Conduct. An investigation had been conducted which found the Respondent falsified the electronic health record (EHR) and failed to follow the Health Services Infection Control Manual for tuberculous (TB) surveillance program and screening. The letter further identified that previously the Respondent had been disciplined with a 20-day suspension for poor judgement, two one-day suspensions (one for failing to notify the facility of her arrest and the other for tardiness), and two written reprimands for dependability (one for no call, no show and the other for tardiness).
10. The investigation into the Respondent's behaviors regarding the TB surveillance program and screening began on September 29, 2019 subsequent to an incident report initiated by charge nurse

Carabine regarding 11 inmates in which the Respondent implanted the TB test on April 7, 2019 and documented that the results were read on April 10, 2019. When charge nurse Carabine printed the list for administering TB tests on April 14, 2019, the 11 inmates identified they already had the test, but no one read the results. Although the Respondent had documented she read the TB results on April 10, 2019, interviews with the inmates, other staff members, review of EHR along with other documents, and video surveillance tapes, contradicted the Respondent's response. The times in the EHR that the Respondent documented she read the TB tests did not correspond with the video surveillance tapes or the correction officer's logbook of inmates in the medical unit.

C. A written response to the allegation letter was received on October 28, 2020 from the Respondent via her attorney, Richard Brown (Exhibit C).

1. The Respondent identified that when she administered the TB tests on April 7, 2019, she educated the inmates as to the signs and symptoms to watch out for and report any of these symptoms to the nurse. She identified that the TB tests could have been read by another nurse on April 9, 2019 during the evening shift or another nurse on April 10, 2019 on the morning shift. When she arrived for duty on April 10, 2019, none of the inmates had reported back to medical within the last 72 hours. She therefore concluded that the tests were negative.
2. She identified that she had summoned the inmates on April 10, 2019 to report to the medical unit at 4:45PM after their dinner. She identified that when inmates report to the medical unit, their names are logged into the dorm logbook. The Respondent identified that this dorm logbook was not checked during this investigation. She identified that she mistakenly failed to delete the TB results when the inmates failed to report as instructed, but at the time she was unaware that the signs and symptoms results needed to be charted in a different area in the E.H.R. She identified that even though the inmates did not show up, she was still charting the signs and symptoms were negative. She concluded that she charted but charted in the wrong place.
3. When Nurse Carabine noticed that the inmates' results were documented as being read, it was because the order was not completed in the computer. Consequently, it seemed that these inmates still required tuberculin skin test (TST) implants. The order was incomplete due to the inmates not reporting to medical. The Respondent identified that if the nursing supervisors notified her immediately of the situation (when Nurse Carabine reported this oversight), it could have been rectified.
4. The Respondent identified she was not fully informed of this oversight in a timely manner. After this occurrence, three and a half weeks later, she was asked if she had completed the TST's. At that time, she had logged into the computer to refresh her memory and to the best of her memory, all the tests were read. She identified that Nurse Carabine had cleared her orders as completed because if she received new orders to administer the TST's, then she would have had her own orders. The Respondent identified that Nurse Carabine should not have completed her orders. There was not any indication to administer TST's because the signs and symptoms of the TB screens were completed and all the inmates denied any signs and symptoms or having a history of TB, active or latent.
5. The Respondent acknowledged that she should have double checked the records for accuracy on April 10, 2019. It was an isolated incident and she had worked for over a year and three months after that date without incident.
6. She identified that she was unfamiliar with the E.H.R. system regarding the TB portion of charting and at no time did the facility train her in this area of practice prior to assigning this responsibility. She was not interviewed about this incident until November 2019, seven months later, and she continued to work for another 15 months without further incident until she was blindsided and terminated.

Statement of facts related to allegations:

1. The Petitioner alleged the Respondent, a registered nurse, falsely documented the results of TB tests in the medical records of 11 inmates as having been read when in fact, she had not read the results of the TB tests administered to these inmates at Willard Correctional Institute.
2. A review of the Respondent's personnel file and the DOC investigation was conducted. On July 15, 2020, the Respondent received a letter identifying she was being dismissed from State Service for just cause for violations of Administrative Directives 2.17, Employee Conduct. An investigation had been conducted which found the Respondent falsified the electronic health record (EHR) and failed to follow the Health Services Infection Control Manual for tuberculous (TB) surveillance program and screening. The letter further identified that previously the Respondent had been disciplined with a 20-day suspension for poor judgement, two one-day suspensions (one for failing to notify the facility of her arrest and the other for tardiness), and two written reprimands for dependability (one for no call, no show and the other for tardiness).
3. The investigation into the Respondent's behaviors regarding the TB surveillance program and screening began on September 29, 2019 subsequent to an incident report initiated by charge nurse Carabine regarding 11 inmates in which the Respondent implanted the TB test on April 7, 2019 and documented that the results were read on April 10, 2019. When charge nurse Carabine printed the list for administering TB tests on April 14, 2019, the 11 inmates identified they already had the test, but no one read the results. Although the Respondent had documented she read the TB results on April 10, 2019, interviews with the inmates, other staff members, review of EHR along with other documents, and video surveillance tapes, contradicted the Respondent's response. The times in the EHR that the Respondent documented she read the TB tests did not correspond with the video surveillance tapes or the correction officer's logbook of inmates in the medical unit.
4. Although the Respondent admitted she should have checked the E.H.R. for accuracy on April 10, 2019, she felt it could have been resolved if she had been notified in a timely manner. The Respondent also identified she had charted the results of the TB tests prior to verifying the results with the inmates.

