

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

The **Board of Examiners for Nursing** held a meeting on October 20, 2021 via Microsoft TEAMS.

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

BOARD MEMBERS ABSENT: Cynthia L. Arpin, RN, MSN – (RN Member)
Rebecca Martinez, LPN – (LPN Member)

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

The meeting commenced at 8:30 a.m. All participants were present via Microsoft TEAMS.

CHAIR UPDATES

Chair Bouffard reported that Geraldine Marrocco and herself attended an introductory meeting regarding Public Act 21-152 that includes a provision for the Department of Public Health to explore nurse licensure compacts.

OPEN FORUM

Nothing to report.

APPROVAL OF AGENDA

Gina Reiners made a motion, seconded by Jennifer Long, to approve the reordering of the agenda. The motion passed unanimously.

NATIONAL COUNCIL STATE BOARDS OF NURSING

Mary Dietmann and Dana Dalton provided an overview of the NCSBN mid-year meeting. Chair Bouffard reported on the NCLEX conference.

EXTERA MEETING DATES

The Board discussed adding extra meeting dates due to the increase in disciplinary hearings. Going forward, the Board will hold meetings on the first and third Wednesdays of the month through May 2022. The first meeting date of the month will be for school issues, consent order review, Motions for Summary Suspension, and procedural matters. The third Wednesday will be for consent order review, Motions for Summary Suspension, and administrative disciplinary hearings. Additional meetings will begin on December 1, 2021. The need for these additional meetings will be reevaluated in April, 2022.

CONNECTICUT LEAGUE FOR NURSING – Monthly Update

Marcia Proto, Executive Director and Audrey Beauvais provided an update on behalf of the Connecticut League for Nursing and Deans and Directors.

Lisa Freeman left the meeting at 10:00 a.m.

SCHOOL ISSUES

- Central Connecticut State University

Catherine Thomas was present from Central Connecticut State University.

Gina Reiners made a motion, seconded by Mary Dietmann, to grant a three month temporary waiver to Kerilee Segorvia, RN, BSN to provide clinical instruction for five senior level students at the Hospital for Special Care on the pediatric care unit. The motion passed unanimously.

- Lincoln Technical Institute

Patricia DeLucia, Deborah Little and Laura McKeown were present from Lincoln Technical Institute.

Gina Reiners made a motion, seconded by Jennifer Long, to approve Ms. McKeown as the Director of Nursing at the New Britain Campus. The motion passed unanimously.

- Stone Academy – 5 year study

Linda Dahlin and Lisa Palmer were present on behalf of Stone Academy.

This matter was tabled from the September meeting to allow for revisions to be submitted.

Helen Smith, RN Nurse Consultant, DPH provided an overview of the revisions to Stone Academy's report.

Geraldine Marrocco made a motion, seconded by Mary Dietmann to approve the revisions to the report and to accept the five year study. The motion passed unanimously.

SCOPE OF PRACTICE

Helen Smith, Nurse Consultant, DPH provided a summary of 48 nursing scope of practice inquiries received by the Department of Public Health during September 2021.

MEMORANDA OF DECISION

Kristin Brice, L.P.N. Petition No. 2020-1239

Jennifer Long made a motion, seconded by Geraldine Marrocco, to affirm the Memorandum of Decision which imposes probation for a period of two years. The motion passed unanimously.

Judith Cullen, RN Petition No. 2020-763

Gina Reiners made a motion, seconded by Mary Dietmann, to affirm the Memorandum of Decision that found no need for disciplinary action. The order was to continue the terms of the probation pursuant to an April 2017 Memorandum of Decision. The motion passed unanimously.

Erin K. Fitzpatrick, L.P.N. Petition No. 2020-330 and Petition No. 2020-1015

Jennifer Long made a motion, seconded by Geraldine Marrocco, to affirm the Memorandum of Decision which imposes a reprimand and probation for four years. The motion passed unanimously.

Allison Krawza, R.N. Petition No. 2020-580

Gina Reiners made a motion, seconded by Geraldine Marrocco, to affirm the Memorandum of Decision which imposes license revocation. The motion passed unanimously.

Lourdes Mercado, L.P.N. Petition No. 2019-1074 and Petition No. 2020-1131

Geraldine Marrocco made a motion, seconded by Mary Dietmann, to affirm the Memorandum of Decision which imposes a reprimand and probation for two years. The motion passed unanimously.

Daniel O'Brien, R.N. Petition No. 2018-791

Gina Reiners made a motion, seconded by Geraldine Marrocco, to affirm the Memorandum of Decision which imposes license revocation. The motion passed unanimously.

Natalie Primini, L.P.N. – License Reinstatement

Geraldine Marrocco made a motion, seconded by Jennifer Long, to approve the Memorandum of Decision. Upon review the motion failed unanimously. The decision will be edited to modify a condition of employment during the probationary period.

MOTION FOR SUMMARY SUSPENSION

Donna Duncan, RN - Petition No. 2020-1231

Staff Attorney Aden Baume presented the Board with a Motion for Summary Suspension for Donna Duncan. Respondent was not present and was not represented.

Gina Reiners moved to grant the Department's Motion for Summary Suspension in that respondent's continued practice as a nurse is a clear and immediate danger to public health, safety, and welfare. The motion was seconded by Mary Dietmann and passed unanimously. A hearing will be scheduled for November 17, 2021.

Danielle Howley, LPN - Petition No. 2021-557

Staff Attorney Joelle Newton presented the Board with a Motion for Summary Suspension for Danielle Howley. Respondent was not present and was not represented.

Mary Dietmann moved to grant the Department's Motion for Summary Suspension in that respondent's continued practice as a nurse is a clear and immediate danger to public health, safety, and welfare. The motion was seconded by Geraldine Marrocco and passed unanimously. A hearing will be scheduled for November 17, 2021.

Jennifer Scanlon, RN - Petition No. 2021-298

Staff Attorney Diane Wilan presented the Board with a Motion for Summary Suspension for Jennifer Scanlon. Respondent was not present and was not represented.

Geraldine Marrocco moved to grant the Department's Motion for Summary Suspension in that respondent's continued practice as a nurse is a clear and immediate danger to public health, safety, and welfare. The motion was seconded by Mary Dietmann and passed unanimously. A hearing will be scheduled for November 17, 2021.

CONSENT ORDERS

Susan Dunnigan, RN - Petition No. 2020-244

Staff Attorney, Linda Fazzina, Department of Public Health presented a Consent Order in the matter of Susan Dunnigan, RN. Attorney Ellen Costello was present on behalf of respondent.

Gina Reiners moved, and Mary Dietmann seconded, to approve the Consent Order which imposes a reprimand and probation for a period of one year. Following discussion the motion failed. Gina Reiners moved, and Mary Dietmann seconded to table this matter so that Board counsel can seek input from the Office of the Attorney General.

Nicole Ring, RN - Petition No. 2020-1175

Staff Attorney, Craig Sullivan, Department of Public Health presented a Consent Order in the matter of Nicole Ring, RN. Respondent was present but was not represented.

Gina Reiners moved, and Mary Dietmann seconded, to approve the Consent Order which imposes probation for a period of four years. The motion passed unanimously.

Sandra Ring, LPN - Petition No. 2020-1074

This matter was previously reviewed at the September 15, 2021 Board meeting.

Staff Attorney, Diane Wilan, Department of Public Health presented a Consent Order in the matter of Sandra Ring, LPN. Respondent was present but was not represented.

Gina Reiners moved, and Mary Dietmann seconded, to approve the Consent Order which imposes probation for a period of three years. The motion passed unanimously.

Timothy Testa, LPN - Petition No. 2021-443

Staff Attorney, Joelle Newton, Department of Public Health presented a Consent Order in the matter of Timothy Testa, LPN. Respondent was present but was not represented.

Gina Reiners moved, and Geraldine Marrocco seconded, to approve the Consent Order which imposes a probation for a period of four years. The motion passed unanimously.

HEARINGS

Amy Saunders, LPN - Petition No. 2021-188

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

Gina Reiners made a motion, seconded by Mary Dietmann, to grant the Department's oral motion to deem allegations admitted. The motion passed unanimously.

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

Jennifer Long made a motion seconded by Gina Reiners, that Ms. Saunders be found as charged.

The motion passed unanimously.

Jennifer Long made a motion seconded by Gina Reiners, that Ms. Saunders' license be revoked. The motion passed unanimously.

Lisa Freeman returned at 12:15 p.m.

Audrey Smarrelli, RN - Petition No. 2021-516

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

Ms. Smarrelli orally answered the Statement of Charges.

The Board entered executive session to obtain testimony regarding confidential treatment records. No motions were made, and no votes were taken during executive session.

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

Geraldine Marrocco made a motion seconded by Jennifer Long, that Ms. Smarrelli be found on paragraphs 1, 2, the first sentence of 3, and 4, and that she is not found on the second sentence of paragraph 3. The motion passed with all in favor except Jason Blando who was opposed. .

Geraldine Marrocco made a motion seconded by Mary Dietmann, that Ms. Smarrelli's license be reprimanded. Following discussion, the motion passed with all in favor except. Mary Dietmann, Jason Blando and Lisa Freeman.

Nichelle Robinson, RN - Petition No. 2021-516

Staff Attorney Leslie Scoville was present for the Department of Public Health. Respondent was present but was not represented.

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

Jennifer Long made a motion seconded by Gina Reiners, that Ms. Robinson be found on all paragraphs of the Amended Statement of Charges. The motion passed unanimously.

Jennifer Long made a motion seconded by Gina Reiners, that Ms. Robinson's license be reprimanded and placed on probation for a period of six months. The motion passed unanimously. The written Memorandum of Decision will include tolling language and a requirement for employer reports, and will indicate that although course work was necessary, respondent had completed appropriate course work as specified in the previous Memorandum of Decision.

Angel Predzimirski, R.N - Petition No. 2020-1221

Joelle Newton, Staff Attorney was present for the Department of Public Health. Respondent was present but was not represented.

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

Gina Reiners made a motion seconded by Lisa Freeman, that Ms. Predzimirski be found on paragraphs 1, 2 (alcohol only), 3, 4 and 5. The motion passed unanimously.

Jennifer Long made a motion seconded by Gina Reiners, that Ms. Saunders' license be placed on probation for period of four years with conditions inclusive of controlled substance access restriction for one year and no independent practice/home care. The motion passed unanimously.

ADJOURNMENT

On a motion by Gina Reiners, seconded by Lisa Freeman, it was the unanimous decision to adjourn this meeting at 3:25 p.m.

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

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

Alexis Young, L.P.N.
License No. 038071

Petition No. 2020-331

MEMORANDUM OF DECISION

I

Procedural Background

On November 3, 2020, the Department of Public Health ("Department") filed a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board"). The Charges allege violations of Chapter 378 of the Connecticut General Statutes ("Conn. Gen. Stat.") by Alexis Young ("Respondent") which would subject Respondent's licensed practical nurse ("L.P.N.") license number 038071 to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99(b). Board ("Bd.") Exhibit ("Ex.") 1.

On February 23, 2021, the Charges, and a Notice of Hearing ("Notice") were transmitted to Respondent at (alexisyoung@optonline.net),¹ Respondent's email address of record on file with the Department.²

The hearing was held on April 21, 2021. Respondent was present at the hearing and was not represented by counsel. Transcript ("Tr.") p. 3. Attorney Joelle Newton represented the Department. Since Respondent had not filed a written Answer to the Charges before the hearing, she answered the Charges orally on the record. Tr. pp. 6-8.

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).

¹ At the hearing and on the record, Respondent provided the Board with her updated email address, AlexisBtFly@gmail.com. The Board amended the Charges to reflect this email address update. Tr. p. 6.

² On May 27, 2020, in accordance with the Governor's Executive Order No. 7B, Executive No. 7K, or Executive Order No. 7M, the Commissioner of the Department ordered the modification of Conn. Agencies Regs. § 19a-9-18 to permit delivery of hearing notices 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.

II

Allegations

1. In paragraph 1 of the Charges, the Department alleges that Alexis Young of Charlotte, North Carolina, 28212,³ is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number 038071.
2. In paragraph 2 of the Charges, the Department alleges that at all relevant times, Respondent was practicing nursing at St. Joseph's Center in Trumbull, Connecticut.
3. In paragraph 3 of the Charges, the Department alleges that on multiple occasions in 2019 and 2020, while working as a L.P.N., Respondent:
 - a. failed to completely, properly and/or accurately document medical records;
 - b. failed to properly waste controlled substances and/or,
 - c. altered and/or falsified one or more Controlled Substance Disposition Records ("CSDR").
4. In paragraph 4 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b), including, but not limited to, 20-99(b)(2).

III

Findings of Fact

1. Alexis Young of Charlotte, North Carolina,⁴ is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number 038071.
2. At all relevant times, Respondent was practicing nursing at St. Joseph's Center in Trumbull, Connecticut.
3. On multiple occasions in 2019 and 2020, while working as a L.P.N., Respondent failed to completely, properly, and/or accurately document medical records.
4. On multiple occasions in 2019 and specifically on January 13, 2020, January 24, 2020, January 26, 2020, and January 29, 2020, Respondent, while working as a L.P.N., failed to properly waste controlled substances.

³ At the hearing, Respondent testified that her new home address is A300 Runaway Bay Drive, Apartment L, Charlotte, N.C. 28212. Tr. p. 6.

⁴ At the hearing, Respondent testified that her new home address is A300 Runaway Bay Drive, Apartment L, Charlotte, N.C. 28212. Tr. p. 6.

5. Respondent, while working as a L.P.N., **altered** one or more CSDRs on the following dates: August 20, 2019, August 26, 2019, August 27, 2019, August 28, 2019, August 29, 2019, September 26, 2019, November 18, 2019, November 19, 2019, December 5, 2019, December 10, 2019, January 13, 2020, January 20, 2020, January 24, 2020, January 26, 2020, and January 29, 2020. Dept. Ex. 1; Dept. Ex. 2, pp. 10-21, 23-24; Tr. pp. 25-40.
6. There is insufficient evidence to establish that on multiple occasions while working as a L.P.N., Respondent **falsified** CSDR forms.

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 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; . . .

Pursuant to Conn. Gen. Stat. §§ 20-99(b)(2), the Board is authorized to discipline the license of a nurse who fails to conform to the accepted standards of practice of the nursing profession, including, but not limited to illegal conduct, incompetence, or negligence in carrying out usual nursing functions. The Department sustained its burden of proof with respect to all of the allegations contained in paragraphs 1 through 3a and 3b of the Charges. Although the Board found that Respondent altered one or more CSDR forms, the Board could not find, as alleged in paragraph 3c, that the Department established by a preponderance of the evidence that Respondent falsified one or more CSDR forms. Findings of Fact (“FF”) 1-6.

With respect to the allegations contained in paragraphs 1 and 2 of the Charges, the record established, and Respondent admitted, that she is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number 038071. The record also established, and the Respondent admitted that at all relevant times, she was practicing nursing at St. Joseph's Center in Trumbull, Connecticut. Additionally, the record also established that Respondent practiced nursing at St. Joseph's Center from October 2014 until February 18, 2020. Dept. Ex. 1, p. 3. Therefore, the Department sustained its burden of proof with respect to the allegations contained in paragraphs 1 and 2 of the Charges.

With regard to the allegations contained in paragraph 3a of the Charges, the record establishes that on multiple occasions in 2019 and 2020, Respondent, while working as a L.P.N., failed to document medical records completely, properly and/or accurately. FF 3.

The Department initiated an investigation of Respondent after she made errors documenting controlled substances on January 30, 2020. As a result of those documentation errors, Respondent's Assistant Director of Nursing Services ("ADNS"), Sheila Johnson, initiated an audit of six months of Respondent's electronic medication administration records ("EMAR") and CSDR forms. As a result of the findings of her audit, ADNS Johnson contacted DCP about her concerns. Zoe Glaras, Drug Control Agent for the Drug Control Division of the Connecticut Department of Consumer Protection ("DCP"), was the agent assigned to investigate ADNS Johnson's complaint about Respondent's errors in documenting controlled substances.

On February 4, 2020, Agent Glaras responded to ADNS Johnson's complaint and obtained some preliminary information regarding Respondent's documentation errors.

At the April 21, 2021 hearing, Agent Glaras testified that she investigated Respondent's documentation practices by reviewing the pertinent CSDR forms and by interviewing ADNS Johnson and other staff members, including Respondent. Agent Glaras further testified that Respondent admitted that she had altered the quantity of capsules remaining on the CSDR form during the period of January 26, 2020 to January 30, 2020. According to Agent Glaras, Respondent claimed that she had altered the CSDR form to correct the discrepancy she found between the number of capsules in one of her resident's blister packs and the number shown on the CSDR form. Agent Glaras further testified that Respondent stated that her 11:00pm to 7:00 am shift on January 29, 2020 was "more than unusually busy and overwhelming," (Tr. p. 31) and "that she must have made an error because she thought she had dosed the patient correctly during

that shift.” Tr. p. 31. Agent Glaras testified that Respondent did not document such administration for more than five hours after it was allegedly performed. Tr. pp. 31-32. Agent Glaras stated that when Respondent allegedly discovered an extra capsule in her resident’s blister pack, Respondent altered the CSDR form and improperly discarded the extra capsule, rather than reporting the discrepancy to her supervisor. Agent Glaras testified that Respondent told her that she had altered the CSDR form because she could not reconcile the number of capsules on the form with the number of capsules in the blister pack. Tr. p. 30. According to Agent Glaras, Respondent’s explanation was that she was too busy to document the form at the actual time she administered the medication. Tr. p. 31; Dept. Ex. 2, pp. 8-9. Agent Glaras testified that Respondent’s responses regarding why she repeatedly made such documentation errors were generally that “she was busy and made mistakes.” Tr. pp. 35, 37, 38, 39, and 40; Dept. Ex. 2, p. 9.

Agent Glaras also testified that Respondent further excused her documentation errors by alleging complaints that St. Joseph’s Center was under-staffed, lacked necessary supplies, such as diapers, and had computers that were inadequate and slow. She also complained that she was often required to care for up to 50 patients per shift who were residents on wings B and C. Dept. Ex. 2, p. 3; Tr. p. 78.

Regarding the allegations contained in paragraph 3b of the Charges, the record further establishes that on multiple occasions in 2019, and, specifically, on January 13, 24, 26, and 29, 2020, Respondent, while working as a L.P.N., failed to properly waste controlled substances. FF 4.

On January 13, 2020, the record demonstrates that Respondent did not document the time of her removal of resident MD’s oxycodone 5 mg tablet on the CSDR form and, the dose was not wasted until the end of Respondent’s shift. Dept. Ex. 1, p. 2. In addition, the record establishes that on January 24, 2020, Respondent removed two extra tablets of resident MD’s Tramadol 50mg tablets at 12:55 am and 7:05 am and documented their removal as errors instead of wasted. Those tablets were held for destruction until the end of Respondent’s shift, rather than being wasted when they were allegedly removed in error from the blister pack. *Id.*

With respect to the allegations contained in paragraph 3c of the Charges, namely that Respondent altered the CSDR forms, the record establishes that on August 20, 26, 27, 28, and 29, 2019, September 26, 2019, November 18 and 19, 2019, December 5 and 10, 2019, and

January 13, 20, 24, 26, and 29, 2020,, Respondent, while working as a L.P.N., altered one or more CSDR forms. FF 5. The Board finds however that it is within the standard of care to cross out errors and initial them.

Accordingly, the Board finds that with respect to the allegations contained in paragraph 3c, alleging falsification of the CSDR forms, there is insufficient evidence to establish that Respondent, while working as a L.P.N., falsified CSDR forms.

