

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
HEALTHCARE SYSTEMS BRANCH

In Re: Marilee Garlanda, R.N.

Petition No. 2008-0618-010-066

CONSENT ORDER

WHEREAS, Marilee Garlanda (hereinafter "respondent") of Ridgefield, Connecticut has been issued license number E49596 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. While she was employed at Wilton Meadows Health Care Center, Wilton, Connecticut as a registered nurse, respondent struck a patient on the hand when she was providing care and services to the patient.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut §20-99(b), including but not limited to §20-99(b)(2).

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

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

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
3. Respondent's license number E49596 to practice as a registered nurse in the State of Connecticut is hereby placed on probation for one year, subject to the following terms and conditions:
  - A. During the probationary period, respondent shall attend and successfully complete coursework in the subject area of resident rights and in the subject area of managing patients with difficult behaviors, pre-approved by the Department. Within fifteen (15) days of completion, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion.
  - B. Respondent shall be responsible for the provision of quarterly written reports directly to the Board and the Department from her employer, for the duration of her probation. Respondent shall provide a copy of this Consent Order to any and all employers if employed as a nurse during the probationary period. The Board and the Department shall be notified in writing by any employer(s) within fifteen (15) days of the commencement of employment as to the receipt of a copy of this Consent Order. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 3H below.
  - C. Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker - home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of her probation.

- D. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.
- E. Respondent shall notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change.
- F. If respondent pursues further training or is engaged at the time of the implementation of the Consent Order, in an educational program in any subject area that is regulated by the Department, respondent shall provide a copy of this Consent Order to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department of receipt of the Consent Order within fifteen (15) days of receipt.
- G. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
- H. All correspondence and reports shall be addressed to:

Bonnie Pinkerton  
Department of Public Health  
Practitioner Licensing and Investigations  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, CT 06134-0308

- 4. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard.
- 5. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods.

6. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
7. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.
8. Respondent understands this Consent Order is a matter of public record.
9. Respondent understands this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Board in which (1) her compliance with this same Consent Order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order, except for a civil penalty, shall be reported to the National Practitioner Data Bank.
10. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a registered nurse, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-

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

11. In the event respondent is not employed as a nurse for a period of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes the practice of nursing, respondent shall provide the Department with (30) days prior written notice. Respondent shall not return to the practice of nursing without written preapproval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. If requested to do so by the Department, respondent further agrees to complete the following:

- a. Attend and successfully complete coursework, remediation, and/or retraining preapproved by the Department. Upon completion, respondent shall provide the Department with proof, to the Department's satisfaction, of successful completion.

Respondent understands that any return to the practice of nursing without preapproval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

12. If, during the period of probation, respondent practices nursing outside of Connecticut, she shall provide written notice to the Department concerning such employment. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary

period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if preapproved by the Department. In the event respondent intends to return to the practice of nursing in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 3 above.

13. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
14. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.
15. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
16. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
17. Respondent has had the opportunity to consult with an attorney prior to signing this document.

18. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
19. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreement regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

LEGAL OFFICE  
HEALTH DEPARTMENT  
2007 MAY 28 P 12:59  
MAY 28 2007

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

Marilee Garlanda  
Marilee Garlanda

Subscribed and sworn to before me this 21 day of May, 2009.

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

DEBORAH FORSBLOM  
Notary Public, State of New York  
Sullivan County Clerk's # 2406  
Commission Expires April 21, 2011

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 1<sup>st</sup> day of June, 2009, it is hereby accepted.

Jennifer Filippone  
Jennifer Filippone, Section Chief,  
Practitioner Licensing and Investigations  
Healthcare Systems Branch

The above Consent Order having been represented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 15<sup>th</sup> day of July, 2009, it is hereby ordered and accepted.

BY: Patricia C. Boyd  
Connecticut Board of Examiners for Nursing