Exhibit Legend:

- A. The Petitioner's complaint
- B. The Respondent's personnel file
- C. Allegation response

Investigation of Petition No. 2020-222
Miranda L. Junk, RN

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Communication Log:

Kristin Carabine
5 Autumn Street
Agawam, MA 01001

Miranda L. Junk, RN
100 Cumberland Avenue
Wethersfield, CT 06109-1706

Richard Brown, Esquire
Brown Paindiris & Scoot, L.L.P.
100 Pearl Street
Hartford, CT 06103

CONSENT ORDER COVER SHEET

In re: Michelle Fiala, R.N

Petition No. 2019-234

1. Michelle Fiala, of Centerbrook, Connecticut (hereinafter "respondent") was issued license number 062112 to practice as a registered nurse in 1999.
2. Respondent graduated from Capitol Community Technical College.
3. Respondent has no past disciplinary history.
4. On or about February 12, 2018 and February 13, 2018, while working as a nurse for the Department of Corrections at York Correctional Facility, respondent failed to provide adequate evaluation, monitoring, and/or treatment to Patient 1, a pregnant inmate, refused to evaluate and/or treat Patient 1 after being notified by corrections officers that Patient 1's condition had changed; and failed to refer Patient 1 for hospital and/or urgent care treatment.
5. The proposed Consent Order provides for:
 - a. a reprimand;
 - b. civil penalty of five hundred dollars (\$500.00); and
 - c. 1 year probation with
 - i. Coursework in ethics, patient cultural diversity, scope of practice, and documentation standards
 - ii. Restriction on employment as a nurse for a personnel provider service, assisted living services agency, homemaker home health aide agency, home healthcare agency, or self-employment
 - iii. Monthly supervisor reports
6. The Department and respondent respectfully request that the Board accept the proposed Consent Order.

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

In re: Michelle Fiala, R.N.

Petition No. 2019-234

CONSENT ORDER

WHEREAS, Michelle Fiala (hereinafter "respondent") of Centerbrook, Connecticut, has been issued license number 062112 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, the Department alleges that:

1. On or about February 12, 2018 and February 13, 2018, while working as a nurse for the Department of Corrections at York Correctional Facility (hereinafter "York Correctional"), respondent failed to meet the standard of care in one or more of the following ways, in that she:
 - a. Failed to provide adequate evaluation, monitoring, and/or treatment to Patient 1, a pregnant inmate;
 - b. Refused to evaluate and/or treat Patient 1 after being notified by corrections officers that Patient 1's condition had changed; and/or
 - c. Failed to refer Patient 1 for hospital and/or urgent care treatment.
2. The above-described 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).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations, but while admitting no guilt or wrongdoing, agrees that for the purpose of this

or any future proceedings before the Board of Examiners for Nursing (hereinafter "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 shall pay a civil penalty of five hundred dollars (\$500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check. Said civil penalty shall be payable at the time respondent submits this executed Consent Order to the Department.
4. Respondent's license number 062112 to practice as a nurse in the State of Connecticut is hereby reprimanded.
5. Respondent's license shall be placed on probation for one (1) year, subject to the following terms and conditions:
 - A. Within six (6) months of the effective date of this Consent Order, respondent shall attend and successfully complete coursework in (1) Ethics; (2) Patient Cultural Diversity; (3) Scope of Practice; and (4) Documentation Standards, pre-approved by the Department. Within fifteen (15) days of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such coursework.

- 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 be responsible for the provision of monthly written reports directly to the Department from respondent's nursing supervisor (i.e., Director of Nursing) for the duration 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 and/or the effective date of this Consent Order if respondent is currently employed as a nurse, 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 5H 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.
- D. Respondent shall notify the Department in writing of any change of employment within fifteen (15) days of such change.
- E. Respondent shall notify the Department of any change in respondent's home or business address within fifteen (15) days of such change.
- F. 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.

G. 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.

H. 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

6. 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.
7. 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.
8. 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.
9. 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.
10. Respondent understands this Consent Order is a matter of public record.

11. Respondent understands and agrees that this Consent Order shall be deemed as evidence of the above allegations 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.
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. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. 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, 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.
13. In the event respondent does not practice as a registered nurse for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall

not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes the practice of registered nursing, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to the practice of registered nursing without written pre-approval from the Department.

Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Respondent agrees that any return to the practice of registered nursing without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

14. 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 5 above.
15. 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.

16. 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.
17. 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.

18. 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.
19. Respondent has had the opportunity to consult with an attorney prior to signing this document.
20. 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.
21. 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, Michelle Fiala, 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.

Michelle Fiala, RN
Respondent

Subscribed and sworn to before me this 4th day of October, ~~2020~~ 2021.

JERIEN M. LEBRON
NOTARY PUBLIC
MY COMMISSION EXPIRES JAN. 31, 2022

J. Lebron
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 4th day of November, 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 _____, 2020, it is hereby ordered and accepted.

BY: _____
Connecticut Board of Examiners for Nursing