Order

Based on the record in this case, the above findings of fact, and conclusions of law, the Board finds that although the allegations contained in paragraphs 1, 2, 3a, and 3b are proven and the Department has satisfied its burden of proof with respect to these allegations, such allegations do not rise to a level that warrants the imposition of disciplinary action against Respondent's license to practice as a L.P.N. in the State of Connecticut.

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

The Board hereby informs Respondent, Alexis Young, and the Department of this Decision.

Dated at Waterbury, Connecticut this _____ day of February 2022.

BOARD OF EXAMINERS FOR NURSING

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

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

In re: Danielle Howley, L.P.N.

Petition No. 2021-557

PREHEARING REVIEW COVER SHEET

1. Danielle Howley of Bethel, Connecticut (“respondent”) graduated from Henry Abbott Vocational Technical School and was licensed to practice nursing in 2004.

Respondent’s license was summarily suspended on October 20, 2021 as a result of this incident. Her license has not been previously disciplined.
2. From on or about April 7, 2021 through May 25, 2021, respondent provided homecare nursing services and/or had a healthcare provider relationship with patient #1 who was cognitively impaired and subject to a conservatorship.
3. During the above-referenced time, respondent violated the standard of care when she:
 - a. inappropriately touched patient #1;
 - b. engaged in sexual contact with patient #1;
 - c. sexually abused patient #1; and/or,
 - d. failed to maintain appropriate professional boundaries.
4. The Department and respondent, through her attorney, respectfully request the Board to review the attached documents and provide a recommendation regarding this petition.

CONFIDENTIALITY NOTICE: The confidentiality of the attached documents is required under Federal and State law. All recipients must maintain strict confidentiality. All forms of disclosure, whether oral, written, or electronic, are strictly prohibited.

PREHEARING REVIEW COVER SHEET

Sharon Owen, R.N.

Petition No.: 2019-326

1. Sharon Owen, of Woodbury, Connecticut (hereinafter “respondent”) was issued license number E51909 on August 24, 1989 to practice as a registered nurse.
2. Respondent graduated from Russell Sage College, New York, in May 1988.
3. During the course of approximately February 2018 through May 2019, respondent abused and/or utilized to excess alcohol.
4. Respondent’s abuse and/or excess use of alcohol does, and/or may affect her ability to practice as a registered nurse.

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

In re: Angela Waskiewicz, R.N.

Petition No. 2021-497

PREHEARING REVIEW COVER SHEET

1. Angela Waskiewicz of New London, Connecticut (“respondent”) graduated from Holyoke Community College and was licensed to practice nursing in 1987.
2. On or about May 20, 2021, the Board of Registration in Nursing, Commonwealth of Massachusetts, issued a Final Decision and Order of Default (“Massachusetts disciplinary action”) revoking respondent's Massachusetts registered nurse license number 192143. The disciplinary action arose, in part, when respondent was practicing nursing from February through April of 2019 and she:
 - a. failed to completely, properly and/or accurately document medical records for controlled substances;
 - b. failed to properly waste controlled substances;
 - c. improperly removed a Fentanyl patch from a patient;
 - d. failed to maintain proper inventory of controlled substances; and/or
 - e. failed to timely report approximately sixty missing oxycodone tablets.
3. On or about July 23, 2020, respondent failed to report the pending Massachusetts disciplinary action and/or that she was dismissed from employment in a nursing home on her Connecticut nursing license application.
4. On or about March 25, 2021, respondent failed to report the pending Massachusetts disciplinary action on her Connecticut nursing license renewal application.
5. Respondent failed to notify the Department of the Massachusetts disciplinary action within thirty (30) days of its effective date as required by Connecticut General Statutes §19a-12e(e).
6. The Department and respondent respectfully request the Board to review the attached documents and provide a recommendation regarding this petition.

CONFIDENTIALITY NOTICE: The confidentiality of the attached documents is required under Federal and State law. All recipients must maintain strict confidentiality. All forms of disclosure, whether oral, written, or electronic, are strictly prohibited.

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

In re: Cindy Jean Featherston, R.N.

Petition No. 2020-391

STATEMENT OF CHARGES

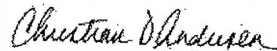
Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Cindy Jean Featherston:

1. Cindy Jean Featherston of Palm Coast, Florida (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut registered nurse license number 147946.
2. At all relevant times, respondent was practicing nursing at Bridgeport Hospital, Bridgeport, Connecticut.
3. On or about January 31, 2020, while working as a nurse at Bridgeport Hospital, respondent was impaired and/or exhibited behavioral changes.
4. On or about January 31, 2020, respondent abused and/or utilized to excess alcohol.
5. Respondent's abuse of and/or excess use of alcohol does, and/or may, affect her practice as a nurse.
6. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99, including but not limited to:
 - a. §20-99(b)(2);
 - b. §20-99(b)(3); and/or
 - c. §20-99(b)(5).

THEREFORE, the Department prays that:

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

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



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

Board 2

STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Cindy Jean Featherston
625 NE 13th Avenue, Apt 1
Fort Lauderdale, FL 33304

VIA EMAIL (1rntogo@msn.com)
and First Class Mail

RE: Cindy Jean Featherston, RN - Petition No. 2020-391

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **September 15, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

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

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

Filing an Answer; Failure to File Answer:

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

Representation by an Attorney:

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

Documents:

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

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

The following information shall be redacted.

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

Order Re: Filings

In preparation for this hearing you must, no later than September 1, 2021, provide the information specified in the attached Notice for Submissions.

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

Failure to Appear:

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

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

Dated at Hartford, Connecticut this 8th day of July, 2021.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

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

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

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

Notice for Submissions

The hearing in the matter of **Cindy Featherston, RN** has been scheduled for **September 15, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **September 1, 2021**, you must provide the following by electronic mail response to the hearing office at ppho.dph@ct.gov

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

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

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

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

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

Petition No.: 2020-391 :
:
In re: Cindy Jean Featherston, R.N. : July 21, 2021

ANSWER

Cindy Jean Featherston, R.N. hereby answers the Statement of Charges, dated July 8, 2021, in the following way:

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted.
- 3-6. Paragraphs 3 through 6 are denied.

THE RESPONDENT,
CINDY JEAN FEATHERSTON, R.N.


Heidi M. Cilano, Esq.
Heidell, Pittoni, Murphy & Bach, LLP
855 Main Street – Suite 1100
Bridgeport, Connecticut 06604
Phone (203) 382-9700

CERTIFICATION

I hereby certify that on July 21, 2021, a copy of the foregoing was sent to the following:

Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue
MS #13PHO
P.O. Box 340308
Hartford, CT 06134-0308
Fax: (860) 707-1904
jeffrey.kardys@ct.gov

Linda Fazzina, Staff Attorney
Office of Legal Compliance
Connecticut Department of Public Health
410 Capitol Avenue
MS #12LEG
P.O. Box 340308
Hartford, CT 06134-0308
Fax: (860) 509-7650
Linda.fazzina@ct.gov


Heidi M. Ciano, Esq.

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Petition No.: 2020-391 :
: AUGUST 20, 2021
In re: Cindy Jean Featherston, R.N. :

**MOTION FOR CONTINUANCE OF HEARING WITH CONSENT AND REQUEST
FOR A LIVE PROCEEDING**

Cindy Jean Featherston, R.N. hereby moves for a continuance of the Connecticut Board of Examiners for Nursing’s Notice of Scheduled Hearing dated July 8, 2021. See, Exhibit A. On August 18, 2021, the Connecticut Department of Public Health via Linda Fazzina, Staff Attorney consented to a continuance to October 20, 2021, due to Nurse Featherston’s unavailability. See, Exhibit B. Nurse Featherston is currently working via a nursing contract in Florida which expires on October 1, 2021.

Nurse Featherston further seeks that the hearings in this matter not proceed virtually. Nurse Featherston seeks same on the grounds that proceeding in such a manner would be inherently unfair and would deprive her of her due process right that the hearing be held at “a meaningful time and in a meaningful manner.” Upon the completion of her current employment obligations, the undersigned have no objection to presenting for a scheduled hearing in person utilizing standard COVID 19 precautions, especially given that jury trials have resumed in State Courts, which require more people to be present than during the Connecticut Board of Examiners for Nursing Hearing. See, Exhibit C.

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BRIDGEPORT, CT 06604
12031 382-9700
JURIS NO. 103041

I. **FACTS**

On July 7, 2021, Nurse Featherston received notification of her statement of charges from the Department of Public Health's Healthcare Quality and Safety Branch. The statement of charges outlines six separate charges brought against Nurse Featherston.

On July 8, 2021, Nurse Featherston received notification from the Department of Public Health that her hearing would be scheduled for September 15, 2021, at 9:00 a.m. and would take place via video conference.

In preparation for this hearing, Nurse Featherston will be provided with a link to the Microsoft Teams meeting for the scheduled hearing three to five calendar days before September 15, 2021.

On or before September 1, 2021, Nurse Featherston is requested to provide all electronically pre-filed exhibits, a witness list, photo identification, an electronic mail address, a statement as to whether an executive session may be required, and a statement as to whether an interpreter will be needed in preparation for this hearing.

II. **LEGAL ARGUMENT**

a. **The Proposed Administrative Procedure Is Not Constitutionally Adequate**

“The fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” Mathews v. Eldridge, 424 U.S. 319, 333 (1976) citing to Armstrong v. Manzo, 380 U.S. 545, 552 (1965).

For more than a century the central meaning of procedural due process has been clear: Parties whose rights are to be affected are entitled to be heard; in order that they may enjoy that right they must first be notified... it is equally fundamental that the right to notice and an opportunity to be heard must be granted at a meaningful time and in a meaningful manner... Due process, unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances... instead, due process is a flexible principle that calls for such procedural protections as the particular situation demands. In re DeLeon J., 290 Conn. 371, 378 (2009) citing to All Brand Importers, Inc. v. Dept. of Liquor Control, 213 Conn. 184, 208-209 (1989).

“What the Constitution does require is “an opportunity... [to be heard] granted at a meaningful time and in a meaningful manner... [and]... for a hearing appropriate to the nature of the case.” Brandt v. Travelers Corp., 1995 Conn. Super. LEXIS 743 (J. Berger) (March 7, 1995) at *8 citing to Boddie v. Connecticut, 401 U.S. 371, 378 (1971). “A State must afford to all individuals a meaningful opportunity to be heard if it is to fulfill the promise of the Due Process Clause.” Boddie at 379. “The definition of a hearing provided in Black’s Law Dictionary as ‘[a] proceeding of relative formality... generally public, with definite issues of fact or of law to be tried, in which witnesses are heard and evidence presented, and in which parties to a dispute have a right to be heard.’” Reyes v. City of Bridgeport, 134 Conn. App. 422, 427 (2012) citing to Dietzel v. Planning Commission, 60 Conn. App. 153, 160-161 quoting Black’s Law Dictionary (6th Ed. 1990).

Our Supreme Court has stated that [a] hearing can be a proceeding in the nature of a trial with the presentation of evidence, it can be merely for the purpose of

presenting arguments, or, of course, it can be a combination of the two. . . . Not only does a hearing normally connote an adversarial setting, but usually it can be said that it is any oral proceeding before a tribunal. . . . Our cases consistently recognize the generally adversarial nature of a proceeding considered a hearing, in which witnesses are heard and testimony is taken." (Internal quotation marks omitted.) Dortenzio v. Freedom of Info. Comm'n, 48 Conn. App. 424, 434 (1998).

To evaluate the constitutional adequacy of administrative procedures, a three-part test set forth by the United States Supreme Court in Mathews is applied which balances the following:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. Mathews at 335.

The second portion of the Mathews test is the one at issue in this instant action. Relative to the second prong of the Mathews test "disciplinary proceedings against physicians before the board must comport with the contested case requirements of the Uniform Administrative Procedure Act (hereinafter "UAPA"). We previously have determined that 'the procedures required by the UAPA exceed the minimal procedural safeguards mandated by the due process clause.'" Jones v. Conn. Med. Examining Bd., 309 Conn. 727, 741-742 (2013) citing to Pet at 661. With all persons involved in a separate location appearing by video, the proposed hearing format is not constitutionally adequate and does not fulfill the promise of the Due Process Clause. Specifically, the proposed hearing format violates Nurse Featherston's right to cross-

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examination and fails to provide Nurse Featherston with the ability to observe a witness' demeanor for credibility, as well as to consult with counsel as the proceeding unfolds.

i. The Proposed Hearing Format Violates Nurse Featherston's Right To Cross-Examination At Department of Public Health Hearings

The Connecticut Supreme Court has held that there is a right to cross-examination at administrative hearings. "We have recognized a common-law right to fundamental fairness in administrative hearings. The only requirement [in administrative proceedings] is that the conduct of the hearing shall not violate the fundamentals of natural justice... fundamentals of natural justice require that there must be due notice of the hearing, and at the hearing no one may be deprived of the right *to produce relevant evidence* or to *cross-examine witnesses* produced by his adversary..." (Internal citations omitted; emphasis added). Grimes v. Conservation Comm'n, 243 Conn. 266, 273-274 (1997). "[an administrative body]... is not limited by the strict rules, as to the admissibility of evidence... but the more liberal the practice in admitting testimony, the more imperative the obligation to preserve the essential rules of evidence by which rights are asserted or defended." Wadell v. Board of Zoning Appeals, 136 Conn. 1, 8-9 (1949). See, also, Gordon v. Indusco Management Corp., 164 Conn. 262, 271 (1973) (a party must be able to "substantially and fairly [exercise]" the right of cross-examination).

Moreover, the right of cross-examination is expressly provided for in contested hearings conducted by agencies subject to the UAPA. "Contested case' means a proceeding, including but not restricted to rate-making, price-fixing and licensing, in which the legal rights, duties or

privileges of a party are required by state statute or regulation to be determined by an agency after an opportunity for hearing or in which a hearing is in fact held...” Conn. Gen. Stat. §4-166 (4). “In contested cases: a party and such agency may conduct cross-examinations required for a full and true disclosure of the facts.” Conn. Gen. Stat. §4-178(5). Additionally, “In a contested case, each party and the agency conducting the proceeding shall be afforded the opportunity (1) to inspect and copy relevant and material records, papers and documents not in the possession of the party or such agency, except as otherwise provided by federal law or any other provision of the general statutes, and (2) at a hearing, to respond, *to cross-examine other parties, intervenors, and witnesses*, and to *present evidence* and argument on all issues involved.” (Emphasis added) Conn. Gen. Stat. §4-177c (a).

In Pisani v. Old Lyme Zoning Board of Appeals, 2002 Conn. Super. LEXIS 1929, the court addressed the right to cross-examination during an administrative hearing. The plaintiffs asserted that they had been deprived of their due process rights because they were denied the opportunity to cross-examine the Zoning Enforcement Officer and refute new charges raised during the hearing. Id. at *5. The Court recognized that the plaintiffs had a right to cross-examine witnesses during administrative proceedings relying on Grimes. Id. at *6-7. However, the Court ultimately held that the plaintiffs were not deprived of their right to cross-examine because they were afforded ample opportunity to cross-examine the zoning enforcement officer. Id. at *9. Of significance, in making this decision, the Court noted that the zoning enforcement officer “was *present* throughout the public hearing and answered questions posed by the defendant members and the plaintiff’s attorney.” (Emphasis added). Id.

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If the matter proceeds in the suggested format, Nurse Featherston will be deprived of her due process right to cross-examination. This matter is unlike the situation in Pisani. In Pisani, the zoning enforcement officer was *present* at the hearing and able to answer the questions posed in person. Here, not a single person will be present in the same room, it will be impossible to see what the various reactions to provided testimony are, counsel for Nurse Featherston will be prevented from conferring with Nurse Featherston in real-time, and of most significance, it is unclear how exhibits are going to be presented to the parties. The potential for an inability to present evidence in and of itself should be enough to satisfy a postponement of the hearing in a virtual setting.

Additionally, any testimony that the Connecticut Board of Examiners for Nursing intends to offer concerns the potential suspension or revocation of Nurse Featherston's license to practice nursing, a property interest protected by due process. Anything less than direct and live cross-examination and the ability to present evidence live would deprive Nurse Featherston of a due process right mandated by Connecticut law. Any witness the Department is calling will be to contradict the testimony of Nurse Featherston. She must be able to assess that with her counsel and formulate the response.

Having approximately ten people at the virtual conference creates an unworkable situation. The need to interpose timely objections for the record and know that counsel is being heard cannot be guaranteed or even ascertained when participating in a conference by Microsoft Teams. In counsel's experience using it on limited occasions for simple status conferences, it

has glitches. It has had such poor connections in some circumstances that the superior court judge had to resort to a simple telephone conference as an alternative.

ii. *The Hearing Conducted By Virtual Means Fails to Provide The Ability to Observe Demeanor for Credibility*

The Connecticut Supreme Court has recognized that “cross-examination concerning motive, interest or bias is a matter of right and may not be unduly restricted.” State v. Fullwood, 199 Conn. 281, 286 (1986). It is well established that the credibility of a witness “must be assessed... not by reading the cold printed record, but by observing firsthand the witness’ conduct, demeanor, and attitude... An appellate court must defer to the trier of fact’s assessment of credibility because [i]t is the [fact-finder]... [who has] an opportunity to observe the demeanor of the witnesses and the parties; the [the fact-finder] is best able to judge the credibility of the witnesses and to draw necessary inferences therefrom” Gianetti v. Norwalk Hosp., 304 Conn. 754, 773 (2012) quoting State v. Lawrence, 282 Conn. 141, 155 (2007). Such observations may include “genuine and spontaneous reactions by them in the courtroom.” State v. McLaughlin, 126 Conn. 257, 264 (1939).

In this matter, neither the fact-finder nor the undersigned would be able to observe witnesses in person to establish the same credibility. Of significance, any witness’s demeanor would be unobservable through the telephone and lost through a video conferencing system. Additionally, the use of teleconference systems would distort the presentation of witnesses and individuals involved in the proceeding during testimony and arguments, therefore, depriving genuine and spontaneous reactions necessary to the fact finder and Nurse Featherston.

Counsel is also concerned about utilizing the Microsoft Teams technology to cross-examine a witness. It is unknown to the undersigned how the technology works for presenting evidence to a witness. For example, having the witness see the document and what is being referred to while simultaneously seeing the witnesses as they respond. If it were that simple and effective, all the courts would have returned to doing business that way despite the ongoing pandemic. Unfortunately, that has not been the case because this is not an effective method for presenting even an oral argument on a motion to a single judge, let alone the presentation of actual evidence to a multi-person board.

There are very significant technical aspects to this case involving the various systems. The ability to know that the witness, the members of the panel, and the lawyers are looking at the same thing and understanding what the witness is seeing cannot be adequately undertaken. Individuals in separate locations are wholly unworkable. We all use visual cues to know when to speak, when to stop speaking and how best to proceed with questioning about a document and everyone literally being on the same page. That cannot be achieved on a video screen.¹ A review of Executive Order 7 B shows that it modified the undertaking of meetings and proceedings, but it does not suggest in any way that evidentiary hearings may be held by video conference. Based on this, the meetings and proceedings being referred to are different from the administrative hearing that has been scheduled here.

¹ Counsel really cannot even envision how this can be effective with so many people appearing remotely. The most individuals on team call that counsel has worked with on a simple status conference are three, the two lawyers and a judge.

Proceeding in this fashion is in direct violation of Nurse Featherston's due process rights recognized under the UAPA. Specifically, allowing such a hearing to proceed would violate the fundamental requirement of due process that the hearing be had at "a meaningful time and in a meaningful manner." It certainly is not a meaningful time and/or manner to have every participant, including her, in a remote location. Nothing in Governor Lamont's orders or Commissioner Clifford's order has suspended the provisions of the UAPA. None of the orders provide for the conduct of administrative hearings with the taking of evidence by video conference. There will be a multitude of individuals on a Microsoft Teams link, with no one together in the same room.

b. Nurse Featherston is Willing to Present for the Hearing Live

At the present time, jury trials have resumed in State courts. See, Exhibit C. In this contested hearing context, the plan to actually take evidence and have direct and cross-examination proceed remotely would be unfair to the respondent, especially given that if this instant matter had been a civil jury action, it would be live, in-person, and with more people present, than would be present during the proposed examining virtual board hearing. Of significance, having approximately ten people on the conference creates an unworkable situation. The need to interpose timely objections for the record and know that counsel is being clearly heard cannot be guaranteed or even ascertained when participating in a conference by Microsoft Teams.

Certainly, the current pandemic that everyone is currently living through has created a multitude of difficult circumstances, but Nurse Featherston should not unfairly bear the brunt

of it, particularly on an issue as important as her nursing license, especially when the option of having this virtual hearing held live is available. The fair outcome is to allow Nurse Featherston to present for the scheduled hearing live, especially given that the Connecticut administrative adjudication system has returned to in-person jury trials. Nurse Featherston must be present for the noticed hearing live so that she can finish this proceeding, which is extremely important to her, in a manner that does not deprive her of her right to a fair hearing.

c. A License To Practice As A Healthcare Provider Can Only Be Revoked With Procedures That Comport With Constitutional Due Process Law

“It is well established that a license to practice medicine is a recognized property right and may only be revoked under procedures that comport with constitutional due process of law.” Pet v. Department of Health Servs., 228 Conn. 651, 682 (1994). “When the government seeks to deprive a person of life, liberty or property, is that the thoroughness of the procedure by which the deprivation is effected must be balanced against the gravity of the potential loss and the interests at stake, and due process requires that the procedure involved must be appropriate to the nature of the case.” Leib v. Board of Examiners of Nursing, 177 Conn. 78. 83 (1979). “Because the UAPA is designed and intended to safeguard minimal due process rights; strict compliance with its mandate is necessary to ensure that significant property rights are not unlawfully destroyed.” Pet v. Department of Health Servs., 228 Conn. 651, 683 (1994).

As Nurse Featherston's nursing license is a property right protected by due process, the Department of Health hearing must safeguard this right and ensure that her property right is not unlawfully destroyed.

III. CONCLUSION

WHEREFORE, for all the foregoing reasons, the undersigned requests that the scheduled hearing be continued to October 20, 2021 with consent and be conducted live.

THE RESPONDENT,
CINDY FEATHERSTON, R.N.



Heidi M. Cilano, Esq.
Joseph M. Ferrantelli, Esq.
HEIDELL, PITTONI, MURPHY
& BACH, LLP.

CERTIFICATION

I hereby certify that on this 20th day of August, 2021, a copy of the foregoing was sent to the following:

Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue
MS #13PHO
P.O. Box 340308
Hartford, CT 06134-0308
Fax: (860) 509-7553
jeffrey.kardys@ct.gov

Linda Fazzina, Esq.
Office of Legal Compliance
410 Capital Avenue, MS #12LEG
P.O. Box 340308
Hartford, CT 06134-0308
linda.fazzina@ct.gov



Joseph M. Ferrantelli, Esq.

EXHIBIT

A

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

Cindy Jean Featherston
625 NE 13th Avenue, Apt 1
Fort Lauderdale, FL 33304

VIA EMAIL (1rntogo@msn.com)
and First Class Mail

RE: Cindy Jean Featherston, RN - Petition No. 2020-391

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **September 15, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

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

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

Filing an Answer; Failure to File Answer:

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

Representation by an Attorney:

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

Documents:

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

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

The following information shall be redacted.

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

Order Re: Filings

In preparation for this hearing you must, no later than September 1, 2021, provide the information specified in the attached Notice for Submissions.

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

Failure to Appear:

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

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

Dated at Hartford, Connecticut this 8th day of July, 2021.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

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

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

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

Notice for Submissions

The hearing in the matter of **Cindy Featherston, RN** has been scheduled for **September 15, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **September 1, 2021**, you must provide the following by electronic mail response to the hearing office at phho.dph@ct.gov

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

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

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

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

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

In re: Cindy Jean Featherston, R.N.

Petition No. 2020-391

STATEMENT OF CHARGES

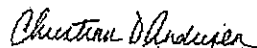
Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Cindy Jean Featherston:

1. Cindy Jean Featherston of Palm Coast, Florida (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut registered nurse license number 147946.
2. At all relevant times, respondent was practicing nursing at Bridgeport Hospital, Bridgeport, Connecticut.
3. On or about January 31, 2020, while working as a nurse at Bridgeport Hospital, respondent was impaired and/or exhibited behavioral changes.
4. On or about January 31, 2020, respondent abused and/or utilized to excess alcohol.
5. Respondent's abuse of and/or excess use of alcohol does, and/or may, affect her practice as a nurse.
6. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99, including but not limited to:
 - a. §20-99(b)(2);
 - b. §20-99(b)(3); and/or
 - c. §20-99(b)(5).

THEREFORE, the Department prays that:

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

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



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

EXHIBIT
B

From: Fazzina, Linda <Linda.Fazzina@ct.gov>
Sent: Wednesday, August 18, 2021 10:43 AM
To: Cilano, Heidi M. <hcilano@hpmb.com>
Subject: RE: Hearing - Connecticut Board of Examiners for Nursing (Featherston)

Heidi,

The Department would agree to a postponement to the October 20, 2021 meeting.

Linda Fazzina, Staff Attorney
Office of Legal Compliance
Connecticut Department of Public Health
410 Capitol Avenue, MS#12LEG
P.O. Box 340308
Hartford, CT 06134-0308

Phone: (860) 509-7600
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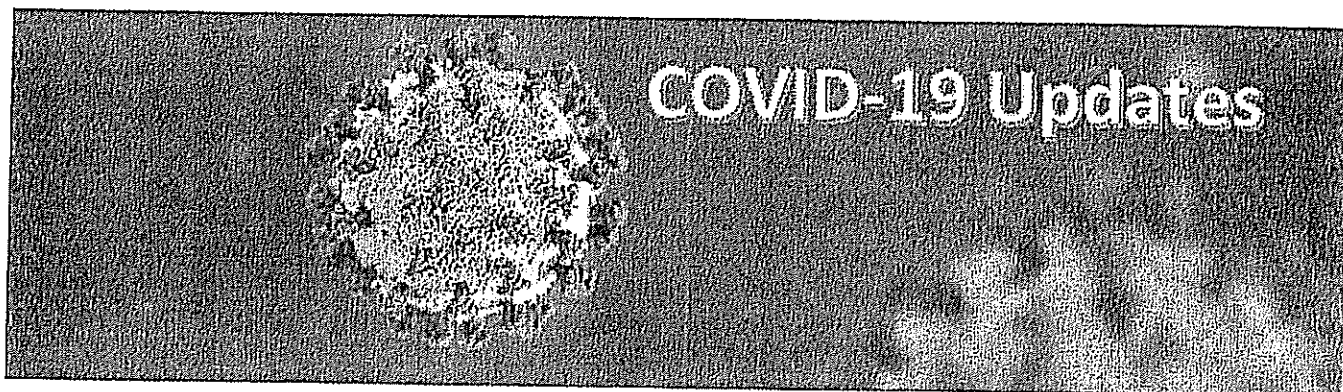


From: Cilano, Heidi M. <hcilano@hpmb.com>
Sent: Wednesday, August 18, 2021 8:53 AM
To: Fazzina, Linda <Linda.Fazzina@ct.gov>
Cc: Ferrantelli, Joseph M. <jferrantelli@hpmb.com>; Edo, Shannon <sedo@hpmb.com>; Lopes, Karen <klopes@hpmb.com>

EXHIBIT C



The mission of the Connecticut Judicial Branch is to serve the interests of justice and the public by resolving matters brought before it in a fair, timely, efficient and open manner.



Current COVID-19 Website Notices By Topic

Matters Being Heard

Facilities

Frequently Asked Question and Court Business

General

Supreme and Appellate Court

Civil Matters

Family Matters

Criminal Matters

Matters Being Heard

**May 18, 2021: STATEMENT FROM CHIEF COURT ADMINISTRATOR PATRICK L. CARROLL III
RE: RESUMPTION OF JURY TRIALS IN STATE COURTS**

Fifteen months ago, the COVID-19 pandemic prompted the suspension of jury trials. Now, with the virtual elimination of pandemic-related public health restrictions by the Centers for Disease Control and Prevention and the Governor, the broad availability of COVID-19 vaccinations, the encouraging reduction of statewide COVID positivity rates, enhanced sanitization and ventilation protocols and procedures within our buildings, and the retrofitting of Judicial Branch facilities to provide the highest level of health and safety protection for prospective jurors, employees and other stakeholders, the time has come for us to restore the essential and fundamental component of our system of justice – the right to a trial by jury.

Accordingly, by direction of the Chief Justice, the Judicial Branch will resume summoning jurors to courthouses throughout the state to restart the jury trial process as of June 1, 2021. As we have done since the beginning of the pandemic, we are undertaking this jury resumption initiative in continuing consultation with Connecticut public health officials and in compliance with directives from the Governor.

We remain committed to assuring that all of our facilities are safe places within which to summon jurors and conduct jury trials. With that goal in mind, we have dispatched our personnel to re-inspect all of our buildings and courtrooms where trials will be held to assure that all appropriate protective measures are in place. Chief Clerks and Chief Judicial Marshals are meeting with their respective staff members to assure that safe, efficient and courteous

procedures are in place to welcome and screen prospective jurors into our courthouses. Among other precautions we are taking, we will have ample supplies of personal protective equipment (PPE) for distribution to jurors, litigants, witnesses and others who may request such PPE. Hand sanitization stations will be visible and available throughout our facilities. Protective microphone coverings will be available in each courtroom. Face shields will be available, as needed, for witnesses as they testify to assure that facial expressions may be observed and assessed during testimony. At least in the initial stages of the jury resumption initiative, the plans to hold jurors and conduct jury deliberations in a courtroom adjacent to the courtroom where the trial is being held will remain in place. Naturally, the trial judges will also have the flexibility to order additional measures as the judge deems necessary to address concerns expressed by jurors or litigants during the proceedings.

Through this process, we will take every step necessary to assure jurors, counsel, litigants and staff that their safety remains our primary concern and that we have taken, and will continue to take, all appropriate steps necessary to assure that safety.

April 9, 2021: Jurors scheduled to appear in a Connecticut courthouse from now until May 31, 2021, should not report. Their jury service has been cancelled.

- Notwithstanding the fact that our jury system still sends out jury summonses, all jury service is suspended until May 31, 2021. If you have been summoned for jury service, please be advised that your service has been cancelled and that you should not report.

February 25, 2021: Notice of Resumption of Mediation in cases in the Foreclosure Mediation Program (FMP) involving non-federally backed mortgages

- Beginning March 1, 2021, the Judicial Branch will resume scheduling FMP premediations and mediations in cases that do not involve federally backed mortgages. At this time, all premediations and mediations will be held virtually, not in person. For more information on virtual court proceedings, go to <https://jud.ct.gov/RemoteJustice/>. View the Foreclosure Mediation Standing Order – Resumption of Mediations [here](#).

February 3, 2021: Update on Matters Currently Being Heard

- The Judicial Branch has been conducting court business using alternatives to in-person presence since March 30, 2021, and has steadily increased the types of matters that are being handled remotely. Currently all matters, with the exception of jury trials, are being heard in Connecticut state courts.

[Matters Being Heard Archive](#)

Facilities

April 26, 2021: The following courthouses are currently being inspected and updated with the goal of resuming operations in those courthouses as of May 17, 2021:

- Geographical Area No. 5 courthouse located at 106 Elizabeth St. in Derby
- Geographical Area No. 10 courthouse located at 112 Broad St. in New London
- Geographical Area No. 12 courthouse located at 410 Center St. in Manchester
- Judicial District Courthouse located at 155 Church St. in Putnam
- Juvenile Matters at Rockville located at 25 School St. in Rockville

December 23, 2020: Judicial Branch Face Covering Policy.

- In addition to employees and judges, this policy applies to all visitors and contractors

August 14, 2020: Face Coverings

- Pursuant to Governor Ned Lamont's [Executive Order No. 7NNN](#), no person is permitted to enter a Judicial Branch courthouse or facility without covering his or her mouth and nose with a mask or cloth face covering. This order replaces [Executive Order No. 7BB](#) that was issued in April 2020.

[Facilities Archive](#)

General

[June 10, 2021: The Judicial Branch Law Libraries are reopening to the public on Wednesday, June 16th](#)

[April 16, 2021: Statement from Chief Court Administrator Patrick L. Carroll III](#)

[July 17, 2020: Connecticut Guide to Remote Hearings For Attorneys and Self-Representive Parties](#)

[May 18, 2020: Parenting Education Class offered Online](#)

[April 17, 2020: Bid Opportunities Notice Regarding COVID-19](#)

[April 6, 2020: Accessing Judicial Branch Resources from Home](#)

[March 16, 2020: Judicial Branch Law Libraries closed until further notice](#)

[General Archive](#)

Supreme and Appellate Court

[December 02, 2020: Resumption of Requirements and Deadlines Related to Supreme and Appellate Court Operations and Related to Offers of Compromise](#)

November 19, 2020:

- To the extent possible, virtual hearings at the Supreme Court will be made available on the [Supreme Court's YouTube Channel](#). Please note the audio for most hearings from Supreme and Appellate Court arguments, conducted in person or remotely, are available on the Oral Arguments Audio pages for the [Supreme and Appellate Courts](#).

[June 10, 2020: The Suspension that Applies to Appellate filings in cases pending before the Supreme and Appellate Courts has been Removed](#)

[Supreme and Appellate Court Archive](#)

Civil Matters

[February 1, 2021: Notice of livestreaming of remote on-the-record civil and housing cases](#)

[September 24, 2020: Standing Order regarding the filing of an Affidavit-Federal Mortgage Foreclosure Moratorium form JD-CV-172 in mortgage foreclosure cases](#)

[September 14, 2020: Notice Regarding Summary Process \(eviction\) Execution hearings and Centers for Disease Control and Prevention's Eviction Moratorium](#)

[Civil Matters Archive](#)

Family Matters

[December 23, 2020: Superior Court for Family Matters Standing Orders](#)

[September 09, 2020: Notice of Resumption of Defaults and Nonsuits in Civil and Family Matters](#)

[August 12, 2020: Information Regarding Family Matters "Case Dates"](#)

[June 25, 2020: Update on Requesting Approval of QDROs](#)

[June 17, 2020: Virtual \(Video\) Hearings and Future Scheduling of Family Court Matters](#)

[June 17, 2020: Superior Court for Family Matters Notice to Parties and Counsel](#)

[May 18, 2020: Parenting Education Class offered Online](#)

[May 15, 2020: Message Regarding Remote Family Pretrials and Status Conferences](#)

[Please Do Not File Motions for Continuance](#)

[May 14, 2020: Simplifying the process for Self-Represented Parties to E-File their documents](#)

[May 5, 2020: Requesting Approval of Gestational Agreements Remotely](#)

[April 29, 2020: Notice to Parties and Counsel: Superior Court for Family Matters Previously Scheduled Hearings and Trials During The COVID-19 Emergency](#)

[Family Matters Archive](#)

Criminal Matters

[May 13, 2020: Criminal Matters Continue Expanding its Capability to Handle Cases](#)

[April 7, 2020: Process for Media Representatives to Observe Criminal Proceedings during COVID-19](#)

[Criminal Matters Archive](#)

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

In re: Cindy Jean Featherston, RN

Petition No. 2020-391

August 20, 2021

**DEPARTMENT’S OBJECTION TO RESPONDENT’S
REQUEST FOR A LIVE PROCEEDING**

On August 20, 2021, Cindy Jean Featherston, R.N. (“respondent”) moved for a continuance of the hearing currently scheduled in this matter before the Connecticut Board of Examiners for Nursing (“the Board”) for 9:00 a.m. on September 15, 2021 and further asks that the hearing in this matter be conducted live. Respondent argues that a virtual hearing would be inherently unfair and deprive her of her due process right that the hearing be held at “a meaningful time and in a meaningful manner.”

The Department of Public Health ("the Department") states as follows:

1. The Department does not object to continuing the date of the hearing from September 15, 2021 to October 20, 2021.
2. The Department objects to the request for a live hearing. A remote hearing by videoconference, using the *Microsoft Teams* platform, satisfies due process.

Even prior to the COVID-19 pandemic, remote proceedings were permitted. Connecticut Practice Book §23-68 allows “...at the discretion of the judicial authority, any party, counsel, witness, or other participant in any proceeding may appear by means of an interactive audiovisual device” Similarly, in criminal proceedings, the defendant may appear by interactive audiovisual means. *See*, Connecticut Practice Book §44-10A. Depositions may be

taken by telephone, video conference or other remote electronic means. *See*, Conn. Rule Civ. Proc. §13-30(g). Transcripts or video recordings of such depositions may be put into evidence at trial without the presence of the witness under a variety of circumstances, including the availability of a distant witness. *Ibid.* at §13-31(a)(4). The same rules provide for depositions of various licensed health professionals to be put into evidence without the health care professional appearing. *Ibid.* at §13-31(a)(2). Similarly, Connecticut Probate Code §66.1 permits a witness to testify by electronic means. Additionally, Connecticut administrative tribunals, including professional boards and commissions within the Department, have permitted telephonic and video testimony in hearings for more than a decade.

Remote proceedings provide the same due process protection as does a live hearing. Remote proceedings utilizing *Microsoft Teams* allow for video, audio and screen sharing features. All participants, including Board members, parties, and counsel, can see and hear witnesses. Oaths are administered and questions can be asked on both direct and cross-examination. Objections and motions can be made and ruled upon. Documentary evidence is introduced, although it is submitted, in advance of the hearing. Counsel can, as in a live hearing, ask for a break to confer with her client, regardless whether they are present in the same office or attending the remote hearing from separate locations.

Respondent has failed to provide any case law or statutes or otherwise demonstrate that a remote hearing does not meet all due process requirements. Moreover, Connecticut Practice Book §23-68(g) and Connecticut Practice Book §44-10A(e) were recently modified providing that “nothing contained in this section shall be construed to preclude the Judicial Branch, at the discretion of the chief court administrator, from handling any matter remotely.” Clearly, it is the intent of the Connecticut Judicial Branch to continue to permit remote proceedings and that no impediment to due process exists in doing so.

Accordingly, a remote hearing should be rescheduled for the October 20, 2021 Board meeting as respondent is unavailable for the remote hearing currently scheduled for the September 15, 2021 Board meeting.

Respectfully submitted,

THE DEPARTMENT OF PUBLIC HEALTH

Linda L. Fazzina

Linda L. Fazzina, Staff Attorney
Office of Legal Compliance

CERTIFICATION

I certify that on this 20th day of August, 2021, a copy of the foregoing was sent by email to Attorney Heidi Cilano (hcilano@hpmb.com) and to Jeffrey A. Kardys (jeffrey.kardys@ct.gov), Administrative Hearings Specialist in the Department's Public Health Hearing Office.

Linda L. Fazzina

Linda L. Fazzina, Staff Attorney
Office of Legal Compliance

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

August 24, 2021

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VIA EMAIL ONLY (hcilano@hpmb.com)
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VIA EMAIL ONLY (linda.fazzina@ct.gov)

RE: **Cindy Featherston, RN - Petition No. 2020-391**

**RULINGS ON RESPONDENT'S MOTION FOR CONTINUANCE;
and RESPONDENT'S REQUEST FOR A LIVE PROCEEDING**

On August 20, 2021, counsel for respondent filed a motion for a continuance of the hearing in the referenced matter scheduled for a September 15, 2021 due to respondent's unavailability. The Department of Public Health does not object to this request. Respondent's motion for a continuance is **GRANTED**.

Additionally, respondent requests that a live, in-person hearing be scheduled. The Department of Public Health filed an objection to respondent's request on August 20, 2021. Respondent's request for a live, in-person proceeding is **DENIED**.

NOTICE OF RESCHEDULED HEARING

The hearing in this matter is rescheduled to convene **October 20, 2021, at 9:00 a.m.** The hearing will be held via Microsoft TEAMS during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.



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In preparation for this hearing the information specified in the attached Notice for Submissions must be provided, no later than October 6, 2021.

The Board may hold a fact-finding immediately following the close of the record.

FOR: BOARD OF EXAMINERS FOR NURSING
Patricia C. Bouffard, D.N.Sc., Chairperson

/s/ Jeffrey A. Kardys

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

Notice for Submissions

The hearing in the matter of **Cindy Featherston, RN**, has been scheduled for **October 20, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **October 6, 2021**, you must provide the following by electronic mail response to the Department of Public Health, Public Health Hearing Office at phho.dph@ct.gov

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

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

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

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

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Petition No.: 2020-391 :
 :
In re: Cindy Jean Featherston, R.N. : September 28, 2021

**MOTION FOR CONTINUANCE OF HEARING AND REQUEST
FOR A LIVE PROCEEDING**

Cindy Jean Featherston, R.N. hereby moves for a continuance of the Connecticut Board of Examiners for Nursing's Notice of Scheduled Hearing dated October 20, 2021. See, Exhibit A.

Nurse Featherston is currently working via a nursing contract in Florida which has been extended and now expires on January 8, 2021. Moreover, Attorney Cilano, the only attorney representing Nurse Featherston since July 22, 2020, will also be unavailable for the hearing date as Attorney Cilano will now be on trial in the matter of Raymond Kurker, M.D. v. Lauren Burke, M.D. aka Lauren Matteini, M.D., Orthopedic Associates of Hartford, P.C., Stephen F. Calderon, M.D. and Neurosurgical Associates, Inc. (Docket No. HHD-CV18-6090891-S). See, Exhibit B. Since July 22, 2020, Nurse Featherston has been personally funding her legal services. Therefore, not allowing Attorney Cilano to represent Nurse Featherston at this hearing would be highly prejudicial.

LAW OFFICES
HEIDELL, PITTONI,
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55 MAIN STREET, SUITE 1100
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12031 382-9700
JURIS NO. 103041

Nurse Featherston further renews her request that the hearings in this matter proceed live. Upon the completion of her current employment obligations, the undersigned have no objection to presenting for a scheduled hearing in person utilizing standard COVID 19 precautions, especially given that jury trials have resumed in State Courts, which require more people to be present than during the Connecticut Board of Examiners for Nursing Hearing. See, Exhibit C.

I. **FACTS**

On July 7, 2021, Nurse Featherston received notification of her statement of charges from the Department of Public Health's Healthcare Quality and Safety Branch. The statement of charges outlines six separate charges brought against Nurse Featherston.

On or before October 6, 2021, Nurse Featherston is requested to provide all electronically pre-filed exhibits, a witness list, photo identification, an electronic mail address, a cell phone number, a statement as to whether an executive session may be required, and a statement as to whether an interpreter will be needed in preparation for this hearing.

II. **LEGAL ARGUMENT**

a. The Proposed Administrative Procedure Directly Implicates the Fundamental Tenets of Due Process

“The procedure which the Uniform Administrative Procedure Act (hereinafter “UAPA”) requires for ‘contested cases’...exceed the minimal procedural safeguards mandated by the due process clause.” Levinson v. Board of Chiropractic Examiners, 211 Conn. 508, 531, 560 A.2d 403 (1988). In being afforded a full evidentiary due process hearing, one receives the benefit of legal counsel, sworn testimony, cross examination of witnesses and the opportunity to call witnesses. Sahadi v. Connecticut Board of Examiners for Nursing, CV 960565266, 1997 Conn. Super. LEXIS 3368, at *3 (Super. Dec. 18, 1997).

Our analysis is guided by the following general principles concerning the right to counsel of choice under the sixth amendment to the United States Constitution, which provides that, “[i]n all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his [defense]. We have previously held that an element of this right is the right of a defendant who does not require appointed counsel to choose who will represent him...the sixth amendment guarantees a defendant the right to be represented by an otherwise qualified attorney whom the defendant can afford to hire, or who is willing to represent the defendant even though he is without funds.” (Citations omitted; internal quotation marks omitted). United States v. Gonzalez-Lopez, supra, 548 U.S. 144, quoting Caplin & Drysdale, Chartered v. United States, supra 491 U.S. 624-25; Wheat v. United States, supra, 486 U.S. 159; see also, e.g., Peeler I, supra, 265 Conn. 471-72. State v. Peeler, 320 Conn. 567, 578-579, 133 A.3d 864 (2016).

Sahadi stands for the fact that contested cases in front of the administrative agencies require a higher standard of due process than criminal court. In Sahadi, having counsel present for the hearing was one of the determining factors the court affirmed the administrative agency's ruling. The court found that the plaintiff was afforded due process as the plaintiff was provided the opportunity to be heard with her attorney examining and cross examining witnesses. Further, it is black letter law that sixth amendment to the United States Constitution due process requires assistance of counsel and, while the right to choose your counsel is not unlimited, Nurse Featherston's attorney of choice, Attorney Cilano, having a conflict and requesting a continuance of the hearing is not one of those limitations.

Further, the omission of counsel at this administrative hearing directly implicates the fundamental tenets of due process. "[t]he omissions in the defendant's notice directly implicate the fundamental tenets of due process – the right to be heard and the right to be represented at an administrative hearing." Goldberg v. Kelly, 397 U.S. 254, 90 S. Ct. 1011, 25 L.Ed.2d 287 (1970). "Whether it be in the area of constitutional criminal procedure, or in the context of institutional hearings, or in the context of public benefits; our courts have consistently recognized the paramount importance of the right to counsel at those hearings in which decisions affecting a citizen's liberty or property interests are made." Bostrom v. State Comr., Dep't of Income Maintenance, 1992 Conn. Super. LEXIS 1052. "Certain principles have

remained immutable in our jurisprudence. This court has been zealous to protect these rights from erosion. It has spoken not only in criminal cases, but also in all types of cases where administrative actions were under scrutiny.” Greene v. McElroy, 360 U.S. 474, 496-97, 74 S.Ct. 1400 3 L.Ed.2d 1377 (1959).

Both federal and Connecticut case law make it clear that denying legal representation at an administrative hearing concerning a citizen’s liberty or property interest directly violates the foundational principles of due process. Nurse Featherston’s license to practice nursing is a serious property interest that provides her with the ability to earn an income. Further, Nurse Featherston has already hired Attorney Cilano to represent her in this matter. Attorney Cilano is the only attorney who has worked with Nurse Featherston regarding this matter since Nurse Featherston first received notice. Therefore, it would be both highly prejudicial and a clear violation of Nurse Featherston’s due process rights guaranteed to her as a citizen of the United States if Nurse Featherston is not allowed Attorney Cilano’s counsel.

b. The Proposed Administrative Procedure Is Not Constitutionally Adequate

“The fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” Mathews v. Eldridge, 424 U.S. 319, 333 (1976) citing Armstrong v. Manzo, 380 U.S. 545, 552 (1965).

For more than a century the central meaning of procedural due process has been clear: Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified... it is equally fundamental that the right to notice and an opportunity to be heard must be granted at a meaningful time and in a meaningful manner... Due process, unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances... instead, due process is a flexible principle that calls for such procedural protections as the particular situation demands. In re DeLeon J., 290 Conn. 371, 378 (2009) citing to All Brand Importers, Inc. v. Dept. of Liquor Control, 213 Conn. 184. 208-209 (1989).

“What the Constitution does require is “an opportunity... [to be heard] granted at a meaningful time and in a meaningful manner... [and]... for a hearing appropriate to the nature of the case.” Brandt v. Travelers Corp., 1995 Conn. Super. LEXIS 743 (J. Berger) (March 7, 1995) at *8 citing to Boddie v. Connecticut, 401 U.S. 371, 378 (1971). “A State must afford to all individuals a meaningful opportunity to be heard if it is to fulfill the promise of the Due Process Clause.” Boddie at 379. “The definition of a hearing provided in Black’s Law Dictionary as “[a] proceeding of relative formality... generally public, with definite issues of fact or of law to be tried, in which witnesses are heard and evidence presented, and in which parties to a dispute have a right to be heard.” Reyes v. City of Bridgeport, 134 Conn. App. 422, 427 (2012) citing to Dietzel v. Planning Commission, 60 Conn. App. 153, 160-161 quoting Black’s Law Dictionary (6th Ed. 1990).

Our Supreme Court has stated that [a] hearing can be a proceeding in the nature of a trial with the presentation of evidence, it can be merely for the purpose of presenting arguments, or, of course, it can be a combination of the two. . . . Not

only does a hearing normally connote an adversarial setting, but usually it can be said that it is any oral proceeding before a tribunal. . . . Our cases consistently recognize the generally adversarial nature of a proceeding considered a hearing, in which witnesses are heard and testimony is taken." (Internal quotation marks omitted.) Dortenzio v. Freedom of Info. Comm'n, 48 Conn. App. 424, 434 (1998).

To evaluate the constitutional adequacy of administrative procedures, a three-part test set forth by the United States Supreme Court in Mathews is applied which balances the following:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. Mathews at 335.

The second portion of the Mathews test is the one at issue in this instant action. Relative to the second prong of the Mathews test "disciplinary proceedings against physicians before the board must comport with the contested case requirements of the Uniform Administrative Procedure Act (hereinafter "UAPA"). We previously have determined that 'the procedures required by the UAPA exceed the minimal procedural safeguards mandated by the due process clause.'" Jones v. Conn. Med. Examining Bd., 309 Conn. 727, 741-742 (2013) citing to Pet at 661. With all persons involved in a separate location appearing by video and without Attorney Cilano's

participation, the proposed hearing format is not constitutionally adequate and does not fulfill the promise of the Due Process Clause. Specifically, the proposed hearing format violates Nurse Featherston’s right to cross-examination and fails to provide Nurse Featherston with the ability to observe a witness’ demeanor for credibility, as well as to consult with counsel as the proceeding unfolds.

i. The Proposed Hearing Format Violates Nurse Featherston’s Right To Cross-Examination At Department of Public Health Hearings

The Connecticut Supreme Court has held that there is a right to cross-examination at administrative hearings. “We have recognized a common-law right to fundamental fairness in administrative hearings. The only requirement [in administrative proceedings] is that the conduct of the hearing shall not violate the fundamentals of natural justice... fundamentals of natural justice require that there must be due notice of the hearing, and at the hearing no one may be deprived of the right *to produce relevant evidence* or to *cross-examine witnesses* produced by his adversary...” (Internal citations omitted; emphasis added). Grimes v. Conservation Comm’n, 243 Conn. 266, 273-274 (1997). “[an administrative body]... is not limited by the strict rules, as to the admissibility of evidence... but the more liberal the practice in admitting testimony, the more imperative the obligation to preserve the essential rules of evidence by which rights are asserted or defended.” Wadell v. Board of Zoning Appeals, 136

Conn. 1, 8-9 (1949). See, also, Gordon v. Indusco Management Corp., 164 Conn. 262, 271 (1973) (a party must be able to “substantially and fairly [exercise]” the right of cross-examination).

Moreover, the right of cross-examination is expressly provided for in contested hearings conducted by agencies subject to the UAPA. “‘Contested case’ means a proceeding, including but not restricted to rate-making, price-fixing and licensing, in which the legal rights, duties or privileges of a party are required by state statute or regulation to be determined by an agency after an opportunity for hearing or in which a hearing is in fact held...” Conn. Gen. Stat. §4-166 (4). “In contested cases: a party and such agency may conduct cross-examinations required for a full and true disclosure of the facts.” Conn. Gen. Stat. §4-178(5). Additionally, “In a contested case, each party and the agency conducting the proceeding shall be afforded the opportunity (1) to inspect and copy relevant and material records, papers and documents not in the possession of the party or such agency, except as otherwise provided by federal law or any other provision of the general statutes, and (2) at a hearing, to respond, *to cross-examine other parties, intervenors, and witnesses*, and to *present evidence* and argument on all issues involved.” (Emphasis added) Conn. Gen. Stat. §4-177c (a).

In Pisani v. Old Lyme Zoning Board of Appeals, 2002 Conn. Super. LEXIS 1929, the court addressed the right to cross-examination during an administrative hearing. The plaintiffs

asserted that they had been deprived of their due process rights because they were denied the opportunity to cross-examine the Zoning Enforcement Officer and refute new charges raised during the hearing. Id. at *5. The Court recognized that the plaintiffs had a right to cross-examine witnesses during administrative proceedings relying on Grimes. Id. at *6-7. However, the Court ultimately held that the plaintiffs were not deprived of their right to cross-examine because they were afforded ample opportunity to cross-examine the zoning enforcement officer. Id. at *9. Of significance, in making this decision, the Court noted that the zoning enforcement officer “was *present* throughout the public hearing and answered questions posed by the defendant members and the plaintiff’s attorney.” (Emphasis added). Id.

If the matter proceeds in the suggested format, Nurse Featherston will be deprived of her due process right to cross-examination. This matter is unlike the situation in Pisani. In Pisani, the zoning enforcement officer was *present* at the hearing and able to answer the questions posed in person. Here, not a single person will be present in the same room, it will be impossible to see what the various reactions to provided testimony are, counsel for Nurse Featherston will be prevented from conferring with Nurse Featherston in real-time, it is unclear how exhibits are going to be presented to the parties, and of most significance, Attorney Cilano will not be able to attend the hearing due to a scheduled in-person trial. The potential for an inability to present evidence in and of itself should be enough to satisfy a postponement of the

hearing. Additionally, the prejudicial effect of Attorney Cilano's absence from the hearing, as scheduled, is also enough to satisfy a postponement of the hearing.

Additionally, any testimony that the Connecticut Board of Examiners for Nursing intends to offer concerns the potential suspension or revocation of Nurse Featherston's license to practice nursing, a property interest protected by due process. Anything less than direct and live cross-examination and the ability to present evidence live would deprive Nurse Featherston of a due process right mandated by Connecticut law. Any witness the Department is calling will be to contradict the testimony of Nurse Featherston. She must be able to assess that with her counsel and formulate the response. Unfortunately, the hearing's scheduling makes this impossible.

Having approximately ten people at the virtual conference creates an unworkable situation. The need to interpose timely objections for the record and know that counsel is being heard cannot be guaranteed or even ascertained when participating in a conference by Microsoft Teams. In counsel's experience using it on limited occasions for simple status conferences, it has glitches. In some circumstances, it has had such poor connections that the superior court judge had to resort to a simple telephone conference as an alternative.

- ii. *The Hearing Conducted By Virtual Means Fails to Provide The Ability to Observe Demeanor for Credibility*

The Connecticut Supreme Court has recognized that “cross-examination concerning motive, interest or bias is a matter of right and may not be unduly restricted.” State v. Fullwood, 199 Conn. 281, 286 (1986). It is well established that the credibility of a witness “must be assessed... not by reading the cold printed record, but by observing firsthand the witness’ conduct, demeanor, and attitude... An appellate court must defer to the trier of fact’s assessment of credibility because [i]t is the [fact-finder]... [who has] an opportunity to observe the demeanor of the witnesses and the parties; the [the fact-finder] is best able to judge the credibility of the witnesses and to draw necessary inferences therefrom” Gianetti v. Norwalk Hosp., 304 Conn. 754, 773 (2012) quoting State v. Lawrence, 282 Conn. 141, 155 (2007). Such observations may include “genuine and spontaneous reactions by them in the courtroom.” State v. McLaughlin, 126 Conn. 257, 264 (1939).

In this matter, neither the fact-finder nor the undersigned would be able to observe witnesses in person to establish the same credibility. Of significance, any witness’s demeanor would be unobservable through the telephone and lost through a video conferencing system. Additionally, the use of teleconference systems would distort the presentation of witnesses and individuals involved in the proceeding during testimony and arguments, therefore, depriving genuine and spontaneous reactions necessary to the fact finder and Nurse Featherston.

Counsel is also concerned about utilizing the Microsoft Teams technology to cross-examine a witness. It is unknown to the undersigned how the technology works for presenting evidence to a witness. For example, having the witness see the document and what is being referred to while simultaneously seeing the witnesses as they respond. If it were that simple and effective, all the courts would have returned to doing business that way despite the ongoing pandemic. Unfortunately, that has not been the case because this is not an effective method for presenting even an oral argument on a motion to a single judge, let alone the presentation of actual evidence to a multi-person board.

There are very significant technical aspects to this case involving the various systems. The ability to know that the witness, the members of the panel, and the lawyers are looking at the same thing and understanding what the witness is seeing cannot be adequately undertaken. Individuals in separate locations are wholly unworkable. We all use visual cues to know when to speak, when to stop speaking and how best to proceed with questioning a document and everyone being on the same page. That cannot be achieved on a video screen.¹ A review of Executive Order 7 B shows that it modified the undertaking of meetings and proceedings, but it does not suggest in any way that evidentiary hearings may be held by video conference. Based

¹ Counsel really cannot even envision how this can be effective with so many people appearing remotely. The most individuals on team call that counsel has worked with on a simple status conference are three, the two lawyers and a judge.

on this, the meetings and proceedings being referred to are different from the administrative hearing that has been scheduled here.

Proceeding in this fashion is in direct violation of Nurse Featherston's due process rights recognized under the UAPA. Specifically, allowing such a hearing to proceed would violate the fundamental requirement of due process that the hearing be had at "a meaningful time and in a meaningful manner." It certainly is not a meaningful time and/or manner to have every participant, including her, in a remote location. Nothing in Governor Lamont's orders or Commissioner Clifford's order has suspended the provisions of the UAPA. None of the orders provide for the conduct of administrative hearings with the taking of evidence by video conference. There will be a multitude of individuals on a Microsoft Teams link, with no one together in the same room.

c. Nurse Featherston is Willing to Present for the Hearing Live

At the present time, jury trials have resumed in State courts. See, Exhibit C. In this contested hearing context, the plan to take evidence and have direct and cross-examination proceed remotely would be unfair to the respondent, especially given that if this instant matter had been a civil jury action, it would be live, in-person, and with more people present, than would be present during the proposed examining virtual board hearing. Of significance, having approximately ten people on the conference creates an unworkable situation. The need to

interpose timely objections for the record and know that counsel is heard cannot be guaranteed or even ascertained when participating in a conference by Microsoft Teams.

Indeed, the current pandemic that everyone is currently living through has created a multitude of difficult circumstances, but Nurse Featherston should not unfairly bear the brunt of it, particularly on an issue as crucial as her nursing license, especially when the option of having this virtual hearing held live is available. The fair outcome is to allow Nurse Featherston to present for the scheduled hearing live, especially given that the Connecticut administrative adjudication system has returned to in-person jury trials. Nurse Featherston must be present for the noticed hearing live so that she can finish this proceeding, which is extremely important to her, in a manner that does not deprive her of her right to a fair hearing.

d. A License To Practice As A Healthcare Provider Can Only Be Revoked With Procedures That Comport With Constitutional Due Process Law

“It is well established that a license to practice medicine is a recognized property right and may only be revoked under procedures that comport with constitutional due process of law.” Pet v. Department of Health Servs., 228 Conn. 651, 682 (1994). “When the government seeks to deprive a person of life, liberty or property, is that the thoroughness of the procedure by which the deprivation is effected must be balanced against the gravity of the potential loss and the interests at stake, and due process requires that the procedure involved must be

appropriate to the nature of the case.” Leib v. Board of Examiners of Nursing, 177 Conn. 78. 83 (1979). “Because the UAPA is designed and intended to safeguard minimal due process rights, strict compliance with its mandate is necessary to ensure that significant property rights are not unlawfully destroyed.” Pet v. Department of Health Servs., 228 Conn. 651, 683 (1994).

As Nurse Featherston’s nursing license is a property right protected by due process, the Department of Health hearing must safeguard this right and ensure that her property right is not unlawfully destroyed. Further, given the magnitude of this hearing, it would be unfairly prejudicial to schedule the hearing for a time when Nurse Featherston’s legal representative is unable to attend due to the proceeding of a live, in-person jury trial.

III. CONCLUSION

WHEREFORE, for all the foregoing reasons, the undersigned requests that the scheduled hearing be continued to mid-January of 2022 and be conducted live.

THE RESPONDENT,
CINDY FEATHERSTON, R.N.



Heidi M. Cilano, Esq.
Joseph M. Ferrantelli, Esq.
HEIDELL, PITTONI, MURPHY
& BACH, LLP.

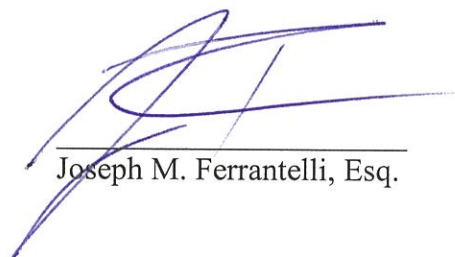
LAW OFFICES
HEIDELL, PITTONI,
MURPHY & BACH, LLP
55 MAIN STREET, SUITE 1100
BRIDGEPORT, CT 06604
(203) 382-9700
JURIS NO. 103041

CERTIFICATION

I hereby certify that on this 28th day of September, 2021, a copy of the foregoing was sent to the following:

Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue
MS #13PHO
P.O. Box 340308
Hartford, CT 06134-0308
Fax: (860) 509-7553
jeffrey.kardys@ct.gov

Linda Fazzina, Esq.
Office of Legal Compliance
410 Capital Avenue, MS #12LEG
P.O. Box 340308
Hartford, CT 06134-0308
linda.fazzina@ct.gov



Joseph M. Ferrantelli, Esq.

EXHIBIT

A

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

CONNECTICUT MEDICAL EXAMINING BOARD

August 24, 2021

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VIA EMAIL ONLY (hcilano@hpmb.com)
VIA EMAIL ONLY (jferrantelli@hpmb.com)

Linda Fazzina, Staff Attorney
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410 Capitol Avenue, MS #12LEG
PO Box 340380
Hartford, CT 06134-0308

VIA EMAIL ONLY (linda.fazzina@ct.gov)

RE: Cindy Featherston, RN - Petition No. 2020-391

**RULINGS ON RESPONDENT'S MOTION FOR CONTINUANCE;
and RESPONDENT'S REQUEST FOR A LIVE PROCEEDING**

On August 20, 2021, counsel for respondent filed a motion for a continuance of the hearing in the referenced matter scheduled for a September 15, 2021 due to respondent's unavailability. The Department of Public Health does not object to this request. Respondent's motion for a continuance is **GRANTED**.

Additionally, respondent requests that a live, in-person hearing be scheduled. The Department of Public Health filed an objection to respondent's request on August 20, 2021. Respondent's request for a live, in-person proceeding is **DENIED**.

NOTICE OF RESCHEDULED HEARING

The hearing in this matter is rescheduled to convene **October 20, 2021, at 9:00 a.m.** The hearing will be held via Microsoft TEAMS during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.



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

Affirmative Action/Equal Opportunity Employer



RE: Cindy Featherston, RN - Petition No. 2020-391

Page 2

In preparation for this hearing the information specified in the attached Notice for Submissions must be provided, no later than October 6, 2021.

The Board may hold a fact-finding immediately following the close of the record.

FOR: BOARD OF EXAMINERS FOR NURSING
Patricia C. Bouffard, D.N.Sc., Chairperson

/s/ *Jeffrey A. Kardys*

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

Notice for Submissions

The hearing in the matter of **Cindy Featherston, RN**, has been scheduled for October 20, 2021 and will be conducted remotely through Microsoft Teams/teleconference.

On or before October 6, 2021, you must provide the following by electronic mail response to the Department of Public Health, Public Health Hearing Office at phho.dph@ct.gov

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

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

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

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

EXHIBIT

B



State of Connecticut Judicial Branch Superior Court E-Filing



- E-Services Home
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- E-Services Inbox
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- Superior Court E-Filing
 - Civil/Family
 - Housing
 - Small Claims
-
- E-File a New Case
-
- E-File on an Existing Case
 - By Docket Number
 - By Party Name
 - List My Cases
-
- Court Events
 - By Date
 - By Juris Number
 - By Docket Number
-
- Short Calendars
 - Markings Entry
 - Markings History
 - My Short Calendars
 - By Court Location [🔗](#)
 - Calendar Notices [🔗](#)
-
- My Shopping Cart (0)
- My E-Filed Items
-
- Legal Notices [🔗](#)
-
- Pending Foreclosure Sales [🔗](#)
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- Search By Property Address
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We are experiencing issues completing credit card transactions for filers using Safari browsers. At this time, if you are an attorney or firm using Safari as your browser, please either use a different browser or pay by check. Self-represented parties should also use a browser other than Safari if possible or should file any cases or motions which require a fee on paper with the Court Clerk. Thank you for your patience.

Attorney/Firm: HEIDELL PITTONI MURPHY & BACH LLP (103041) **E-Mail:** drobertson@hpmb.com [Logout](#)
☞ HHD-CV18-6090891-S **KURKER, MD, RAYMOND v. BURKE, MD, LAUREN, A/K/A MATTEINI M.D. LAUREN Et Al**
Prefix: HD2 **Case Type:** T28 **File Date:** 03/12/2018 **Return Date:** 04/03/2018
Case Detail [Notices](#) [History](#) [Exhibits](#) [Scheduled Court Dates](#) [Help Manual](#)

[To receive an email when there is activity on this case, click here.](#)

Select Case Activity: E-File a Pleading or Motion

Information updated as of: 09/27/2021

Case information
<p>Case Type: T28 - Torts - Malpractice - Medical Court Location: Hartford JD List Type: JURY (JY) Trial List Claim: 01/07/2019 Last Action Date: 07/27/2021 (The "last action date" is the date the information was entered in the system)</p>

Disposition Information
<p>Disposition Date: Disposition: Judge or Magistrate:</p>

Party & Appearance Information

Party	No Fee Party	Party Category	Party Type
P-01 RAYMOND KURKER MD Attorney: ☞ WALSH WOODARD LLC (412145) 527 PROSPECT AVENUE WEST HARTFORD, CT 06105 File Date: 03/12/2018	☞	Plaintiff	Person
D-01 LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN Attorney: ☞ HEIDELL PITTONI MURPHY & BACH LLP (103041) 855 MAIN STREET SUITE 1100 BRIDGEPORT, CT 06604 File Date: 04/05/2018	☞	Defendant	Person
D-02 STEPHEN CALERON MD Attorney: ☞ MORRISON MAHONEY LLP (404459) ONE CONSTITUTION PLAZA 10TH FLOOR HARTFORD, CT 06103 File Date: 03/23/2018	☞	Defendant	Person
D-03 ORTHOPEDIC ASSOCIATES OF HARTFORD, P.C. Attorney: ☞ HALLORAN & SAGE LLP (431556) 125 EUGENE O'NEILL DRIVE SUITE 300 NEW LONDON, CT 06320 File Date: 04/04/2018	☞	Defendant	Firm or Corporation
Attorney: ☞ HALLORAN & SAGE LLP (026105) ONE GOODWIN SQUARE 225 ASYLUM STREET HARTFORD, CT 06103 File Date: 07/31/2018	☞		
D-04 NEUROSURGICAL ASSOCIATES, INC. REMOVED		Defendant	Firm or Corporation

Viewing Documents on Civil, Housing and Small Claims Cases:

If there is an ☞ in front of the docket number at the top of this page, then the file is electronic (paperless).

- Documents, court orders and judicial notices in electronic (paperless) civil, housing and small claims cases with a return date on or after January 1, 2014 are available publicly over the internet.* For more information on what you can view in all cases, view

the [Electronic Access to Court Documents Quick Card](#).

- For civil cases filed prior to 2014, court orders and judicial notices that are electronic are available publicly over the internet. Orders can be viewed by selecting the link to the order from the list below. Notices can be viewed by clicking the **Notices** tab above and selecting the link.*
- Documents, court orders and judicial notices in an electronic (paperless) file can be viewed at any judicial district courthouse during normal business hours.*
- Pleadings or other documents that are not electronic (paperless) can be viewed only during normal business hours at the Clerk's Office in the Judicial District where the case is located.*
- An Affidavit of Debt is not available publicly over the internet on small claims cases filed before October 16, 2017.*

*Any documents protected by law Or by court order that are Not open to the public cannot be viewed by the public online And can only be viewed in person at the clerk's office where the file is located by those authorized by law or court order to see them.

Motions / Pleadings / Documents / Case Status					
Entry No	File Date	Filed By	Description		Arguable
	03/12/2018	P	SUMMONS		
	03/12/2018	P	COMPLAINT		
	03/23/2018	D	APPEARANCE Appearance		
	04/04/2018	D	APPEARANCE Appearance		
	04/05/2018	D	APPEARANCE Appearance		
	07/31/2018	D	APPEARANCE Appearance		
	08/21/2018		CLAIM/RECLAIM Claim/Reclaim		
	01/02/2019		CLAIM/RECLAIM Claim/Reclaim		
	01/07/2020		CLAIM/RECLAIM Claim/Reclaim		
100.30	03/12/2018	P	RETURN OF SERVICE		No
101.00	03/26/2018	D	MOTION FOR EXTENSION OF TIME TO PLEAD		No
102.00	04/05/2018	D	NOTICE of Service of IRPs		No
103.00	04/10/2018	D	MOTION FOR EXTENSION OF TIME TO PLEAD (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN MATTEINI MD)		No
104.00	05/03/2018	D	MOTION FOR EXTENSION OF TIME TO PLEAD		No
105.00	05/23/2018	D	MOTION FOR EXTENSION OF TIME TO PLEAD (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN MATTEINI MD)		No
106.00	05/23/2018	D	NOTICE Notice of Service IRP to plaintiff		No
107.00	05/31/2018	P	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13		No
108.00	06/04/2018	D	ANSWER of Stephen Calderon, M.D.		No
109.00	06/04/2018	D	CLAIM FOR JURY OF 6		No
110.00	06/05/2018	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 from Lauren Burke, M.D.		No
111.00	06/12/2018	D	MOTION FOR PERMISSION TO WITHDRAW APPEARANCE as to Neurosurgical Associates, Inc. RESULT: Off 7/16/2018 HON KEVIN DUBAY		Yes
111.86	07/02/2018	C	ORDER		No
111.87	07/16/2018	C	ORDER RESULT: Off 7/16/2018 HON KEVIN DUBAY		No
112.00	06/18/2018	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 from Orthopedic Associates of Hartford, P.C.		No
113.00	06/18/2018	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10		No

from Orthopedic Associates of Hartford, P.C. Requests for Prod.				
114.00	06/18/2018	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10	No
			From Stephen Calderon, M.D. & Neurosurgical Assoc.	
115.00	06/25/2018	D	MOTION FOR EXTENSION OF TIME TO PLEAD (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN MATTEINI MD)	No
116.00	07/19/2018	D	REQUEST TO REVISE	No
117.00	07/20/2018	P	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13 as to Stephen F. Calderon, M.D. and Neurosurgical Associates, Inc.	No
118.00	07/24/2018	D	REQUEST TO REVISE (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN MATTEINI MD)	No
119.00	08/17/2018	P	REVISED COMPLAINT with Notice	No
120.00	08/21/2018	P	OBJECTION TO REQUEST TO REVISE as to Lauren Burke, M.D. a/k/a Lauren Matteini, M.D. <i>RESULT: Sustained 9/4/2018 HON KEVIN DUBAY</i>	No
120.86	09/04/2018	C	ORDER <i>RESULT: Sustained 9/4/2018 HON KEVIN DUBAY</i>	No
121.00	08/31/2018	D	MOTION FOR PERMISSION TO WITHDRAW APPEARANCE <i>RESULT: Granted 9/14/2018 HON CONSTANCE EPSTEIN</i>	Yes
121.86	09/04/2018	C	ORDER	No
121.87	09/14/2018	C	ORDER <i>RESULT: Granted 9/14/2018 HON CONSTANCE EPSTEIN</i>	No
122.00	09/06/2018	D	MOTION FOR EXTENSION OF TIME TO PLEAD (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN MATTEINI MD)	No
123.00	09/19/2018	D	ANSWER Calderon's Answer to 8.17.18 Revised Complaint	No
124.00	09/21/2018	P	SCHEDULING ORDER <i>RESULT: Granted 9/21/2018 BY THE COURT</i>	No
124.86	09/21/2018	C	ORDER <i>RESULT: Granted 9/21/2018 BY THE COURT</i>	No
125.00	09/21/2018	C	ORDER TMO <i>RESULT: Order 9/21/2018 BY THE COURT</i>	No
126.00	10/02/2018	P	CASEFLOW REQUEST (JD-CV-116) Caseflow Request - Arbitration <i>RESULT: Granted 10/2/2018 HON DAVID SHERIDAN</i>	No
126.86	10/02/2018	C	ORDER <i>RESULT: Granted 10/2/2018 HON DAVID SHERIDAN</i>	No
127.00	10/02/2018	P	CASEFLOW REQUEST (JD-CV-116) Caseflow Request - Status Conference	No
128.00	10/29/2018	D	MOTION FOR EXTENSION OF TIME TO PLEAD (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN MATTEINI MD)	No
129.00	11/19/2018	P	MOTION FOR DEFAULT-FAILURE TO PLEAD as to D-03 Orthopedic Associates of Hartford, P.C. <i>RESULT: Denied 11/27/2018 BY THE CLERK</i>	No
129.86	11/27/2018	C	ORDER <i>RESULT: Denied 11/27/2018 BY THE CLERK</i>	No
130.00	11/20/2018	D	ANSWER TO REVISED COMPLAINT (Orthopedic Associates of Hartford)	No
131.00	11/20/2018	D	MOTION FOR EXTENSION OF TIME TO PLEAD (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN MATTEINI MD)	No
132.00	11/21/2018	P	OBJECTION TO MOTION FOR EXTENSION OF TIME as to Def. Lauren Burke, M.D. a/k/a Lauren Matteini, M.D.'s Mot. for Extension of Time Entry No. 131	No
133.00	01/02/2019	D	MOTION FOR EXTENSION OF TIME TO PLEAD (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN MATTEINI MD)	No
134.00	01/02/2019	P	OBJECTION TO MOTION FOR EXTENSION OF TIME as to Entry No. 133	No
135.00	01/04/2019	D	ANSWER TO AMENDED COMPLAINT dated 8.17.18 (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN MATTEINI MD)	No

136.00	01/07/2019	P	CERTIFICATE OF CLOSED PLEADINGS AND CLAIM FOR TRIAL LIST	No
137.00	01/10/2019	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13 (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN MATTEINI MD)	No
138.00	02/05/2019	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 Defendant Calderon's Objection to Plif's 1/9/19 First Set of Interrogs and Requests for Production	No
139.00	02/05/2019	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 as to D-01's Re-Notice of Deposition Schedule A of document requests dated 1/15/19	No
140.00	02/28/2019	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	No
141.00	03/07/2019	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10	No
142.00	03/28/2019	D	MOTION TO MODIFY - GENERAL (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN) RESULT: Granted 4/16/2019 HON CONSTANCE EPSTEIN	No
142.86	04/16/2019	C	ORDER RESULT: Granted 4/16/2019 HON CONSTANCE EPSTEIN	No
143.00	04/02/2019	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13 (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	No
143.86	08/06/2019	C	ORDER RESULT: Off 8/6/2019 HON CONSTANCE EPSTEIN	No
144.00	04/02/2019	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 Defendant Calderon's Objection to Document Production Request Attached to Notice of Deposition	No
145.00	05/08/2019	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13 LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN	No
146.00	05/08/2019	P	OBJECTION TO MOTION FOR EXTENSION OF TIME as to Entry No, 145	No
147.00	05/10/2019	D	NOTICE TO ALL PARTIES Response to Plaintiff's IRPS dated 1.9.19 (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	No
148.00	05/10/2019	D	REPLY plaintiff's Objection to MTE (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	No
149.00	05/28/2019	D	NOTICE TO ALL PARTIES Supplemental IRP (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	No
150.00	06/18/2019	D	OBJECTION REQ PROD NOD LAUREN BURKE MD A/K/A MATTEINI, M.D., DATED 4.23.19 & 6.7.19	No
151.00	06/26/2019	D	DISCLOSURE OF EXPERT WITNESS LAUREN MATTEINI, M.D	No
152.00	07/25/2019	D	MOTION FOR ORDER Nonsuit for Failure to Provide Complete Compliance RESULT: Denied 8/13/2019 HON CONSTANCE EPSTEIN	No
152.86	08/13/2019	C	ORDER RESULT: Denied 8/13/2019 HON CONSTANCE EPSTEIN	No
153.00	07/26/2019	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10	No
154.00	07/26/2019	P	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13 RESULT: Granted 8/13/2019 HON CONSTANCE EPSTEIN	No
154.86	08/13/2019	C	ORDER RESULT: Granted 8/13/2019 HON CONSTANCE EPSTEIN	No
155.00	07/29/2019	P	OBJECTION TO MOTION FOR NONSUIT Entry No. 152 RESULT: Sustained 8/13/2019 HON CONSTANCE EPSTEIN	No
155.86	08/13/2019	C	ORDER RESULT: Sustained 8/13/2019 HON CONSTANCE EPSTEIN	No
156.00	08/07/2019	P	DISCLOSURE OF EXPERT WITNESS	No
157.00	08/08/2019	D	REQUEST FOR ARGUMENT - NON-ARG MATTER (JD-CV-128)	No
158.00	08/19/2019	P	DISCLOSURE OF EXPERT WITNESS	No
159.00	09/10/2019	P	OBJECTION TO DEPOSITION	No

Request for Production - John K. Houten, M.D.				
160.00	10/18/2019	P	WITHDRAWAL OF ACTION AGAINST PARTICULAR DEFENDANT(S) – CASE REMAINS PENDING	No
			as to D-04 Neurosurgical Associates, Inc.	
161.00	10/18/2019	P	DISCLOSURE OF EXPERT WITNESS	No
			John K. Czerwein, Jr., M.D.	
162.00	11/06/2019	D	MOTION TO PRECLUDE EXPERT TESTIMONY	No
			Dr. John Czerwein (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	
163.00	11/06/2019	D	MEMORANDUM IN SUPPORT OF MOTION	No
			Mtn Preclude Dr. John Czerwein (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	
164.00	11/12/2019	P	MOTION TO MODIFY SCHEDULING ORDER	No
			and Trial Date <i>RESULT:</i> Granted 11/12/2019 HON DAVID SHERIDAN	
164.86	11/12/2019	C	ORDER	No
			<i>RESULT:</i> Granted 11/12/2019 HON DAVID SHERIDAN	
165.00	11/18/2019	P	MOTION FOR ORDER OF COMPLIANCE – PB SEC 13-14 (INTERR/PROD – 13-6/13-9)	No
			against Orthopedic Associates of Hartford, PC	
166.00	11/18/2019	P	OBJECTION TO MOTION	No
			Plaintiff's Objection to Motion to Preclude (#162.00)	
167.00	11/20/2019	D	MOTION TO REARGUE/RECONSIDER	No
			LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN	
168.00	11/20/2019	D	MEMORANDUM IN SUPPORT OF MOTION	No
			MOTION TO REARGUE/RECONSIDER (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	
169.00	11/22/2019	P	DISCLOSURE OF EXPERT WITNESS	No
			Supplemental Expert Disclosure of Gregg Zoarski, M.D.	
170.00	11/26/2019	D	REPLY	No
			reply plaintiff's obj mot to preclude (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	
171.00	11/27/2019	D	REQUEST FOR ARGUMENT - NON-ARG MATTER (JD-CV-128)	No
172.00	11/27/2019	P	OBJECTION TO MOTION	No
			Objection to Dr. Matteini's Motion to Reargue and/or Reconsideration (#167.00) <i>RESULT:</i> Denied 12/2/2019 HON DAVID SHERIDAN	
172.86	12/02/2019	C	ORDER	No
			<i>RESULT:</i> Denied 12/2/2019 HON DAVID SHERIDAN	
173.00	12/23/2019	D	MOTION TO PRECLUDE EXPERT TESTIMONY	No
			(Joint) <i>RESULT:</i> Denied 1/22/2020 HON A PECK	
173.86	01/22/2020	C	ORDER	No
			<i>RESULT:</i> Denied 1/22/2020 HON A PECK	
174.00	12/27/2019	P	OFFER OF COMPROMISE	No
175.00	12/27/2019	P	OBJECTION	No
			Objection to Doc. Req. contained in Notice of Deposition of Plaintiff's Expert, John Czerwein	
176.00	01/10/2020	D	CASEFLOW REQUEST (JD-CV-116)	No
			Status conference 1.16.20 (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN) <i>RESULT:</i> Granted 1/14/2020 HON DAVID SHERIDAN	
176.86	01/14/2020	C	ORDER	No
			<i>RESULT:</i> Granted 1/14/2020 HON DAVID SHERIDAN	
177.00	01/16/2020	P	OBJECTION TO MOTION	No
			Objection to Motion to Preclude Expert Witness (Entry No. 173) <i>RESULT:</i> Sustained 1/22/2020 HON A PECK	
177.86	01/22/2020	C	ORDER	No
			<i>RESULT:</i> Sustained 1/22/2020 HON A PECK	
178.00	01/16/2020	P	DISCLOSURE OF EXPERT WITNESS	No
			Supplemental Expert Disclosure of John K. Czerwein, Jr., MD	
179.00	01/24/2020	D	MOTION FOR ORDER	No
			Mot to Compel Income Dr. Houten (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	
180.00	01/31/2020	P	OFFER OF COMPROMISE	No
			directed to Stephen F. Calderon MD	
181.00	01/31/2020	P		No

			OFFER OF COMPROMISE	
			directed to Orthopedic Associates of Hartford PC	
182.00	02/06/2020	D	REQUEST FOR ARGUMENT - NON-ARG MATTER (JD-CV-128)	No
183.00	02/10/2020	P	DISCLOSURE OF EXPERT WITNESS Supplemental Expert Disclosure of Gregg Zoarski, M.D.	No
184.00	03/04/2020	D	MOTION TO MODIFY SCHEDULING ORDER RESULT: Granted 3/17/2020 HON A PECK	No
184.86	03/17/2020	C	ORDER RESULT: Granted 3/17/2020 HON A PECK	No
185.00	03/19/2020	D	MOTION FOR ORDER to Compel Dr. Czerwein's Income Derived From Medical Legal Consultation RESULT: Granted 5/7/2020 HON CARL SCHUMAN	No
185.86	05/07/2020	C	ORDER Watermark RESULT: Granted 5/7/2020 HON CARL SCHUMAN	No
186.00	03/19/2020	D	MOTION FOR ORDER to Compel Dr. Zoarski's Income Derived From Medical Legal Consultation RESULT: Granted 5/7/2020 HON CARL SCHUMAN	No
186.86	05/07/2020	C	ORDER Watermark RESULT: Granted 5/7/2020 HON CARL SCHUMAN	No
187.00	03/24/2020	D	MOTION FOR ORDER to Compel Responses to Discovery RESULT: Granted 5/7/2020 HON CARL SCHUMAN	No
187.86	05/07/2020	C	ORDER RESULT: Granted 5/7/2020 HON CARL SCHUMAN	No
188.00	04/30/2020	D	REQUEST FOR ARGUMENT - NON-ARG MATTER (JD-CV-128)	No
189.00	05/04/2020	P	OBJECTION TO MOTION Objection to Mot. to Compel (#187.00) & Req. for Argument (#188.00)	No
190.00	05/27/2020	P	MOTION TO REARGUE/RECONSIDER Court Order granting Mot. to Compel (#185.00) RESULT: Granted 6/8/2020 HON CARL SCHUMAN	No
190.86	06/08/2020	C	ORDER RESULT: Granted 6/8/2020 HON CARL SCHUMAN	No
191.00	05/27/2020	P	MOTION TO REARGUE/RECONSIDER Court Order granting Mot. to Compel (#186.00) RESULT: Granted 6/8/2020 HON CARL SCHUMAN	No
191.86	06/08/2020	C	ORDER RESULT: Granted 6/8/2020 HON CARL SCHUMAN	No
192.00	05/28/2020	D	DISCLOSURE OF EXPERT WITNESS Justin Christopher Paul, M.D., Ph.D. (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	No
193.00	05/28/2020	D	DISCLOSURE OF EXPERT WITNESS Robert Lee Brady, M.D. (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	No
194.00	05/28/2020	D	DISCLOSURE OF EXPERT WITNESS Dr. Lawrence Chin (by Defendant Calderon)	No
195.00	07/20/2020	P	CASEFLOW REQUEST (JD-CV-116) RESULT: Granted 7/20/2020 HON DAVID SHERIDAN	No
195.86	07/20/2020	C	ORDER RESULT: Granted 7/20/2020 HON DAVID SHERIDAN	No
196.00	11/23/2020	P	MOTION FOR CONTINUANCE 12/2/2020 Pretrial RESULT: Granted 11/23/2020 HON DAVID SHERIDAN	No
196.86	11/23/2020	C	ORDER RESULT: Granted 11/23/2020 HON DAVID SHERIDAN	No
197.00	01/29/2021	C	ORDER Order RESULT: Order 1/29/2021 HON JAMES GRAHAM	No
198.00	03/02/2021	D	OBJECTION OBJ NOD Dr. Robert Brady (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	No
199.00	03/02/2021	D	OBJECTION OBJ NOD Dr. Justin Paul (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)	No

200.00	04/05/2021	D	MOTION TO MODIFY SCHEDULING ORDER	No
LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN RESULT: Granted 4/19/2021 HON CARL SCHUMAN				
200.86	04/19/2021	C	ORDER	No
RESULT: Granted 4/19/2021 HON CARL SCHUMAN				
201.00	05/20/2021	D	MOTION FOR ORDER	No
to Compel Fees (Dr. Justin Paul) RESULT: Denied 6/7/2021 HON CARL SCHUMAN				
201.86	06/07/2021	C	ORDER	No
RESULT: Denied 6/7/2021 HON CARL SCHUMAN				
202.00	06/03/2021	D	REQUEST FOR ARGUMENT - NON-ARG MATTER (JD-CV-128)	No
203.00	06/04/2021	D	OBJECTION	No
OBJ RENOD DR. BRADY (LAUREN BURKE MD A/K/A MATTEINI, M.D., LAUREN)				
204.00	06/04/2021	P	OBJECTION TO MOTION	No
Objection to #201.00 - Def's Motion to Compel				
205.00	07/15/2021	D	DISCLOSURE OF EXPERT WITNESS	No
Re; Brady, Paul				
206.00	07/27/2021	D	MOTION FOR CONTINUANCE	No
RESULT: Granted 7/27/2021 HON CESAR NOBLE				
206.86	07/27/2021	C	ORDER	No
RESULT: Granted 7/27/2021 HON CESAR NOBLE				

Scheduled Court Dates as of 09/24/2021				
HHD-CV18-6090891-S - KURKER, MD, RAYMOND v. BURKE, MD, LAUREN, A/K/A MATTEINI M.D. LAUREN Et Al				
#	Date	Time	Event Description	Status
1	09/28/2021	9:15AM	Trial Management Conference	Off
2	10/05/2021	9:30AM	Jury Selection / Trial	Proceeding
3	10/19/2021	10:00AM	Evidence	Off
4	11/02/2021	10:00AM	Evidence	Proceeding

Judicial ADR events may be heard in a court that is different from the court where the case is filed. To check location information about an ADR event, select the **Notices** tab on the top of the case detail page.

Matters that appear on the Short Calendar and Family Support Magistrate Calendar are shown as scheduled court events on this page. The date displayed on this page is the date of the calendar.

All matters on a family support magistrate calendar are presumed ready to go forward.

The status of a Short Calendar matter is not displayed because it is determined by markings made by the parties as required by the calendar notices and the [civil](#) standing orders. Markings made electronically can be viewed by those who have electronic access through the Markings History link on the Civil/Family Menu in E-Services. Markings made by telephone can only be obtained through the clerk's office. If more than one motion is on a single short calendar, the calendar will be listed once on this page. You can see more information on matters appearing on Short Calendars and Family Support Magistrate Calendars by going to the [Civil/Family Case Look-Up](#) page and [Short Calendars By Juris Number](#) or [By Court Location](#).

Periodic changes to terminology that do not affect the status of the case may be made. This list does not constitute or replace official notice of scheduled court events.

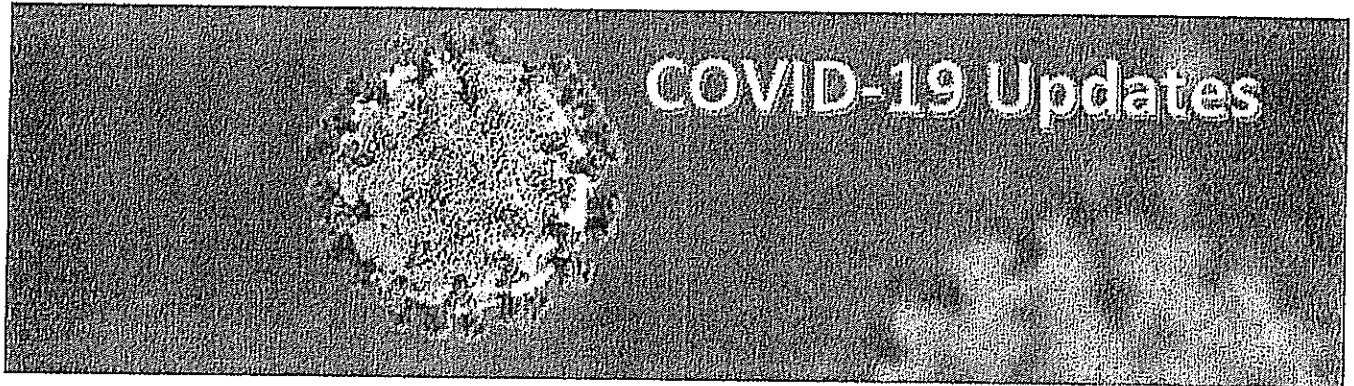
Disclaimer: For civil and family cases statewide, case information can be seen on this website for a period of time, from one year to a maximum period of ten years, after the disposition date. If the Connecticut Practice Book Sections 7-10 and 7-11 give a shorter period of time, the case information will be displayed for the shorter period. Under the Federal Violence Against Women Act of 2005, cases for relief from physical abuse, foreign protective orders, and motions that would be likely to publicly reveal the identity or location of a protected party may not be displayed and may be available only at the courts.

EXHIBIT

C



The mission of the Connecticut Judicial Branch is to serve the interests of justice and the public by resolving matters brought before it in a fair, timely, efficient and open manner.



Current COVID-19 Website Notices By Topic

Matters Being Heard

Facilities

Frequently Asked Question and Court Business

General

Supreme and Appellate Court

Civil Matters

Family Matters

Criminal Matters

Matters Being Heard

**May 18, 2021: STATEMENT FROM CHIEF COURT ADMINSTRATOR PATRICK L. CARROLL III
RE: RESUMPTION OF JURY TRIALS IN STATE COURTS**

Fifteen months ago, the COVID-19 pandemic prompted the suspension of jury trials. Now, with the virtual elimination of pandemic-related public health restrictions by the Centers for Disease Control and Prevention and the Governor, the broad availability of COVID-19 vaccinations, the encouraging reduction of statewide COVID positivity rates, enhanced sanitization and ventilation protocols and procedures within our buildings, and the retrofitting of Judicial Branch facilities to provide the highest level of health and safety protection for prospective jurors, employees and other stakeholders, the time has come for us to restore the essential and fundamental component of our system of justice – the right to a trial by jury.

Accordingly, by direction of the Chief Justice, the Judicial Branch will resume summoning jurors to courthouses throughout the state to restart the jury trial process as of June 1, 2021. As we have done since the beginning of the pandemic, we are undertaking this jury resumption initiative in continuing consultation with Connecticut public health officials and in compliance with directives from the Governor.

We remain committed to assuring that all of our facilities are safe places within which to summon jurors and conduct jury trials. With that goal in mind, we have dispatched our personnel to re-inspect all of our buildings and courtrooms where trials will be held to assure that all appropriate protective measures are in place. Chief Clerks and Chief Judicial Marshals are meeting with their respective staff members to assure that safe, efficient and courteous

procedures are in place to welcome and screen prospective jurors into our courthouses. Among other precautions we are taking, we will have ample supplies of personal protective equipment (PPE) for distribution to jurors, litigants, witnesses and others who may request such PPE. Hand sanitization stations will be visible and available throughout our facilities. Protective microphone coverings will be available in each courtroom. Face shields will be available, as needed, for witnesses as they testify to assure that facial expressions may be observed and assessed during testimony. At least in the initial stages of the jury resumption initiative, the plans to hold jurors and conduct jury deliberations in a courtroom adjacent to the courtroom where the trial is being held will remain in place. Naturally, the trial judges will also have the flexibility to order additional measures as the judge deems necessary to address concerns expressed by jurors or litigants during the proceedings.

Through this process, we will take every step necessary to assure jurors, counsel, litigants and staff that their safety remains our primary concern and that we have taken, and will continue to take, all appropriate steps necessary to assure that safety.

April 9, 2021: Jurors scheduled to appear in a Connecticut courthouse from now until May 31, 2021, should not report. Their jury service has been cancelled.

- Notwithstanding the fact that our jury system still sends out jury summonses, all jury service is suspended until May 31, 2021. If you have been summoned for jury service, please be advised that your service has been cancelled and that you should not report.

February 25, 2021: Notice of Resumption of Mediation in cases in the Foreclosure Mediation Program (FMP) involving non-federally backed mortgages

- Beginning March 1, 2021, the Judicial Branch will resume scheduling FMP premediations and mediations in cases that do not involve federally backed mortgages. At this time, all premediations and mediations will be held virtually, not in person. For more information on virtual court proceedings, go to <https://jud.ct.gov/RemoteJustice/>. View the Foreclosure Mediation Standing Order – Resumption of Mediations [here](#).

February 3, 2021: Update on Matters Currently Being Heard

- The Judicial Branch has been conducting court business using alternatives to in-person presence since March 30, 2021, and has steadily increased the types of matters that are being handled remotely. Currently all matters, with the exception of jury trials, are being heard in Connecticut state courts.

[Matters Being Heard Archive](#)

Facilities

April 26, 2021: The following courthouses are currently being inspected and updated with the goal of resuming operations in those courthouses as of May 17, 2021:

- Geographical Area No. 5 courthouse located at 106 Elizabeth St. in Derby
- Geographical Area No. 10 courthouse located at 112 Broad St. in New London
- Geographical Area No. 12 courthouse located at 410 Center St. in Manchester
- Judicial District Courthouse located at 155 Church St. in Putnam
- Juvenile Matters at Rockville located at 25 School St. in Rockville

December 23, 2020: Judicial Branch Face Covering Policy.

- In addition to employees and judges, this policy applies to all visitors and contractors

August 14, 2020: Face Coverings

- Pursuant to Governor Ned Lamont's [Executive Order No. 7NNN](#) , no person is permitted to enter a Judicial Branch courthouse or facility without covering his or her mouth and nose with a mask or cloth face covering. This order replaces [Executive Order No. 7BB](#) that was issued in April 2020.

[Facilities Archive](#)

General

[June 10, 2021: The Judicial Branch Law Libraries are reopening to the public on Wednesday, June 16th](#)

[April 16, 2021: Statement from Chief Court Administrator Patrick L. Carroll III](#)

[July 17, 2020: Connecticut Guide to Remote Hearings For Attorneys and Self-Representive Parties](#)

[May 18, 2020: Parenting Education Class offered Online](#)

[April 17, 2020: Bid Opportunities Notice Regarding COVID-19](#)

[April 6, 2020: Accessing Judicial Branch Resources from Home](#)

[March 16, 2020: Judicial Branch Law Libraries closed until further notice](#)

[General Archive](#)

Supreme and Appellate Court

[December 02, 2020: Resumption of Requirements and Deadlines Related to Supreme and Appellate Court Operations and Related to Offers of Compromise](#)

November 19, 2020:

- To the extent possible, virtual hearings at the Supreme Court will be made available on the [Supreme Court's YouTube Channel](#). Please note the audio for most hearings from Supreme and Appellate Court arguments, conducted in person or remotely, are available on the Oral Arguments Audio pages for the [Supreme and Appellate Courts](#).

[June 10, 2020: The Suspension that Applies to Appellate filings in cases pending before the Supreme and Appellate Courts has been Removed](#)

[Supreme and Appellate Court Archive](#)

Civil Matters

[February 1, 2021: Notice of livestreaming of remote on-the-record civil and housing cases](#)

[September 24, 2020: Standing Order regarding the filing of an Affidavit-Federal Mortgage Foreclosure Moratorium form JD-CV-172 in mortgage foreclosure cases](#)

[September 14, 2020: Notice Regarding Summary Process \(eviction\) Execution hearings and Centers for Disease Control and Prevention's Eviction Moratorium](#)

[Civil Matters Archive](#)

Family Matters

[December 23, 2020: Superior Court for Family Matters Standing Orders](#)

[September 09, 2020: Notice of Resumption of Defaults and Nonsuits in Civil and Family Matters](#)

[August 12, 2020: Information Regarding Family Matters "Case Dates"](#)

[June 25, 2020: Update on Requesting Approval of QDROs](#)

[June 17, 2020: Virtual \(Video\) Hearings and Future Scheduling of Family Court Matters](#)

[June 17, 2020: Superior Court for Family Matters Notice to Parties and Counsel](#)

[May 18, 2020: Parenting Education Class offered Online](#)

[May 15, 2020: Message Regarding Remote Family Pretrials and Status Conferences](#)

[Please Do Not File Motions for Continuance](#)

[May 14, 2020: Simplifying the process for Self-Represented Parties to E-File their documents](#)

[May 5, 2020: Requesting Approval of Gestational Agreements Remotely](#)

[April 29, 2020: Notice to Parties and Counsel: Superior Court for Family Matters Previously Scheduled Hearings and Trials During The COVID-19 Emergency](#)

[Family Matters Archive](#)

Criminal Matters

[May 13, 2020: Criminal Matters Continue Expanding its Capability to Handle Cases](#)

[April 7, 2020: Process for Media Representatives to Observe Criminal Proceedings during COVID-19](#)

[Criminal Matters Archive](#)

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

In re: Cindy Jean Featherston, RN

Petition No. 2020-391

September 30, 2021

**DEPARTMENT’S OBJECTION TO RESPONDENT’S
SECOND REQUEST FOR A CONTINUANCE AND A LIVE PROCEEDING**

On September 28, 2021, Cindy Jean Featherston, R.N. (“respondent”) moved for a second continuance of the hearing currently scheduled in this matter before the Connecticut Board of Examiners for Nursing (“the Board”) for 9:00 a.m. on October 20, 2021 and further renews her request that the hearing in this matter be conducted live (“Respondent’s Second Motion”). Respondent argues that a virtual hearing would be inherently unfair and deprive her of her due process right that the hearing be held at “a meaningful time and in a meaningful manner.”

The Department of Public Health ("the Department") objects to continuing the date of the hearing from October 20, 2021 to mid-January 2022 and states as follows:

1. The Proposed Administrative Procedure Meets all Tenets of Due Process:

Respondent’s Second Motion is based on the claim that Attorney Cilano, a partner from the law firm Heidell, Pittoni, Murphy & Bach, LLP, (“Heidell”) is unavailable because she is on trial in Connecticut Superior Court and that she is “the only attorney representing Nurse Featherston.” However, Attorney Joseph M. Ferrantelli from the same law firm is also representing respondent. Attorney Ferrantelli or another attorney from Heidell can represent respondent at the hearing.

Counsel also argues that the sixth amendment to the United States Constitution guarantees the right to counsel of “choice.” She argues that “the omission of counsel at this administrative hearing directly implicates the fundamental tenets of due process.” However, that argument is misplaced since the sixth amendment provides “the right... to have the assistance of counsel for his [defense].” The Department is not arguing that respondent should be deprived of the right to counsel. Instead, the Department is arguing that the hearing should proceed because respondent has counsel for her defense available by another attorney from the Heidell firm. Respondent’s sixth amendment is not impeded because someone other than Attorney Cilano would be representing her at a hearing.

2. A remote hearing by videoconference, using the *Microsoft Teams* platform, satisfies due process and is constitutionally adequate.

Even prior to the COVID-19 pandemic, remote proceedings were permitted. Connecticut Practice Book §23-68 allows “...at the discretion of the judicial authority, any party, counsel, witness, or other participant in any proceeding may appear by means of an interactive audiovisual device” Similarly, in criminal proceedings, the defendant may appear by interactive audiovisual means. *See*, Connecticut Practice Book §44-10A. Depositions may be taken by telephone, video conference or other remote electronic means. *See*, Conn. Rule Civ. Proc. §13-30(g). Transcripts or video recordings of such depositions may be put into evidence at trial without the presence of the witness under a variety of circumstances, including the availability of a distant witness. *Ibid.* at §13-31(a)(4). The same rules provide for depositions of various licensed health professionals to be put into evidence without the health care professional appearing. *Ibid.* at §13-31(a)(2). Similarly, Connecticut Probate Code §66.1 permits a witness to testify by electronic means. Additionally, Connecticut administrative tribunals, including professional boards and commissions within the Department, have permitted telephonic and video testimony in hearings for more than a decade.

Remote proceedings provide the same due process protection as does a live hearing. Remote proceedings utilizing *Microsoft Teams* allow for video, audio and screen sharing features. All participants, including Board members, parties, and counsel, can see and hear witnesses. Oaths are administered and questions can be asked on both direct and cross-examination. Objections and motions can be made and ruled upon. Documentary evidence is introduced, although it is submitted, in advance of the hearing. Counsel can, as in a live hearing, ask for a break to confer with her client, regardless whether they are present in the same office or attending the remote hearing from separate locations. The Board has been conducting its monthly meetings, including all its hearings, using *Microsoft Teams* without any glitches since April 2020.

Respondent has failed to provide any case law or statutes or otherwise demonstrate that a remote hearing does not meet all due process requirements. Moreover, Connecticut Practice Book §23-68(g) and Connecticut Practice Book §44-10A(e) were recently modified providing that “nothing contained in this section shall be construed to preclude the Judicial Branch, at the discretion of the chief court administrator, from handling any matter remotely.” Clearly, it is the intent of the Connecticut Judicial Branch to continue to permit remote proceedings and that no impediment to due process exists in doing so.

Accordingly, the remote hearing currently scheduled for the October 20, 2021 Board meeting should proceed.

Respectfully submitted,

THE DEPARTMENT OF PUBLIC HEALTH

Linda L. Fazzina

Linda L. Fazzina, Staff Attorney
Office of Legal Compliance

CERTIFICATION

I certify that on this 30th day of September, 2021, a copy of the foregoing was sent by email to Attorney Heidi Cilano (hcilano@hpmc.com) and to Jeffrey A. Kardys (jeffrey.kardys@ct.gov), Administrative Hearings Specialist in the Department's Public Health Hearing Office.

Linda L. Fazzina

Linda L. Fazzina, Staff Attorney
Office of Legal Compliance

Board 9

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Petition No.: 2020-391 :
In re: Cindy Jean Featherston, R.N. : OCTOBER 4, 2021

**RESPONDENT'S REPLY TO DEPARTMENT'S OBJECTION TO RESPONDENT'S
REQUEST FOR A CONTINUANCE AND REQUEST FOR A LIVE HEARING**

Cindy Jean Featherston, R.N. is scheduled for a virtual hearing at 9:00 a.m. on October 20, 2021. On September 28, 2021, Nurse Featherston moved for a continuance and request for a live hearing. In her request, Nurse Featherston stated that: (1) she will not be available for the live hearing as she is working via a nursing contract in Florida which has been extended and now expires on January 8, 2021; (2) Attorney Cilano, the only attorney representing Nurse Featherston since July 22, 2020, will be unavailable for the hearing date as Attorney Cilano will be on trial; and (3) Nurse Featherston has no objection to presenting for a scheduled hearing in person utilizing standard COVID-19 precautions upon completion of her current employment obligations.

On September 30, 2021, the Department objected to Nurse Featherston's request for a continuance and a live proceeding. In its reply, the Department stated: (1) Attorney Cilano's absence does not matter because Attorney Ferrantelli or another attorney from Heidell, Pittoni, Murphy & Bach, LLP (hereinafter "Heidell") can adequately represent Nurse Featherston; and (2) a remote video hearing satisfies due process and is constitutionally adequate.

In response to the Department's objection, Nurse Featherston disagrees with the impractical suggestion that Attorney Ferrantelli or another attorney at Heidell can appropriately represent Nurse Featherston at the scheduled hearing.

First, Attorney Ferrantelli has only been a licensed attorney for three months. Given Attorney Ferrantelli's lack of experience, it is unrealistic to believe that Attorney Ferrantelli can provide Nurse Featherston appropriate counsel to adequately represent such a paramount property interest that provides Nurse Featherston the ability to earn an income.

Second, since Attorney Cilano has been the only attorney from Heidell working with Nurse Featherston, it is unreasonable to expect another attorney to step in and represent Nurse Featherston less than twenty days prior to the hearing. It is unwarranted to maintain that different counsel can step in and adequately represent Nurse Featherston's serious property interest that provides Nurse Featherston the ability to earn an income.

Third, the Department will suffer no prejudice by granting Nurse Featherston's motion for continuance. In contrast, Nurse Featherston will suffer severe prejudice if the motion for continuance is not granted. A denial will leave Nurse Featherston without appropriate counsel who can sufficiently represent Nurse Featherston's significant property interest that provides Nurse Featherston the ability to earn an income.

Given the magnitude of this hearing, the undersigned again requests that the scheduled hearing be continued to mid-January of 2022.

THE RESPONDENT,
CINDY FEATHERSTON, R.N.



Heidi M. Cilano, Esq.
Joseph M. Ferrantelli, Esq.
HEIDELL, PITTONI, MURPHY
& BACH, LLP.

CERTIFICATION

I hereby certify that on this 4th day of October, 2021, a copy of the foregoing was sent to the following:

Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue
MS #13PHO
P.O. Box 340308
Hartford, CT 06134-0308
Fax: (860) 509-7553
jeffrey.kardys@ct.gov

Linda Fazzina, Esq.
Office of Legal Compliance
410 Capital Avenue, MS #12LEG
P.O. Box 340308
Hartford, CT 06134-0308
linda.fazzina@ct.gov



Joseph M. Ferrantelli, Esq

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

October 5, 2021

Heidi M. Cilano, Esq.
Joseph M. Ferrantelli, Esq.
Heidell, Pittoni, Murphy & Bach, LLP
855 Main Street, Suite 1100
Bridgeport, CT 06604

**VIA EMAIL ONLY (hcilano@hpmb.com)
VIA EMAIL ONLY (jferrantelli@hpmb.com)**

Linda Fazzina, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340380
Hartford, CT 06134-0308

VIA EMAIL ONLY (linda.fazzina@ct.gov)

RE: Cindy Featherston, RN - Petition No. 2020-391

**RULINGS ON RESPONDENT’S MOTION FOR CONTINUANCE;
and RESPONDENT’S REQUEST FOR A LIVE PROCEEDING**

On September 28, 2021, counsel for respondent filed a motion for a continuance of the hearing in the referenced matter scheduled for October 20, 2021 due to respondent currently residing and working in Florida and the unavailability of counsel for respondent. The Department of Public Health objects to this motion. Respondent’s motion for a continuance is **GRANTED**.

Additionally, respondent requests that a live, in-person hearing be scheduled. The Department of Public Health objects to this request. Respondent’s request for a live, in-person proceeding is **DENIED**.

NOTICE OF RESCHEDULED HEARING

The hearing in this matter is rescheduled to convene on **January 19, 2022**, at **9:00 a.m.** The hearing will be held via Microsoft TEAMS during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.



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Affirmative Action/Equal Opportunity Employer



In preparation for this hearing the information specified in the attached Notice for Submissions must be provided, no later than January 5, 2022.

Absent extreme, unforeseen circumstances, no further continuance requests will be granted.

The Board may hold a fact-finding immediately following the close of the record.

FOR: BOARD OF EXAMINERS FOR NURSING
Patricia C. Bouffard, D.N.Sc., Chairperson

/s/ *Jeffrey A. Kardys*

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

Notice for Submissions

The hearing in the matter of **Cindy Featherston, RN**, has been scheduled for **January 19, 2022** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **January 5, 2021**, you must provide the following by electronic mail response to the Department of Public Health, Public Health Hearing Office at poho.dph@ct.gov

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

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

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

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

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Manisha Juthani, MD
Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

December 30, 2021

Heidi M. Cilano, Esq.
Joseph M. Ferrantelli, Esq.
Heidell, Pittoni, Murphy & Bach, LLP
855 Main Street, Suite 1100
Bridgeport, CT 06604

VIA EMAIL ONLY (hcilano@hpmb.com)
VIA EMAIL ONLY (jferrantelli@hpmb.com)

Linda Fazzina, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340380
Hartford, CT 06134-0308

VIA EMAIL ONLY (linda.fazzina@ct.gov)

RE: Cindy Featherston, RN - Petition No. 2020-391

NOTICE OF RESCHEDULED HEARING

The hearing in the above referenced matter scheduled for January 19, 2022 is continued to **February 16, 2022**.

The hearing will be held via Microsoft TEAMS during the meeting of the Board of Examiners for Nursing.

In preparation for this hearing you must, no later than February 2, 2022, provide the information specified in the attached Notice for Submissions.

FOR: BOARD OF EXAMINERS FOR NURSING

/s/ *Jeffrey A. Kardys*

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



Notice for Submissions

The hearing in the matter of **Cindy Featherston, RN**, has been rescheduled to **February 16, 2022** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **February 2, 2022**, you must provide the following by electronic mail response to the Department of Public Health, Public Health Hearing Office at phho.dph@ct.gov

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

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

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

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

In re: Rebecca S. Berlepsch, L.P.N.

Petition No. 2021-946

STATEMENT OF CHARGES


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

1. Rebecca S. Berlepsch of Higganum, 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 038155.
2. From approximately July 2021 to the present, respondent has and/or had one or more emotional disorders or mental illnesses that does, and/or may, affect her practice as a nurse.
3. On multiple occasions in 2021, including approximately July 2021, respondent abused and/or utilized to excess alcohol and/or cocaine.
4. Respondent's abuse, and/or excess use, of alcohol and/or cocaine does, and/or may, affect her practice as a nurse.
5. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99(b), including but not limited to:
 - a. §20-99(b)(4); and/or
 - b. §20-99(b)(5).

THEREFORE, the Department prays that:

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

Dated at Hartford, Connecticut this 27th day of January, 2022.



Barbara S. Cass, R.N., Branch Chief
Healthcare Quality and Safety Branch

ssoc2

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

In re: Rebecca S. Berlepsch, L.P.N.

Petition No. 2021-946

MOTION FOR SUMMARY SUSPENSION

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

Dated at Hartford, Connecticut this 27th day of January, 2022.



Barbara S. Cass, R.N., Branch Chief
Healthcare Quality and Safety Branch

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Manisha Juthani, MD
Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

In re: Rebecca Berlespsch, LPN

Petition No. 2021-946

SUMMARY SUSPENSION ORDER


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

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

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

1. That license number 038155 of Rebecca Berlespsch to practice as a licensed practical nurse in the State of Connecticut is hereby summarily suspended pending a final determination by the Board of Examiners for Nursing regarding the allegations contained in the Statement of Charges, and
2. That a hearing in this matter is scheduled for the 16th day of February 2022, at 9:00 a.m. The hearing will be held remotely via Microsoft TEAMS.

Dated at Waterbury, Connecticut this 2nd day of February, 2022.


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



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410 Capitol Avenue, P.O. Box 340308
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**STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING**

Rebecca Berlespsch, LPN
21 Indian Hill Road
Higganum, CT 06441

VIA EMAIL ONLY (becca1989@yahoo.com)
and Certified Mail Return Receipt Requested

9489 0090 0027 6139 1250 78

RE: Rebecca Berlespsch, LPN

Petition No. 2021-946

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **February 16, 2022**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

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

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

Filing an Answer; Failure to File Answer:

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

Representation by an Attorney:

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

Documents:

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

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

The following information shall be redacted.

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

RE: Rebecca Berlespsch, LPN

Petition No. 2021-946

Order Re: Filings

In preparation for this hearing you must, no later than February 23, 2022, provide the information specified in the attached Notice for Submissions.

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

Failure to Appear:

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

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

Dated at Hartford, Connecticut this 3rd day of February, 2022.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

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

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

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

Notice for Submissions

The hearing in the matter of **Rebecca Berlespsch, LPN** has been scheduled for **February 16, 2022** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **February 8, 2022**, you must provide the following by electronic mail response to the Department of Public Health, Public Health Hearing Office at pgho.dph@ct.gov.

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
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In preparation, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking. Our office will contact you again 3 to 5 calendar days prior to the hearing to provide you with any further instructions and a Microsoft Teams link / phone number and code to enter the hearing.

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

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

In re: Amanda Espinosa, L.P.N.

Petition No. 2021-1222

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 Amanda Espinosa:

COUNT ONE

1. Amanda Espinosa of Taftville, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut practical nurse license number 032464.
2. On or about May 17, 2017, the Board adopted the Reinstatement Consent Order in Petition 2017-206 ("RCO") following an application by the respondent for a reinstatement of her license. The RCO reinstated respondent's license and placed respondent's license on probation for one year to include, in part, sixteen (16) hours of supervised medication administration to be completed within the first three months of probation.
3. In addition to the above, the RCO specifically provided, in part, that respondent shall provide a copy of the RCO to any and all employers if employed as a nurse during the probationary period; that the Board and the Department shall be notified in writing by any employer within fifteen (15) days of the commencement of employment as to the receipt of the RCO; that respondent shall be responsible for the provision of quarterly written reports to the Board and Department from her nursing supervisor; and that respondent shall notify the Board and Department in writing of any change of employment within fifteen (15) days of such change.
4. On or about February 18, 2018, the Board adopted a Modified Reinstatement Consent Order in Petition 2017-206 ("MRCO") due to respondent not meeting the requirements of the RCO, as she was not then working as a nurse. The MRCO allowed the probationary terms to be held in abeyance until the respondent resumed nursing practice.
5. In addition to the above, the MRCO specifically provided, in part, that in the event respondent resumes the practice of nursing, respondent shall provide the Department with thirty (30) days prior written notice; that respondent shall not return to the practice of nursing without written pre-approval from the Department; and that in the event respondent does not practice as a nurse for periods of thirty (30) days or longer, respondent shall notify the Department in writing.

6. From on or about January 15, 2021, to on or about August 22, 2021, respondent was employed as an LPN Charge Nurse at Villa Maria Nursing and Rehabilitation Community in Plainfield, Connecticut.
7. On or about January 15, 2021, respondent resumed the practice of nursing without providing the Department with thirty (30) days prior written notice.
8. On or about January 15, 2021, respondent resumed the practice of nursing without written pre-approval from the Department.
9. On or about January 30, 2021, respondent failed to provide a copy of the RCO and/or MRCO and/or cause notification in writing by her employer to the Board and the Department of receipt of the RCO and/or MRCO within fifteen (15) days of employment.
10. On September 6, 2021, respondent failed to notify the Board and the Department in writing of any change of employment within fifteen (15) days of a change in employment.
11. On or about September 22, 2021, respondent failed to notify the Department in writing after having not practiced as a nurse for a period of thirty consecutive days.
12. On or about October 25, 2021, respondent failed to ensure that quarterly written reports were sent to the Board and to the Department by respondent's nursing supervisor.
13. Respondent's conduct as described above constitutes a violation of the terms of probation as set forth in the RCO and MRCO, and subjects respondent's license to revocation or other disciplinary action authorized by Connecticut General Statutes, §§19a-17 and 20-99(b).

COUNT TWO

14. Paragraphs one through thirteen of Count One are incorporated herein by reference as if set forth in full.
15. On or about August 22, 2021, respondent abused and/or used to excess alcohol.
16. Respondent's abuse and/or excess use of alcohol does, and/or may, affect respondent's practice as a licensed practical nurse.
17. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b)(5)

THEREFORE, the Department prays that:

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

Dated at Hartford, Connecticut this 25th day of January 2022.



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

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

In re: Amanda Espinosa, L.P.N.

Petition No. 2021-1222

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 Amanda Espinosa to practice nursing in Connecticut. This motion is based on the attached Statement of Charges, Affidavits and on the Department's information and belief that the continued practice of nursing represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 25th day of January 2022.



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

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

Manisha Juthani, MD
Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

In re: Amanda L. Espinosa, LPN

Petition No. 2021-1222

SUMMARY SUSPENSION ORDER

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

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

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

1. That license number 032464 of Amanda Espinosa to practice as a licensed practical nurse in the State of Connecticut is hereby summarily suspended pending a final determination by the Board of Examiners for Nursing regarding the allegations contained in the Statement of Charges, and
2. That a hearing in this matter is scheduled for the 16th day of February 2022, at 9:00 a.m. The hearing will be held remotely via Microsoft TEAMS.

Dated at Waterbury, Connecticut this 2nd day of February, 2022.


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

Connecticut Board of Examiners for Nursing



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STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Amanda I Espinosa
126 Providence Street
Taftville, CT 06380-1134

VIA EMAIL ONLY (Amye1369@gmail.com)
and Certified Mail Return Receipt Requested

9489 0090 0027 6139 1250 85

RE: Amanda L. Espinosa, LPN - Petition No. 2021-1222

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **February 16, 2022**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

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

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

Filing an Answer; Failure to File Answer:

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

Representation by an Attorney:

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

Documents:

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

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

The following information shall be redacted.

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

Order Re: Filings

In preparation for this hearing you must, no later than February 23, 2022, provide the information specified in the attached Notice for Submissions.

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

Failure to Appear:

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

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

Dated at Hartford, Connecticut this 3rd day of February, 2022.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

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

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

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

Notice for Submissions

The hearing in the matter of **Amanda L. Espinosa, LPN** has been scheduled for **February 16, 2022** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **February 8, 2022**, you must provide the following by electronic mail response to the Department of Public Health, Public Health Hearing Office at poho.dph@ct.gov.

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

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

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

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

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

In Re: Sheryl Lacoursiere, APRN, RN

Petition No. 2021-1072

Petition No. 2021-1199

STATEMENT OF CHARGES

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

COUNT ONE

1. Sheryl Lacoursiere of Waterbury, Connecticut ("respondent") holds Connecticut registered nurse license number E43134 and advanced practice registered nurse license number 003861.
2. On or about August 20, 2021, September 17, 2021, and/or October 15, 2021, respondent provided nursing services for patient number one and violated the standard of care in one or more of the following ways, including, but not limited to, that she:
 - a. fell asleep, was impaired, unavailable and/or unresponsive during patient care;
 - b. failed to appropriately treat patient number one;
 - c. failed to insure patient number one's privacy and/or confidentiality;
 - d. failed to comply with HIPAA requirements;
 - e. failed to maintain appropriate patient records; and/or,
 - f. engaged in inappropriate and/or unprofessional conduct.
3. On or about September 13, 2021 and/or October 12, 2021, respondent provided nursing services for patient number two and violated the standard of care in one or more of the following ways, including, but not limited to, that she:
 - a. fell asleep, was impaired, unavailable and/or unresponsive during patient care;
 - b. failed to appropriately treat patient number two;
 - c. improperly prescribed medications;
 - d. failed to insure patient number two's privacy and/or confidentiality;
 - e. failed to comply with HIPAA requirements;
 - f. failed to properly schedule follow-up appointment(s) and/or ongoing care;

- g. failed to maintain appropriate patient records and/or,
 - h. engaged in inappropriate and/or unprofessional conduct.
4. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 (b), including, but not necessarily limited to §20-99(b)(2).

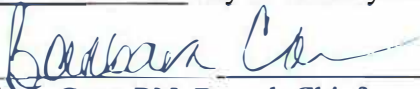
COUNT TWO

5. Paragraphs one through three are incorporated by reference as if set forth in full.
6. From approximately August 2021 through the present, respondent has or had one or more illnesses that does and/or may affect her ability to practice nursing.
7. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 (b), including, but not necessarily limited to:
- a. §20-99(b)(3); and/or
 - b. §20-99(b)(4).

THEREFORE, the Department prays:

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

Dated at Hartford, Connecticut this 3rd day of January 2022.



Barbara Cass, RN, Branch 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: Sheryl Lacoursiere, APRN, RN

Petition No. 2021-1072

Petition No. 2021-1199

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health ("Department") moves, in accordance with Connecticut General Statutes §§4-182(c) and 19a-17(c), the Connecticut Board of Examiners for Nursing to summarily suspend respondent's Connecticut registered nurse license number E43134 and advanced practice registered nurse license number 003861. This motion is based on the attached Statement of Charges, affidavits, records and the Department's information and belief that respondent's continued nursing practice represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 3rd day of January 2022.



Barbara Cass, RN, Branch Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Manisha Juthani, MD
Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

In re: Sheryl Lacoursiere, APRN, RN

Petition Nos. 2021-1072; 2021-1199

SUMMARY SUSPENSION ORDER


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

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

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

1. That registered nurse license number E43134 and advanced practice registered nurse license number 003861 of Sheryl Lacoursiere to practice in the State of Connecticut, are hereby summarily suspended pending a final determination by the Board of Examiners for Nursing regarding the allegations contained in the Statement of Charges, and
2. That a hearing in this matter is scheduled for the 19th day of January 2022, at 9:00 a.m. The hearing will be held remotely via Microsoft TEAMS.

Dated at Waterbury, Connecticut this 5th day of January, 2022.


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



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



STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Sheryl Lacoursiere
c/o Ellen M. Costello, Esq.
Del Sole & Sel Sole, LLP
46 South Whittlesey Avenue
Wallingford CT 06492-4102

VIA EMAIL (EllenC@delsoledelsole.com)

RE: Sheryl Lacoursiere, APRN, RN - Petition Nos. 2021-1072; 2021-1199

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **January 19, 2022**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

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

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

Filing an Answer; Failure to File Answer:

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

Representation by an Attorney:

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

Documents:

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

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

The following information shall be redacted.

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

Order Re: Filings

In preparation for this hearing you must, no later than January 12, 2022, provide the information specified in the attached Notice for Submissions.

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

Failure to Appear:

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

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

Dated at Hartford, Connecticut this 5th day of January, 2022.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys
Jeffrey A. Kardys, Administrative Hearings Specialist

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

Notice for Submissions

The hearing in the matter of **Sheryl Lacoursiere, APRN, RN** has been scheduled for **January 19, 2022** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **January 12, 2021**, you must provide the following by electronic mail response to the Department of Public Health, Public Health Hearing Office at pgho.dph@ct.gov.

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

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

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

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

BOARD 5

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

In Re: DPH V SHERYL LACOURSIERE, APRN
Petition No. 2021-1072


MOTION FOR CONTINUANCE OF HEARING

The Respondent, Sheryl LaCoursiere, APRN, hereby moves for a continuance of at least 30 days of the Hearing Scheduled for January 19, 2022 because the Department has just filed an Amended Statement of Charges that include two totally new Counts each including 11 and 10 subsections respectively, addressed to each patient. The Department alleges the reason for these new charges are based on the review of its new consultant expert. The Department has not provided the Respondent with a copy of the consultant's opinions to date.

Due Process requires the Respondent be given more than twenty-four hours notice of new charges. The Respondent will need to provide the new charges and the Department's consultant's report to its consultants for review and comment.

For all the foregoing reasons, the Respondent requests this motion be granted.

THE RESPONDENT,
SHERYL LACOURSIERE, APRN

BY /S/ 
ELLEN M. COSTELLO
DEL SOLE & DEL SOLE, L.L.P.
46 SOUTH WHITTLESEY AVENUE
WALLINGFORD, CT 06492
TEL: 203-284-8000
FAX: 203-284-1539
JURIS NO. 101674

CERTIFICATION

I hereby certify that a copy of the foregoing has been mailed on this, the 18th day of January, 2022:

Jeffrey A. Hardys
Administrative Hearings Specialist
State of Connecticut
Department of Public Health
Legal Office / Public Health
410 Capitol Avenue, MS 13PHO
Hartford, CT 06134
Jeffrey.kardys@ct.gov

Joelle Newton
State of Connecticut
Department of Public Health
410 Capitol Avenue
Hartford, CT 06134
Joelle.Newton@ct.gov

/s/ Ellen M. Costello
Ellen M. Costello

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

Manisha Juthani, MD
Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

January 18, 2022

Ellen M. Costello, Esq.
Del Sole & Sel Sole, LLP
46 South Whittlesey Avenue
Wallingford CT 06492-4102

VIA EMAIL ONLY (EllenC@delsoledelsole.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: Sheryl Lacoursiere, APRN, RN - Petition Nos. 2021-1072; 2021-1199

RULING ON MOTION FOR CONTINUANCE

On January 18, 2022, counsel for respondent in the above-referenced matter filed a motion for continuance of a hearing scheduled for January 19, 2022. The Department of Public Health does not object to the motion.

Respondent's request for a continuance is granted.

The hearing is rescheduled to **Wednesday, February 16, 2022**. The hearing will be held remotely via Microsoft TEAMS during the meeting of the Board of Examiners for Nursing which begins at 8:30 a.m.

FOR: BOARD OF EXAMINERS FOR NURSING

BY: /s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue, MS #13PHO
PO Box 340308
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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In Re: Sheryl Lacoursiere, APRN, RN

Petition No. 2021-1072

Petition No. 2021-1199

January 17, 2022

MOTION TO AMEND STATEMENT OF CHARGES

The Department of Public Health ("Department") respectfully moves the Connecticut Board of Examiners for Nursing ("Board") to amend the Statement of Charges based on the following:

1. On January 3, 2022, the Department issued a Statement of Charges (attachment A).
2. On January 5, 2022, the Board summarily suspended respondent's nursing licenses.
3. Subsequently, the Department retained a consultant, Margaret Trussler-McLaughlin, RN, MS, APRN, BC, who reviewed respondent's treatment records for patient #1 and patient #2 ("patients").
4. The Department moves to amend the Statement of Charges to include additional allegations based upon the consultant's review and opinion of respondent's care of the patients.

Respectfully submitted,

THE DEPARTMENT OF PUBLIC HEALTH

Joelle C. Newton

Joelle C. Newton, Staff Attorney
Office of Legal Compliance

ORDER

The foregoing motion having been duly considered by the Connecticut Board of Examiners for Nursing, it is hereby GRANTED / DENIED.

Dated January 19, 2022 at ^{Waterbury} ~~Hartford~~, Connecticut.

Patricia C. Bufford, MS
Connecticut Board of Examiners for Nursing

CERTIFICATION

This certifies that on January 17, 2022 this motion was emailed to the Department of Public Health, Public Health Hearing Office, poho.dph@ct.gov and to respondent's counsel, Attorney Ellen Costello, ellenc@delsoledelsole.com.

Joelle C. Newton

Joelle C. Newton, Staff Attorney

Attachment A

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

In Re: Sheryl Lacoursiere, APRN, RN

Petition No. 2021-1072

Petition No. 2021-1199

STATEMENT OF CHARGES

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

COUNT ONE

1. Sheryl Lacoursiere of Waterbury, Connecticut ("respondent") holds Connecticut registered nurse license number E43134 and advanced practice registered nurse license number 003861.
2. On or about August 20, 2021, September 17, 2021, and/or October 15, 2021, respondent provided nursing services for patient number one and violated the standard of care in one or more of the following ways, including, but not limited to, that she:
 - a. fell asleep, was impaired, unavailable and/or unresponsive during patient care;
 - b. failed to appropriately treat patient number one;
 - c. failed to insure patient number one's privacy and/or confidentiality;
 - d. failed to comply with HIPAA requirements;
 - e. failed to maintain appropriate patient records; and/or,
 - f. engaged in inappropriate and/or unprofessional conduct.
3. On or about September 13, 2021 and/or October 12, 2021, respondent provided nursing services for patient number two and violated the standard of care in one or more of the following ways, including, but not limited to, that she:
 - a. fell asleep, was impaired, unavailable and/or unresponsive during patient care;
 - b. failed to appropriately treat patient number two;
 - c. improperly prescribed medications;
 - d. failed to insure patient number two's privacy and/or confidentiality;
 - e. failed to comply with HIPAA requirements;
 - f. failed to properly schedule follow-up appointment(s) and/or ongoing care;

- g. failed to maintain appropriate patient records and/or,
 - h. engaged in inappropriate and/or unprofessional conduct.
4. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 (b), including, but not necessarily limited to §20-99(b)(2).

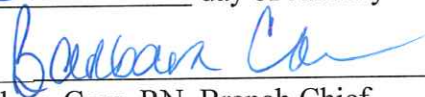
COUNT TWO

5. Paragraphs one through three are incorporated by reference as if set forth in full.
6. From approximately August 2021 through the present, respondent has or had one or more illnesses that does and/or may affect her ability to practice nursing.
7. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 (b), including, but not necessarily limited to:
- a. §20-99(b)(3); and/or
 - b. §20-99(b)(4).

THEREFORE, the Department prays:

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

Dated at Hartford, Connecticut this 3rd day of January 2022.



Barbara Cass, RN, Branch Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

BOARD 8

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

In Re: DPH V SHERYL LACOURSIERE, APRN
Petition No. 2021-1072

RESPONDENT'S OBJECTION TO AMENDED STATEMENT OF CHARGES

On January 5, 2022, the Board of Nursing granted the Department's Motion for Summary Suspension of Dr. LaCoursiere's APRN license. The Board refused to consider Dr. LaCoursiere's treating physician's letter clearing her to return to work on the basis that it had not been received prior to the Hearing. Mr. Kardys told the Board he had not received the document from the undersigned. After the Hearing Mr. Kardys admitted he had received Respondent's email sent to him and Attorney Newton but claims Dr. Jindal's letter was not attached. The Respondent attaches a copy of the receipt of transmittal to both Attorney Newton and Mr. Kardys which indicates there was an attachment and the attachment was Dr. Jindal's letter. If there was no attachment the line under the subject line would be blank. The computer automatically picks

up and identifies if there is an attachment. (Attached as Exhibit A).

The matter was then set down for a hearing on January 19, 2022. The day before the hearing the Department sent out an amended statement of charges, that now include a whole new Count with multiple new allegations as to each complainant. The Respondent objects to these new allegations as they did not form the basis of the summary suspension.

Dr. LaCoursiere's APRN license was summary suspended based on the allegations filed on January 3, 2022. She has a right to a hearing on those allegations only, to have her license reinstated. If the Department has other new allegations they wish to pursue, those new allegations should be dealt with in the usual course of business either at another hearing or through a consent agreement should that be necessary.

A professional license is a property right and therefore entitled to due process. Dr. LaCoursiere was not provided her due process rights in the Summary Suspension Hearing. She was only provided with the Departments Statement of Charges two days before

the Hearing and was not allowed to offer into evidence for the Board's consideration, a letter from her treating physician, indicating that she was alert and oriented and able to return to work as an APRN. Then a day before her scheduled hearing on January 19, 2022, the Department files a new Motion to Amend the Statement of Charges based on a consultants' review. The Department has failed to provide Dr. LaCoursiere with a copy of the Consultant's report.

Wherefore, Respondent requests that the Motion to Amend the Statement of Charges be denied, and the Hearing of the Summary Suspension go forward based on the original charges.

THE RESPONDENT,
SHERYL LACOURSIERE, APRN

BY /S/



ELLEN M. COSTELLO
DEL SOLE & DEL SOLE, L.L.P.
46 SOUTH WHITTLESEY AVENUE
WALLINGFORD, CT 06492
TEL: 203-284-8000
FAX: 203-284-1539
JURIS NO. 101674

The foregoing objection having been duly considered by the Board of Examiners for Nursing is hereby ~~GRANTED~~ DENIED.

Dated this 2nd day of February, 2022 at Waterbury, Connecticut.

BY: Patricia C. Ball, D.N.S.

Connecticut Board of Examiners for Nursing

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

In Re: Sheryl Lacoursiere, APRN, RN

Petition No. 2021-1072

Petition No. 2021-1199

AMENDED STATEMENT OF CHARGES

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

COUNT ONE

1. Sheryl Lacoursiere of Waterbury, Connecticut ("respondent") holds Connecticut registered nurse license number E43134 and advanced practice registered nurse license number 003861.
2. From approximately August 31, 2020 through October 15, 2021, respondent provided nursing care for patient #1 during which time respondent violated the standard of care in one or more of the following ways, in that she:
 - a. failed to fully obtain the patient's individual and/or family history;
 - b. failed to properly treat and/or assess the patient;
 - c. failed to properly formulate a treatment plan;
 - d. failed to coordinate and/or collaborate with the patient's other healthcare providers;
 - e. failed to properly obtain and review the patient's medical records from other healthcare providers;
 - f. failed to properly assess the patient's personal and/or community safety;
 - g. improperly and/or fraudulently billed for services she did not provide;
 - h. failed to maintain appropriate treatment records;
 - i. utilized an assistant without disclosing the nature of the relationship and/or failed to obtain the patient's informed consent;
 - j. failed to timely provide treatment records to the patient's subsequent healthcare provider(s) upon the patient's request, and/or,
 - k. engaged in inappropriate and/or unprofessional conduct.

3. On or about April 2, 2021, August 20, 2021, September 17, 2021, and/or October 15, 2021, respondent provided nursing services for patient #1 and violated the standard of care in one or more of the following ways, in that she:
 - a. fell asleep, was impaired, unavailable and/or unresponsive during patient care;
 - b. failed to insure the patient's privacy and/or confidentiality; and/or,
 - c. engaged in inappropriate and/or unprofessional conduct.
4. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 (b), including, but not necessarily limited to 20-99(b)(2) and/or 20-99(b)(6).

COUNT TWO

5. Paragraph one is incorporated by reference as if set forth in full.
6. On or about September 13, 2021, respondent provided nursing care for patient #2 during which time respondent violated the standard of care in one or more of the following ways, in that she:
 - a. failed to fully obtain the patient's individual and/or family history;
 - b. failed to properly treat and/or assess the patient;
 - c. failed to properly formulate a treatment plan;
 - d. failed to properly assess the patient's personal and/or community safety;
 - e. documented "No medications now-to be determined at next visit" when respondent prescribed a medication;
 - f. prescribed a medication that was inappropriate and/or contraindicated;
 - g. failed to properly manage the patient's medication regimen;
 - h. improperly and/or fraudulently billed for services she did not provide;
 - i. failed to recognize the severity of the patient's illness;
 - j. failed to refer the patient to other appropriate healthcare provider(s);
 - k. failed to maintain appropriate treatment records; and/or
 - l. engaged in inappropriate and/or unprofessional conduct.
7. On or about October 12, 2021, respondent provided nursing care for patient #2 during which time respondent violated the standard of care in one or more of the following ways, in that she:
 - a. failed to fully obtain the patient's individual and/or family history;
 - b. failed to properly treat and/or assess the patient;

- c. failed to properly formulate a treatment plan;
 - d. failed to properly assess the patient's personal and community safety;
 - e. prescribed a medication that was inappropriate and/or contraindicated;
 - f. failed to properly manage the patient's medication regimen;
 - g. improperly and/or fraudulently billed for services she did not provide;
 - h. failed to recognize the severity of the patient's illness;
 - i. failed to refer the patient to other appropriate healthcare providers; and/or,
 - j. failed to maintain appropriate treatment records.
8. On or about September 13, 2021 and/or October 12, 2021, respondent provided nursing services for patient #2 and violated the standard of care in one or more of the following ways, in that she:
- a. fell asleep, was impaired, unavailable and/or unresponsive during patient care;
 - b. failed to insure the patient's privacy and/or confidentiality; and/or,
 - c. engaged in inappropriate and/or unprofessional conduct.
9. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 (b), including, but not necessarily limited to 20-99(b)(2) and/or 20-99(b)(6).

COUNT THREE

10. Paragraphs one through nine are incorporated by reference as if set forth in full.
11. From approximately August 2021 through the present, respondent has or had one or more illnesses that does and/or may affect her ability to practice nursing.
12. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 (b), including, but not necessarily limited to:
- a. §20-99(b)(3); and/or
 - b. §20-99(b)(4).

THEREFORE, the Department prays:

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

Dated at Hartford, Connecticut January 17, 2022.

A handwritten signature in blue ink that reads "Christian D. Andresen". The signature is written in a cursive style.

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